United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, MAY 27, 2010 *No. 82*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Reverend Dr. Carl White, Highland Baptist Church, Meridian, Mississippi, offered the following prayer:

Dear Lord our God, in these turbulent times when rhetoric is hot and passions aflame, be with us.

Help the Members of this body to draw the lessons gained from the struggles of our history, that by respecting one another, we show the ultimate respect for You, our Creator.

Help us to remember that it is never wrong to stand for freedom and that it is always best when we listen more than we speak.

Show us anew the awesome power that is unleashed from the heart of love, and teach us yet again that most simple but profound lesson of life: that it is more blessed to give than to receive.

Guide this House as they debate, vote, and interact with one another and their constituents. May we as a people conduct ourselves in such a way that we demonstrate our gratitude for Your continual blessings.

In Your name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. POE 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 REVEREND DR. CARL WHITE

The SPEAKER. Without objection, the gentleman from Mississippi (Mr. HARPER) is recognized for 1 minute.

There was no objection.

Mr. HARPER. Madam Speaker, I am honored today to introduce the House of Representatives' guest chaplain of the day, Dr. Carl White. He is the pastor of Highland Baptist Church in Meridian, Mississippi, and I can say that I would not be here today if it were not for my dear friend Carl White.

I met Carl in 1971 when we were 15-year-olds in the 10th grade in high school. We became great friends, and he invited me to join him for the Campus Life, Youth For Christ, meetings that were held at the high school. The last meeting of that year was when I made a profession of faith in Christ.

Then Carl invited me to join him at church, and it was there that I met my future wife. Sidney was 15 and I was 17 on our first date, and our first date was with Carl White and his future wife, Frances. Those are special memories. We have been at each other's weddings, and we have been dear friends now for almost 40 years.

Madam Speaker, I want to say what a profound impact that Carl White has had in my life and how we thank him for his service as pastor of the folks in his church. May God bless him.

ANNOUNCEMENT BY THE SPEAKER

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

RENEWABLE BIOMASS AND EPA

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

Mr. SCHRADER. Madam Speaker, America has tremendous potential for renewable energy production. Indeed, these are the jobs of our future.

One of the most important renewable energy sources for Oregon that binds rural and urban communities is the production of energy from forestry and agricultural byproducts, otherwise known as renewable biomass.

Unfortunately, it would appear that EPA is rewriting the rules in direct contravention to the intent of this Congress. In their final tailoring rule for regulating greenhouse gases under the Clean Air Act, the EPA ignores hundreds of studies and precedents from their own research that biomass combustion is indeed carbon neutral. This contradicts what was also included in the American Clean Energy and Security Act, which passed out of this very body.

Despite the tremendous benefit to engage our rural farmers and foresters to play a role in our renewable energy future, EPA has decided to legislate instead of administrate. Through this tailoring role, they are doing their best to alienate rural America and deny them the opportunity to be a part of our renewable future.

SOMALI ILLEGALS CROSS INTO TEXAS

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

Mr. POE of Texas. Mr. Speaker, the Department of Homeland Security has issued a terrorist alert for Texas. An Islamic terrorist group from Somalia, al Shabaab, is infiltrating across our southern border.

A people-smuggling ring has been exposed through South America and hundreds of Somali illegals were given

fake identification. Many of them have ties to Islamic terrorist groups.

This is al Shabaab's Somali terrorist organization, and it's aligned with al Qaeda. Their priority is to impose Sharia Islamic law, and they have stated their intent to harm America.

In addition to the Somalis and the terrorists from Somalia coming across the border, law enforcement officials in Texas said Mexican smugglers are coaching Middle Eastern illegals. They're teaching them how to dress and look Hispanic, and they are learning how to speak Spanish.

Mr. Speaker, what is it going to take for the administration to really secure the border? The warning signs could not be clearer. We need to send sufficient National Guard groups to the border now. Until the Federal Government understands border security is a national security issue, we are going to continue to have these threats.

And that's just the way it is.

GETTING OUR ECONOMY BACK ON TRACK AND CREATING NEW JOBS

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

Mr. CRITZ. Mr. Speaker, getting our economy back on track and creating new jobs is the priority of my constituents and a top priority of my own.

The Democratic Congress has already taken significant steps to create jobs and jump-start the economy, resulting in the lowest tax rates in over 50 years and the creation of over 500,000 new jobs so far this year. The American Jobs and Closing Tax Loopholes Act continues these efforts.

Current tax law allows companies here in the United States to be rewarded for shipping American jobs overseas. This is unconscionable, and American workers deserve better. This legislation includes provisions that close these tax loopholes and protects jobs here at home. This legislation will also continue to provide hard-working American families with the relief they deserve, relief on property taxes, sales taxes, and college tuition.

Mr. Speaker, the American Jobs and Closing Tax Loopholes Act is another important step to creating new jobs and jump-starting our economy.

□ 1015

ROHINGYA: BURMA'S FORGOTTEN MINORITY

(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, the ongoing abuses and tragedies in Burma are almost unfathomable. The brutal and cruel military dictators systematically oppress and exploit the ethnic minorities in Burma, and they are denied the basic and fundamental rights that belong to every human being.

Among the minorities most deprived of such rights is the Rohingya, a Muslim minority in western Burma. The Rohingya people are denied citizenship, freedom of movement, college education, and even marriage. They need permission just to leave their villages and are prohibited from traveling beyond a particular region of the country. The tactics of rape, forced labor, torture, land seizures, arbitrary arrests, and extortion are also used to repress them. As a result, 1.5 million Rohingya have fled to surrounding countries.

I met with a representative of the Rohingya recently; and his request was, Please speak up for us, we are people too. For the Rohingya and for all the ethnic minorities and suffering people of Burma who are victims of this cruel dictatorship, we must speak out against their horrific abuses. Our government, the U.N., and ASEAN should speak up as well.

REMEMBERING OUR TROOPS ON MEMORIAL DAY

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

Mr. ALTMIRE. Mr. Speaker, as we prepare to commemorate Memorial Day, it's appropriate for us to look back at a few ways this Congress, in just the past year and a half, has worked to ensure that this Nation keeps its promise to our Nation's military veterans.

We expanded the new GI Bill college benefits to the children of all troops fallen since September 11, 2001. We passed landmark legislation for wounded veterans by providing help for family members and other caregivers and eliminating copayments for severely wounded veterans. Since 2007, we've increased funding for veterans health care by 60 percent, including the largest single-year increase in the 80-year history of the VA.

While we have accomplished a great deal to repay the men and women in uniform for their service, we still have more to do. Let us use the occasion of this Memorial Day weekend to remember those who made the ultimate sacrifice and recommit ourselves to continuing to fight for the troops that have fought for us.

POLITICAL GAMES HAVE NO BUSINESS IN MILITARY BILLS

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

Mr. WILSON of South Carolina. Mr. Speaker, benefits for our military men and women, as explained in the Army Times, should not be used as props in political games. The process of the final version of the ''tax extenders'' bill is Washington shenanigans at its worst. Combining tax increases and unrelated spending with legitimate needs for our military men and women is insulting. I am confident the American people will see straight through these games.

I am a long-time supporter of concurrent receipt and finally ending the disability tax on retirees eligible for military and veterans benefits. There are over 153 lawmakers who are supportive of eliminating this inequity, and yet the political trap has been added with this tax increase, causing a ''no'' vote.

As the ranking member on the Military Personnel Subcommittee, I know that our military personnel deserve more from their lawmakers than these political games.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

SUPPORT THE DURBIN AMENDMENT

(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, 2 weeks ago, small businesses and consumers scored a major victory, finally, against abusive credit card practices by big banks and Visa MasterCard. By a strong bipartisan vote of 64–33, the Senate passed an amendment to the Wall Street reform legislation, cracking down on those out-of-control credit and debit card swipe fees.

Known as the Durbin amendment, this practical, commonsense language prevents card issuers from endlessly increasing costs borne by small businesses, costs that for many stores add up to more than the cost of health care. It also restricts some of the industry's most anticompetitive practices, finally allowing stores to give you a cash discount.

I urge my colleagues in the House to stand up for small businesses, provide them the protection they deserve, and support inclusion of the Durbin amendment in the final package of Wall Street reform.

OIL SPILL SITUATION STINKS

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

Mr. GOHMERT. Mr. Speaker, as we've had hearings regarding the oil spill out in the gulf, there have been some staggering things come forward, and the media is not grabbing it like they should and letting everyone know.

Who knew that the inspectors inspecting the offshore rigs were unionized? So they had union limits on how many hours and travel and this kind of thing. These guys are like the military. They're out there to protect the environment, and we're going to put limits on them? They've got to be out there protecting us.

And then yesterday, Director Birnbaum, when asked what kind of checks and balances did you have, she

said, We sent them out in pairs of two. And then I asked, Well, then was it a good idea that the last inspection team of two was a unionized father-and-son team that went out there to carefully watch each other to make sure each other did the right thing? This is outrageous.

And then we had the investigation going on as to what gifts may have been given to the people doing the inspections.

This thing stinks, and it needs to be cleaned up.

THE PENTAGON BUDGET

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

Mr. DEFAZIO. Today, the House will finally turn from naming sports teams' accomplishments to the Pentagon budget, a budget that's top heavy with more generals and admirals than we had at the height of World War II, a broken procurement system that's gold-plating dysfunctional weapon systems while our troops lack basics.

But, today, Congress will finally answer a question that is a puzzle perhaps only inside the Washington, DC beltway: How many engines does a single-engine jet fighter need? Now, where I come from it's pretty simple, the answer is one; but you've got to tune in later today to find out the judgment of Congress because some think you need two engines for a single-engine jet fighter. Hey, it will only cost another $15 billion or $20 billion.

CONTINUE FIGHTING FOR OUR VETERANS

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

Mr. WILSON of Ohio. Mr. Speaker, each Memorial Day Americans pause to remember the tremendous commitment and sacrifice made by our men and women in our Armed Forces. I'm proud that this Congress continues to honor our military by making veterans a top priority.

In the last 2 years, we have invested in our veterans health care and worked hard to improve the benefits available once they return home. For instance, we passed a new GI Bill so our troops have access to a quality education. We also increased the gas mileage reimbursement rate, which is important for our veterans in rural areas like mine.

I recently introduced another piece of legislation to help rural veterans, the Appalachian Veterans Outreach Improvement Act. This bill will improve access to services and benefits for veterans in Appalachia. With Memorial Day right around the corner, I ask my colleagues to join me in continuing to fight for our veterans.

BAN BP

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

Mr. GUTIERREZ. Mr. Speaker, this is from BP's Web site. It says: ''Our code of conduct is the cornerstone of our commitment to integrity.'' And just what is the code of conduct? The code of conduct is: ''We aim for no accidents, no harm to people, and no damage to the environment.'' This is from their Web site. Well, BP is zero for three.

So I ask everyone, Where is the integrity if they don't even meet their own guidelines? This has been the worst ecological disaster, and we know that they don't have solutions ready when a disaster occurs.

Now, under our purchasing agreements, we have to have a satisfactory record of integrity and business ethics when we grant someone a contract. So today I have an amendment to end the $2 billion that we purchase each and every year with taxpayer dollars from BP for our department. Let's disbar them because they should be banned permanently.

EXTENDING UNEMPLOYMENT INSURANCE BENEFITS: THE COST OF INACTION FOR DISABLED WORKERS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the Joint Economic Committee released a report this week which shows the staggering cost to the government of failing to extend unemployment benefits. The report focuses on unemployed disabled workers.

By the end of 2010, the JEC estimates that 290,000 unemployed disabled workers will exhaust their unemployment benefits. Without extension of unemployment benefits, the JEC estimates that two-thirds of these workers will leave the labor force and move on to Social Security disability insurance. Shifting these workers from the labor market and onto the SSDI rolls—the cost of inaction—is a $24.2 billion lifetime cost.

By contrast, extending unemployment insurance benefits and COBRA premium benefits is $721 million in 2010. Not only is an extension of unemployment benefits the morally right thing to do; it is fiscally responsible, saving the government over $23 billion.

WE MUST DO MORE FOR OUR VETERANS

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

Mr. HIMES. Mr. Speaker, in my 16 months in Congress, the most challenging thing I have had to do has not had to do with energy or health care or our economy. The hardest thing I have had to do has been to stand in front of 700 Connecticut National Guard troops who are deploying to Afghanistan, 18, 19, 20, 21 years old, young people who had raised their hand and said, I will serve my country. I will die for you and for your freedoms. And I thought, how can we thank a young person who will say that and who will do that? The answer is we can't, we can't possibly. But we can thank them through our actions. We can do what we did in passing the GI Bill to provide college education to our troops, to give businesses a $2,400 tax credit for hiring unemployment veterans, providing nearly 2 million disabled veterans with a $250 economic recovery payment.

I am proud of what this House has done for our veterans in the last 16 months and, as we approach Memorial Day, remind my colleagues of the need to do more for those who say that they will sacrifice for us.

MEDICARE REIMBURSEMENT

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

Ms. BERKLEY. Mr. Speaker, the time has come for this Congress to come to grips with the serious crisis in our health care system, the reimbursement of our doctors for treating our Medicare patients. Unless we act, there will be a 21 percent cut in Medicare reimbursement to those doctors that treat our senior citizens.

We are in danger of creating a situation that may very well cause the collapse of our Medicare system. I favor a permanent fix; that's what we promised the doctors. We are now considering a 19-month fix. I'm not happy with it; I'm going to support it. Let everybody in this House vote for that Medicare reimbursement fix for the doctors so they can continue to treat senior citizens until we figure out a way of permanently fixing this discrepancy.

Unless we're prepared to go to medical school and go back home to our districts to treat our senior citizens, we better make sure that our doctors get adequately reimbursed so this system will continue.

□ 1030

A TRIBUTE TO RAYMOND H. RATHMELL

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this spring, in a small town in my district called Renovo, the Bucktail Area Junior/Senior High School dedicated its campus to another educational institution: Raymond H. Rathmell.

Mr. Rathmell was involved with the school for 42 years, first as a teacher, as assistant principal and then as principal. There are countless students and

parents whose lives he touched during his career.

The former principal is 87 years old, and he retired in 1986. He started out his education at Lock Haven State Teachers College in 1938, but served from 1942 through 1945 with the Army in World War II. Rathmell served in Europe for 9 months and became active in his American Legion post on his return. He returned to college and finished his bachelor's degree in 1947. It was that year that he began teaching at Renovo High School.

Over the years, he taught physical education, English, civics, history, arithmetic, biology and related sciences. As principal, he was the person who was involved in nearly all aspects of the design and construction of both Bucktail Area High School and of Renovo Elementary.

Naming the campus after Rathmell is a fitting tribute to his life dedicated to educating children.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1404 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1404

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 further consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, 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 Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of or germane modifications of any such amendments. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chair of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Armed Services or his designee announces from the floor a request to that effect.

SEC. 5. 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 7. In the engrossment of H.R. 5136, the Clerk shall—

(a) add the text of H.R. 5013, as passed by the House, as new matter at the end of H.R. 5136;

(b) assign appropriate designations to provisions within the engrossment; and

(c) conform provisions for short titles within the engrossment.

SEC. 8. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of June 1, 2010.

SEC. 9. It shall be in order at any time through the calendar day of May 30, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from the Rules Committee, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1404 provides for consideration of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, under a structured rule.

The rule makes in order 82 amendments and provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services.

The rule provides that the chair of the Committee on Armed Services or his designee may offer amendments en bloc, debatable for 20 minutes, and may offer germane modifications of amendments. The rule allows the Chair to recognize for consideration amendments out of order printed in the Rules Committee report if 30-minutes' notice is given by the chair of the Committee on Armed Services or his designee.

The rule provides one motion to recommit with or without instructions, provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee, and provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

The rule provides that, in engrossment, the text of H.R. 5013, the IMPROVE Act, as passed by the House, will be added as new matter at the end of H.R. 5136.

The rule waives clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee, against rules reported from the Rules Committee through June 1, 2010.

Finally, the rule provides that measures may be considered under suspension of the rules at any time through May 30, 2010, and that the Speaker or her designee will consult with the minority leader or his designee on the

designation of any matter for consideration under suspension of the rules.

Mr. Speaker, last week, the House Armed Services Committee reported H.R. 5136 favorably to the House, by a unanimous vote, after nearly 13 hours of debate. As a member of that committee, I am proud of our work, but I can say firsthand that crafting this bill was not easy.

The needs of our country are endless and challenging; the threats to our security are numerous and always changing, and the resources we can devote to these problems are precious and limited.

In the end, the bill that we will vote on later today will strengthen our national defense, will give our troops the equipment they need to do their jobs and will take care of them and their families. The bill also invests in military infrastructure and technology, which will create jobs here in the United States and will stimulate growth throughout the economy.

Mr. Speaker, there is nothing more important in this bill than the provisions that address men and women in uniform. They deserve the best care and the best benefits, and this bill meets both of those requirements.

The bill provides a 1.9 percent pay increase for active duty soldiers, increases the family separation allowance for servicemembers who are deployed away from their families, increases hostile fire and imminent danger pay for the first time since 2004, and expands college loan repayment benefits.

Earlier this year, we passed historic health care reform legislation, which included a provision requiring private insurance policies to cover adult children until age 26 on their parents' policies.

I am very pleased to see that this bill incorporates those changes for TRICARE and CHAMPVA beneficiaries and that it will give retirees and veterans the option to extend coverage to their adult children until age 26.

I am also proud that this bill contains a provision I wrote, which will guarantee that retiring National Guard and Reserve personnel will get a full explanation of the benefits due to them. This provision will require the Department of Defense to brief retiring personnel on benefits like VA health care and TRICARE.

Too often, members of the Guard and Reserve leave the service without a clear picture of the benefits that are owed them. Given all that we ask of them, that's not right. They have made great sacrifices, and I believe that Congress has a moral obligation to educate those heroes on the benefits they have earned. This is just one way we can begin to repay them for all they have done to protect this country.

I am very encouraged and pleased by the fact that this rule allows for an amendment to be made in order by Mr. MURPHY from Pennsylvania, which, if passed, will finally put the military on the path to repealing the misguided and outdated Don't Ask, Don't Tell policy. I am looking forward to voting for the amendment and to seeing the end of this discriminatory policy once and for all.

Though, while there is much in this bill that I support, there are also parts of it I strongly disagree with.

I am extremely disappointed that this bill contains an authorization for an additional $33.1 billion for the President's fiscal year 2010 budget request for the surge in Afghanistan as well as $159.3 billion for fiscal year 2011 for overseas contingency operations, the majority of which will, no doubt, be spent in Afghanistan and Iraq.

We are pursuing a misguided strategy at a tremendous cost to the American people. The loss of one American service man or woman is simply too high a cost for a mission that does not strengthen our national security.

An astonishing half billion dollars is included in this bill for an alternate extra engine for the Joint Strike Fighter. In 1996, the Department of Defense conducted a competition to choose the engine for this plane, and Pratt & Whitney won it. The engine they make meets the program requirements, and it is perfectly adequate. Unfortunately, a major defense contractor, who by 2012 would have had 90 percent of the military engine industrial base, lost the competition, doesn't want to take ''no'' for an answer, and has been lobbying hard to keep a program for a second engine funded.

The Bush administration opposed the funding for this extra engine, and the Obama administration opposes it. Secretary Gates has said that the funding for the extra engine will be detrimental to the overall Joint Strike Fighter program. If Congress decides to ignore those in the Defense Department and those in the administration on this, estimates show that we will be forced to purchase 50–80 fewer planes, which will definitely affect our national security.

Let there be no mistake. Spending half a billion dollars to build an engine that isn't needed and that the Pentagon doesn't want is a colossal waste of money. This rule makes in order an amendment, which I have sponsored, to strip the authorization for this program, which I believe is the right thing to do.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from Maine (Ms. PINGREE), for the time, and I yield myself such time as I may consume.

Mr. Speaker, since the terrorist attacks of September 11, 2001, our Armed Forces have been deployed in two major theaters of operation—Afghanistan and Iraq. Like their forefathers of long-ago wars, too many of these noble servicemembers have paid with what Abraham Lincoln called the ''last full measure of devotion to the Nation.'' Many more brave men and women bear the physical and mental scars of battle, which will last their lifetimes.

Just this past week, two of my constituents were killed in the line of duty. Marine Lance Corporal Patrick Xavier, Jr., of Pembroke Pines, fell during a firefight in Afghanistan; and Army Staff Sergeant Amilcar Gonzalez, of Miami, who signed up 1 week after the cowardly attacks of September 11, 2001, passed away in Iraq when insurgents attacked his unit.

□ 1045

I know I speak on behalf of the entire Congress and a grateful Nation to express our deepest condolences to Patrick and Amilcar's families and pray for God's mercies upon them as they cope with their sorrow.

After learning of his son's death, Corporal Patrick Xavier's father said, He went out there to do what he wanted to do. He wanted to defend this Nation. Although I feel the loss, I am proud of how he conducted himself.

His father's words remind us about the solemn sacrifices that our veterans and family forces continue to make for us. The freedom we have is made possible by men and women like Lance Corporal Patrick Xavier and Staff Sergeant Amilcar Gonzalez. Each have stood ready in defense of the Nation. Our Nation owes them an immeasurable debt of gratitude. We have our freedoms because of their valor.

As a Congress, we are committed to ensuring our veterans and their families receive all the benefits and assistance they require and they certainly deserve. It is wholly appropriate, therefore, that we bring up this legislation, the National Defense Authorization Act for Fiscal Year 2011, on the eve of the Memorial Day weekend.

Among its provisions, the bill provides our military personnel a 1.9 percent pay raise, versus the 1.4 percent proposed by the Obama administration.

It increases the family separation allowance for service members who are deployed away from their families from $250 to $285 a month.

It increases hostile fire and imminent danger pay from $250 to $260 per month.

For the purpose of the Federal student loan cancellation program, it defines a year of service as 6 months or longer of deployment in hostile fire or imminent danger zones.

Recognizing the critical role military families play and the sacrifices they make, the bill also establishes a career development pilot program for military spouses.

To address the physical and mental scars borne from combat, the legislation allows for an exemption for military medical providers older than 42 years to be considered for recruitment.

It also increases incentives for students in health care education programs to pursue military careers by allowing Health Professions Scholarship and Financial Assistance Program participants to also receive payments

from the Active Duty Health Professions Loan Repayment Program.

It also requires the services to increase the number of authorized mental health providers by 25 percent.

The legislation authorizes $567 billion in budget authority for the Department of Defense and the national security programs within the Department of Energy.

The bill also authorizes $159 billion to support overseas contingency operations and $34 billion for the military operations in Iraq and Afghanistan, as well as disaster assistance for the victims of the Haiti earthquake.

Later today, we are expected to consider an amendment by Mr. MURPHY of Pennsylvania on the repeal of the so-called Don't Ask, Don't Tell policy. I am not interested in whatever legal activities adults engage in after-hours, off-base, out of uniform. Sexual preference should not even be a point of reference when judging individuals.

I also believe that when the President announced his decision to repeal the current policy and the military service chiefs and the Secretary of Defense requested the opportunity to carry out the President's directive in an orderly manner that would assure the maintenance of discipline and morale in the Armed Forces, and it was agreed to by all, including the President, that a survey would be sent to all the troops so that their input would be taken into account regarding how best to implement the new policy, and that a report with such recommendations as to how to best implement the new policy would be issued this December, before any legislative action was taken, it is my view that that process, which was agreed to by the President pursuant to the request of the service chiefs and the Secretary of Defense, should be followed.

So, breaking the agreement now by having this vote today is most unfortunate, and I strongly disagree with the decision of the President, the Speaker, and the majority leadership to do so, to break that agreement today.

I wish to thank Chairman SKELTON and Ranking Member MCKEON for their hard work on the underlying legislation and their commitment to producing a bipartisan bill that enjoys widespread support. Through the process, members on both sides of the aisle on the Armed Services Committee worked to produce a bipartisan bill, but as the bill made it up to the Rules Committee, that bipartisan spirit did not survive.

The rule brought forth by the majority today allows the House to debate a total of 82 amendments. Eleven of those amendments are bipartisan ones, while 64 are majority amendments and 7 are minority amendments.

So the majority has decided that on this always bipartisan bill, the bill that authorizes our military programs, they will allow nine majority amendments for every one minority amendment. That is some bipartisanship. But, again, it is typical of this majority to claim that they want to work with the minority, but even on bills that have overwhelming bipartisan support, they just can't seem to loosen their overwhelming urge to stifle debate, stifle debate, and block minority participation in the legislative process.

So, while I am disappointed by the majority's decision to allow such a disproportionate share of majority amendments compared to minority amendments, I have become quite accustomed to their behavior.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the chair of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I thank Ms. PINGREE for yielding.

I want to take just a second to respond to my good friend Mr. DIAZ-BALART, and he is.

We had many, many fewer Republican amendments even offered. I think there were less than a quarter. The number of Democratic amendments was overwhelming. Almost every Republican amendment that was germane was made in order. We do believe in a spirit of bipartisanism.

But today I want to rise in support of the National Defense Authorization Act of 2011. After spending nearly a decade working to combat sexual assault in the military services, with my colleagues SUSAN DAVIS and JANE HARMAN, I am thrilled with the most comprehensive overhaul of the Department of Defense sexual assault policy ever.

Last week, we introduced legislation to ensure better training for JAG officers and victim advocates who handle sexual assault cases, create confidentiality protocols, to protect the victims' rights and raise the likelihood of victim reporting, and to ensure that victims are afforded expeditious state-based transfers to spare them from their alleged offenders.

I am pleased to see that this year's Authorization Act includes 28 new sections to amend the sexual assault policy within DOD, and that 5 of the 6 provisions that Representative HARMAN and I introduced are included.

While I believe the National Defense Authorization Act is critical to our efforts to overcome the problem of sexual assault in the Armed Forces, the task force's recommendation to ensure the ease of base or organization transfer for victims is absent from the bill that came from the Rules Committee.

See, I didn't get what I wanted either, Mr. DIAZ-BALART.

I worked in conjunction with Representative HARMAN to draft an amendment to NDAA, and I am proud to ask for this Congress to support it.

The Harman-Slaughter amendment calls for an expedited priority consideration of an application for permanent change of base or unit transfer for victims of sexual assault to reduce the possibility of retaliation against the victim. DOD reports that an estimated 90 percent of the cases of sexual assault go unreported in the military, and half of the women who do not report rape or sexual assault do so because of fear of retaliation.

We too often hear that the reporting process is more traumatic for the victim than the attack itself, and this provision is critical to help address the fear of retaliation that victims face.

The report estimates that 90 percent of sexual assault cases in the military go unreported. That is an extraordinarily high number. According to the DOD, half the women who don't report rape or sexual assault are scared, as I said before.

Furthermore, in half of all sexual assault cases in 2008, the commander took no action, and only 13 percent of reported cases were prosecuted and referred to courts marshal. These figures are far below the civilian prosecution rate. In fact, some women have told us that when they reported sexual assault or rape, they were told by the commander, ''You don't want to ruin that young man's career, do you?''

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. PINGREE of Maine. I am glad to yield another minute to the gentlewoman.

Ms. SLAUGHTER. These disturbing findings indicate the need for policies to protect the rights and the welfare of the accuser.

I want to share a story by a young woman, a lieutenant in the Air Force, who was allegedly sexually assaulted by a fellow officer. According to her testimony, military criminal investigators and JAG officers told her, If I were a defense attorney, I would tell you that you gave the offender mixed signals and that ''no'' was not enough. She recalls she did not just say ''no''; she physically held onto her underwear.

But even after she reported the rape, she was forced to salute her rapist every day. She trained for over a year for a highly classified mission, but since then has lost her security clearance. She concluded her testimony with, I feel like I am being punished for a rape that happened to me.

It is a very serious problem, and getting more serious. I thank the military for the work it is doing to try to control this, but surely when our young women and young men go off to protect the United States of America, they should be free from assaults from their fellow soldiers.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to my good friend from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in opposition to this rule.

Yesterday I testified in front of the Rules Committee on five amendments I offered to this National Defense Authorization Act. Unfortunately, House Democrats refused to allow any of my commonsense amendments to be debated today on the floor. And I am sure

they were germane, Mr. Speaker—things such as regarding the transfer of detainees at Guantanamo Bay, the use of alternative sources of fuel at DOD, excessive union activity on official time at the Department of Defense, and gun rights for the 40,000 active and reserve members of our military who reside in Washington, D.C.

However, the Rules Committee did make in order an amendment with which I have strong reservations. Today should be about what is best for the defense of our Nation and what is best for our brave men and women in uniform. However, it is clear that today, Mr. Speaker, many in this body intend to use our military as a means to placate a liberal political constituency, rather than taking the time to weigh the input of 2.5 million men and women and their families who wear the uniform, including the family of Lieutenant Tyler Brown, who gave his life for his country in Iraq almost 6 years ago. Today would be his 32nd birthday.

Mr. Speaker, the Chairman of the Joint Chiefs of Staff and the Secretary of Defense have asked Congress to delay voting on Don't Ask, Don't Tell repeal until the completion of a study on the impact of the repeal and the best ways to implement it. Simply put, we must know what impact repeal of the law will have on unit cohesion, readiness, recruiting, and retention.

But, unfortunately, rather than wait for the results, Mr. Speaker, our Democratic colleagues want to prejudge its conclusions and substitute their judgment for the collective findings of our military. This is without question the wrong way to legislate, but it is what the American people have come to expect from this Democratic majority.

It wasn't long ago that Speaker PELOSI told the American people that they would learn what was in the health care bill once it was passed. Now liberals in Congress are once again selling the American people this same bill of goods, Congress must act without fully knowing what the impact of acting will be.

The stakes are indeed high, Mr. Speaker. By ignoring the opinion of the military and their families, the majority will alienate the very institution that is fighting on the front lines of this global war on terror.

General George Casey, the Army Chief of Staff, has ''serious concerns about the impact of the repeal of the law on a force that is fully engaged in two wars and has been at war for 8½ years.'' Similar concerns have been noted by every other service chief, by the American Legion, by over 1,500 retired general flag and general staff officers, and countless others. Clearly the Democrats believe they know better.

The American people want to trust their government, Mr. Speaker.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 30 additional seconds.

□ 1100

Mr. GINGREY of Georgia. The American people want to trust their government, Mr. Speaker, but the repeated bait-and-switch tactics of congressional liberals is making that virtually impossible.

So I urge my colleagues, vote against this rush to judgment.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. POLIS), also a member of the Committee on Rules.

Mr. POLIS. Mr. Speaker, I rise today in support of the effort to legislatively repeal the statute of Don't Ask, Don't Tell and leave it up to the military to implement their own policy recommendation.

First of all, Don't Ask, Don't Tell is the only law in the country that requires people to be dishonest about their personal lives or face the possibility of being fired. It's a law that's not only hurtful to the men and women who currently serve in our Armed Forces, but it's a law that's hurtful to our national security as Americans.

George Washington, our Nation's first Commander in Chief, is enshrined in American history for telling his father, I cannot tell a lie. Yet more than 200 years later, this shameful law mocks Washington's words and makes lying required operating procedure for our military's rank-and-file. Today we have the opportunity to end this law.

I'd like to address some of the remarks from the gentleman from Florida and the gentleman from Georgia. This proposal and this compromise have been endorsed by Admiral Mullen, as well as Secretary Gates. Absent this statutory change, which we are doing consistent with our congressional time line of the defense authorization bill, the military would find itself in a position to be unable to implement its own recommendations.

This simple change today will remove this statutory albatross from around the neck of the military and allow them, the military, the Secretary of the Defense, the Chairman of the Joint Chiefs, to implement the policy that best enhances military readiness and best allows them to improve morale and unit cohesion within the military.

Absent an action today, their hands will be tied, and they will be unable to implement their own recommendations that take into full account the opinion of the men and women who serve the officers and the stakeholders within the military.

The vast majority of Americans, including majorities of Republicans, independents and Democrats, recognize that on the battlefield it doesn't matter if a soldier is lesbian, gay, or straight. What matters is they get the job done for our country.

Don't Ask, Don't Tell hurts military readiness and national security, while putting American servicemembers fighting overseas at risk. To date, it's forced out over 13,000 well-trained, at taxpayer expense, and able-bodied soldiers out of the military.

It's time to repeal this law, and I applaud the leadership of my friend, the honorable Congressman and veteran, PATRICK MURPHY, in his efforts to do so.

By allowing the Pentagon to conduct a careful study of the implementation of the repeal, this amendment is a fair balance between ending the discriminatory policy and respecting the opinions of our military leaders.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. POLIS. In 1993 the passage of Don't Ask, Don't Tell was a result of a political process, not a military one. Today we can rectify that and continue with this process under way where the military consults with and listens to men and women and stakeholders in the military in deciding how to modify this policy and removing the statutory requirement for this policy and allowing the military to do the right thing to improve military readiness and enhance the protection of our country.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I hope my friend, the gentleman from Colorado, knows that I have extraordinary respect for him, and that we have a legitimate disagreement with regard to our analysis of what I consider was an agreement that was entered into, including by the President, after he announced his decision to repeal the current policy as Commander in Chief, that this study that will lead to a report in December that would be conducted before legislative action takes place. And so I reiterate my respect to the gentleman from Colorado.

And I have many friends who believe differently than I do with regard to the vote that I will be taking today. I studied this issue very thoroughly and know that it is a very serious matter. But I stand by what I said in my previous remarks.

Mr. Speaker, I yield 2 minutes to my distinguished friend from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise today to strongly urge my colleagues to reject the amendment proposing the elimination of funds to the Joint Strike Fighter Alternative Engine program, a amendment being lobbied by Pratt Whitney to eliminate their competition.

The Joint Strike Fighter is the Department of Defense's largest procurement program. Plans currently call for acquiring nearly 2,500 Joint Strike Fighters. Hundreds of additional F–35s are expected to be purchased by U.S. allies. This is a major acquisition.

The gentlelady from Maine is in error when she says that there was competition, because, in fact, in testimony just last week, both the Department of Defense and the GAO testified that this engine was never actually subject to competition.

The fact is, providing funds for competitive alternate engines will ultimately drive down costs, improve product quality and contractor responsiveness, drive technological innovation, and ensures that taxpayer dollars are not wasted.

History shows that competing engines can result in significant long-term savings. The ''Great Engine War'' saved the F–16 program 21 percent in overall costs, according to a 2007 GAO report. This represents $20 billion in savings for the lifetime of the Joint Strike Fighter.

Just last year, the House and Senate unanimously voted on the Weapons Systems Acquisition Act, mandating competition on large military procurement. This is a large military procurement. Now some want to circumvent this law with an amendment.

Fully funding the alternate engine is not only prudent risk management, but an acknowledgment of the fundamental responsibility that Congress has to protect and provide the most reliable equipment to our men and women in uniform.

This is the right thing to do. It will save money for us in the long run, and I urge my colleagues to vote ''no'' on this amendment that will be offered later today.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, it is with great pride that I rise today in support of Mr. MURPHY's amendment to repeal Don't Ask, Don't Tell. At its core, this is a vote against discrimination and division, a symbolic gesture to the country and the world that Congress' commitment to equality will always triumph over inequality.

As LGBT activist David Mixner said at the inception of this unfortunate policy: ''They frighten our neighbors with the big lie. They paint pictures that only contain dark colors. They resort to the same bigoted arguments that have been used for centuries to deny every minority their freedom and equal rights.''

Today we must rise up against these forces that conspire against progress and equality in every generation. Today, it is our turn to send a message to the Nation: Congress will never again sanction bigotry in our Armed Forces.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I come to the floor often on the rule and sometimes to thank the Rules Committee for allowing an effort to strike earmarks from legislation. This is the first time I've ever come to the floor on an authorization bill or an appropriation bill where I've been completely shut out of the process, not able to offer any amendments with regard to earmarks. And it's easy to see why right now.

In the past, I've always come to strike both Republican and Democratic earmarks from legislation. This time there are some 230 earmarks in the bill and only one was a bipartisan earmark request. The rest were Democratic earmark requests, no Republicans because Republicans have adopted an earmark moratorium.

So this looks like the start of a pattern. It was all well and good to challenge Republican and Democratic earmarks, but if there are only Democratic earmarks in a bill, then nobody is going to be allowed to challenge them.

Now, what kind of process is that?

Have we come to a point where we're simply going to shield Members and their earmarks from scrutiny?

We talk about disclosure till we're blue in the face and transparency, and it's all a lofty term. But then when it comes down to it, when there's only one party earmarking in a bill, when a Member comes up to challenge those earmarks, he's shut out. No, you aren't allowed to. You can only challenge Republican earmarks, and since there are none there, or Republican and Democratic earmarks, if there are no Republican earmarks, you're not going to be allowed to challenge any.

Now, I suppose that's what's going to happen with appropriation bills this year as well, and that's a shame. It's a doggone shame, because of all the rhetoric that's come, and some good measures that have been taken on both sides of the aisle with regard to transparency, this is a huge step backwards. We're going the wrong direction here.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I rise in support of the 2011 National Defense Authorization Act, and I'm pleased that policy language that I authored regarding emergency medical technicians has been included in the committee report. With this inclusion, reciprocity between the armed services and States regarding certification for emergency medical technicians, EMTs, will be established.

Last year, the State of Illinois passed legislation which allows military ''emergency medical technician'' training of an honorably discharged member of the Armed Forces to be considered as reciprocal for its licensure requirements. Working with Representatives HARMAN and HERSETH SANDLIN, I included such a provision into H.R. 3199, the Emergency Medic Training, or EMT, Act which was later incorporated into the House Health Insurance Reform Bill.

Although the provision was not included in the final health reform legislation, the need for such direction to States has now been addressed. Our men and women in uniform will be able to use their real-time training and education in the field to help those in emergencies here at home, if they so choose, without the cost and redundancy retraining upon their return.

I thank Chairman SKELTON for his support and his efforts on the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, there was an agreement with the military to do a study on what to do about the Don't Ask, Don't Tell policy. That was the agreement, and the study is due at the end of the year.

What this rule says, by bringing this amendment to the floor, is, while we send men and women out in harm's way to lay down their lives for us, we don't care what you think. We don't care what word you were given by your leaders that we do care what you think and will incorporate that and will work with that. We're saying we're shoving this down your throat. We don't care.

And think about the policy. Now, look, I have represented people in the Army who practiced homosexuality, and heterosexuality, and sexual assault victims. I understand this issue perhaps more than many of those on the floor here.

And I'm telling you, the military is not a social experiment. We are sending them out there with a mission to protect this country. And if someone has to be overt about their sexuality, whether it's in a bunker where they're confined under fire, then it's a problem. And that's what repeal of Don't Ask, Don't Tell does. It says, I have to be overt. I don't care. I want this to be a social experiment.

Our men and women in the military deserve better. Let's hear from them at the end of the year with a complete study, and then the leaders keep their word when we send our military out to die for this country.

We owe them better than this. This shouldn't have been part of the rule. It shouldn't be part of the vote. Let's keep our word for a change.

Ms. PINGREE of Maine. Mr. Speaker, I do have to disagree with the previous speaker for a whole variety of reasons, and I won't take up a lot of time. But this is not about being overt about your sexuality. This is about people who have been denied the right to talk about exactly who they are.

This is about 14,000 members of the military who have served this country, many with extremely vital skills, who have been asked to step down and leave; many people who choose not to go in the military for the fear of what could happen to them after they've served this country.

I yield 3 minutes to the gentleman from New York (Mr. ARCURI), one of my good colleagues and a member of the Rules Committee.

□ 1115

Mr. ARCURI. Mr. Speaker, I thank my friend from the great State of Maine for yielding me the time.

I rise today in strong support of this rule and the underlying bill. However, I

would like to voice my strong opposition to one of the amendments that will be offered later on today, and that is the amendment to strike the second jet fighter engine, for two reasons. One is I think the two things that are most critical for us in considering this bill is, one, obviously the security of our constituents and the people at home and our country; and, secondly, the cost.

On both of these, I think it's very important to note that, one, a second fighter engine gives us a strong sense of security, redundancy, and the insurance that we will have one good engine and that we will have a good backup engine. Secondly, the costs in the long run clearly will show the price will come down if we have competition. It has been demonstrated in the past. It will continue to demonstrate it.

I yield to someone who is much more familiar with that, the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. I appreciate the gentleman from New York for yielding.

This is a critical issue, and I share his concern with regard to stripping of the authorization for the competitive engine. Just this past year, the Weapon Systems Acquisition Reform Act of 2009 was passed by this Congress. It passed by a vote of 411–0. And I would draw Members' attention to section 202, the acquisition strategies to ensure competition throughout the lifecycle of major defense acquisition programs. That includes the Joint Strike Fighter and its propulsion system subject to its provisions.

As a matter of fact, Mr. Speaker, the alternative engine has been funded every year since 1996. The House has voted nine times to support the competitive engine. Already $2.9 billion has been invested in the alternative engine. And now that development is 75 percent complete, now that it has been qualified for production in 2012, now as both engines are approaching the starting line and are in the starting blocks, Pratt and the folks in Connecticut want to suggest that they should be declared the winners of the race before the race has even started.

We believe in competition when it comes to acquisition, Mr. Speaker. This is a critically important program. It's critically important to keep competition in the engine program.

And I will close with a quote from our former Member Jack Murtha, who fought for this competitive engine for years and years and years. ''We're going to build thousands of Joint Strike Fighters. And when you look back at problems we've had in the past with large aircraft procurement programs, you realize why it's absolutely essential to build two different engines. An alternative engine will provide cost savings through competition as well as provide greater reliability down the road in case we have problems with one engine that could potentially ground our entire tactical aircraft fleet.'' That is from former Congressman Jack Murtha, July 16, 2009.

I would ask my colleagues to support the competitive engine program and defeat the amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, we have been lucky, lucky over the skies of Detroit, lucky in Times Square, but we will not be lucky forever. We need to be proactive in our ability to gather intelligence and prevent terrorist attacks before they even get started. Catching somebody on the plane going back to Pakistan after they have delivered an explosive device is not success; it's failure. Catching them when they are on the plane in Pakistan coming to the United States would be an intelligence success.

Prevention means speed and agility. Prosecution means slow and methodical. Both have their place. But when we are trying to protect the United States of America, Mr. Speaker, we need to be quick and agile and move quickly and use every bit of intelligence we can get from a detainee before we move into the prosecution phase.

Unfortunately, the majority did not allow that to happen. We said, Listen, when somebody comes into detention, every bit of actionable intelligence should be exhausted before they are turned over to the Department of Justice to have their Miranda rights read. It's a simple amendment. It's an honest amendment. It's an amendment that will keep us safe. They tell you, Well, we already have that prohibition against soldiers reading Miranda rights on the battlefield. So what? They don't read Miranda rights on the battlefield, but Federal law enforcement agents do. And that's what's happening.

We are losing valuable information. And, predictably, these detainees are starting to say, Well, listen, if you are saying I don't have to talk until you provide me a lawyer, guess what, I won't. And equally predictably, guess what, we have had more almost successful attacks. And if we are counting on a t-shirt guy in Times Square to solve our terrorist problem, or the guy that's checking your luggage at the airport to catch that terrorist before they get on the plane, or the gate guard at a military base, we are going to lose.

This is about common sense. We should reject this rule. It has denied our ability for our intelligence agencies to get the information from detainees that will save lives. Again, I urge the rejection of this rule.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I thank the gentlelady from Maine for yielding and for her leadership.

Mr. Speaker, I have long opposed additional funding to support the ongoing occupation of Iraq and a policy of open-ended war in Afghanistan that continues to undermine the economic and national security of the United States. Estimates for the direct and indirect costs of the wars in Iraq and Afghanistan are now as high as a staggering $7 trillion.

Unfortunately, the $726 billion authorized in this defense bill, including $159 billion for operations in Iraq and Afghanistan, continues an unsustainable rise in military-related expenditures that have nearly doubled since 2001 and which now account for nearly 60 percent of Federal discretionary spending.

I want to thank the chairman for accepting en bloc my amendment to highlight and prioritize potential cost savings at the Department of Defense through reductions in waste, fraud, and abuse. Also, I want to thank the committee and Chairman SKELTON for continuing the prohibition on the establishment of permanent military bases in Iraq and Afghanistan, and for including language I offered calling for improvements in the budgeting of national security priorities to better reflect the needs of foreign engagement programs outside DOD.

Efforts to reduce the United States military footprint abroad and wasteful spending at the Pentagon are small steps toward what needs to be done for a fundamental shift in U.S. foreign policy. In recognizing the economic challenges we face here at home, high rates of unemployment, crumbling schools and infrastructure, there is no denying that the long-term success and security of our Nation is at stake.

Finally, I urge my colleagues to take this opportunity to begin to repeal Don't Ask, Don't Tell. That has unfairly denied fundamental human rights to highly qualified individuals who wish to serve our country. I believe this country is ready to immediately end this inequitable policy. Setting this process into motion today is a historic step on behalf of all those who have been discriminated against. Discrimination is un-American. It's un-American. Now is the time to end it in the military.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Texas (Mr. OLSON).

Mr. OLSON. Yesterday, the Rules Committee rejected two amendments to the defense authorization bill I offered to strengthen national security and provide clarity to an area of law that badly needs it.

My first amendment would have prohibited Khalid Sheikh Mohammed or any other Gitmo detainee from enjoying the U.S. constitutional benefits of a civilian criminal trial. Supporters of the administration's plan will reference Richard Reid, Najibullah Zazi, and the most recent attempt carried out by Faisal Shahzad as examples of why KSM should be tried here. But these individuals were either U.S. citizens, reside here, or were arrested here. Congress must understand the difference.

Khalid Sheikh Mohammed is not an American citizen. He is an enemy combatant captured in a battle zone. The same can be said of every other Gitmo detainee. These individuals are not criminal defendants, and this Congress should recognize the difference.

My other amendment would have allowed Congress to make clear that enemy combatants at Bagram Air Base in Afghanistan do not have the same right to access our court system that U.S. citizens enjoy. Last week, the DC Court of Appeals ruled that three Bagram detainees lack access to rights in U.S. Federal courts. And while this ruling is helpful, my amendment would have sent a clear legislative message that enemy combatants detained in an active war zone do not have special rights.

The administration is oddly obsessed with giving foreign enemies of the United States the same rights American citizens enjoy. Enough. Respect the Constitution.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentlelady from California and I thank the Rules Committee for allowing amendments in that I have offered dealing with the expansion and opportunity for small and women-owned businesses and addressing the tragedy of Fort Hood as relates to the civilians who were impacted by that enormous tragedy.

First, of course, my honor and respect to the United States military for their service as we move toward the commemoration of Memorial Day.

But I would also like to suggest that an amendment that I offered could have been added that dealt with $10 million going to the State Department to improve smart power diplomacy, and also some additional work on helping our families, having spoken to the Air Force families, to make sure that services are utilized during predeployment.

But I am grateful, of course, that we are moving forward on Don't Ask, Don't Tell, and in tribute to August Provost, an innocent who lost his life in San Diego because people did not understand that he, too, was a soldier even though, even though his lifestyle may have been different. It is a disgrace to eliminate those who want to serve their country.

And finally, I would offer to say that I look forward to a colloquy that would establish NASA, or begin to address the question of whether or not the Defense Department needs to assess whether NASA is a national security asset as we move toward commercialization.

Mr. Speaker, I believe it is important to honor our military. I also believe it is important to recognize their needs. We need to promote the needs of their families, the families of the United States military, and ensure those civilians who are on military bases, who suffered as the soldiers did, will continue to have access to posttraumatic stress disorder counseling as they move forward to rebuild their lives.

I ask my colleagues to vote on the amendments and vote on the underlying rule.

Mr. Speaker, I rise in support of my amendment (#175) to H.R. 5136—"National Defense Authorization Act for Fiscal Year 2011."

My amendment would authorize the Secretary of Defense to transfer funds up to $10,000,000 to the Department of State (DoS) if the Secretary of Defense deems such a transfer to be in the interest of National Security.

This amendment would give the Secretary of Defense the ability to transfer a portion of the Department of Defense's (DoD)'s budget to the Department of State based on the need for diplomatic programs that boost national security. The Chairman of the Joint Chiefs of Staff and Secretary Gates have declared for years how they believe the State Department is better suited to carry out certain diplomatic activities in support of defense operations. Admiral Mullen even stated: "I would hand over part of my budget to the State Department, in a heartbeat, assuming it was spent in the right place."

Diplomatic efforts should always lead and shape our international relationships, and the leaders of our military believe that our foreign policy is still far too dominated by our military. The diplomatic and developmental capabilities of the United States have a direct bearing on our ability to shape threats and to reduce the need for military action. If this amendment is passed, it will be extremely significant and relevant to national defense, and improve the Department of Defense and the Department of State's ability to defend our nation.

Thank you again. I urge my colleagues to support this simple but important amendment.

I thank the Speaker for this opportunity to explain my amendment to H.R. 5136, the National Defense Authorization Act for Fiscal Year 2010. My amendment would require the Secretary of Defense to provide an outreach program to educate small businesses, including minority-owned, women-owned, and disadvantaged businesses. The Secretary shall also provide access to procurement and contracting opportunities for these businesses.

Mr. Speaker, I have long supported efforts to increase opportunities for small businesses, especially those that are minority-owned, women-owned and disadvantaged. We know that small businesses are the engine to our economy and that they provide much needed support for communities across the country. Small businesses employ 57.4 million Americans. Many Americans seek to fulfill the American dream by becoming small business owners, and everyone in the United States should be given the same opportunity to fulfill that dream.

Women and minorities have long been disadvantaged when it comes to getting business opportunities, and it is important to provide educational resources that will enable women, minorities, and other disadvantaged business owners to arm themselves with the necessary tools that they need to operate viable and thriving businesses. This will only improve communities throughout the United States.

For these reasons, I urge the Committee to make my amendment in order.

I thank the Speaker for this opportunity to explain my amendment to H.R. 5136, the National Defense Authorization Act for Fiscal Year 2010. My amendment would require the Secretary of Defense to maintain a website or searchable database of small businesses, including minority-owned, women-owned, and disadvantaged businesses with which the Department of Defense has contracts.

Mr. Speaker, I believe it is crucial that we have a mechanism in place that allows us to track the numbers of minorities, women, and other disadvantaged businesses that receive contracts from the Department of Defense. We need to make sure that women, minorities, and disadvantaged businesses are getting reasonable opportunities to establish and grow their businesses. One of the ways we can monitor this is to have public access to the numbers through a searchable database.

I have long supported efforts to increase opportunities for small businesses, especially those that are minority-owned, women-owned and disadvantaged. We know that small businesses are the engine to our economy and that they provide much needed support for communities across the country. Many Americans seek to fulfill the American dream by becoming small business owners, and everyone in the United States should be given the same opportunity to fulfill that dream.

Women and minorities have long been disadvantaged when it comes to getting business opportunities, and it is important to provide educational resources that will enable women, minorities, and other disadvantaged business owners to arm themselves with the necessary tools that they need to operate viable and thriving businesses. This will only improve communities throughout the United States.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, we are now considering a rule on the Armed Services bill. The rule allows 10 minutes to debate the question of Don't Ask, Don't Tell. A question in terms of policy which probably has more far-reaching implications than how many aircraft carriers we have is going to get 10 minutes just before Memorial Day. I think maybe some people in the rules department here don't really want to see this fully investigated or discussed.

The current rule of Don't Ask, Don't Tell says that if you are homosexual and you want to serve in the military, that's fine, but, if your behavior disrupts the mission, you can be discharged. The question then becomes, if we repeal Don't Ask, Don't Tell, what does that mean? Does that mean that we are going to then protect or condone homosexuality? Does it mean that we are going to have to create separate barracks? How do we deal with sexual harassment? What are the implications on recruiting? What are the implications on morale? What are the implications in terms of small unit cohesion? All of these are big question marks, and there are many more besides. Does this impact, for instance, the different benefits and how benefits are delivered?

Well, the military leadership doesn't know the answer to these questions

any more than we do, so they have said, Please, don't do this. Let us have time to take a look at it, see how it affects overall our national security. But we are being asked, in a period of 10 minutes, that we want to repeal this. So we are being asked once again to pass legislation when we don't even know what it means. That hasn't worked very well in the past.

Now, I have three sons, graduates of the Naval Academy, all three Marine Corps. One survived his experience in Fallujah in 2005. And it seems to me that when people are willing to give their lives and their limbs for our country, that that is quite a sacred obligation that they have placed in our hands as legislators to be careful how we handle that trust. And so as we consider something that has very far-reaching implications, is this something that we should do lightly, and particularly with little respect for them?

The military leadership, of course, is opposed to this. They are asking us for time. They are wanting to take a look and see what that means. Are we going to then protect and condone homosexuality in the military? That is a big question. And how does that work out? And is this the way that we show respect for the people who are willing to offer their lives and their limbs for our country? Is this the sort of thing that George Washington or our Founders would be proud of that we are doing today in this little quick flash before Memorial Day?

□ 1130

And why are we wanting to do this? To tickle the fancies of a very vocal but very small minority for political purposes. I will not betray my children or our armed services people just for mere politics.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlelady's courtesy.

I rise in support of the rule. I am pleased that we are going to be allowed to debate the wisdom of having two jet engines for the Joint Strike Fighter. I strongly hope the amendment that I have cosponsored along with Mr. LARSEN is in fact approved, adding $485 million to reduce the deficit. It is an issue that I feel deserves debate, and I think people looking at it on the merits will understand that we don't need a second engine, that we can agree with the Secretary of Defense of the administration, and indeed the previous administration.

I am, however, a little frustrated that we continue to shortchange our efforts to deal with the toxic legacy of unexploded ordnances from military operations in the United States on our soil for the last 200 years. I had attempted to have a minor amendment to at least have the Department of Defense tell people in the community what the risks are from these toxic chemicals, from fuels, from unexploded ordnance. People who are building schools, child care centers, and housing developments have a right to know what could happen, particularly since we are underfunding cleanup.

The gentlelady who is managing the rule is going to have another 50 years before the last site is cleaned up in her district—better than waiting for 200 years. We can do better.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, the Don't Ask, Don't Tell policy is not about equal rights. It's about the impact on the readiness, cohesiveness, and effectiveness of the U.S. military. And if the Murphy amendment passes, it could have a profoundly negative effect on all of those things. I believe it could translate to life-and-death implications on the battlefield, Mr. Speaker.

And yet ironically, on something that will affect 2.8 million service men in this country, this side of the aisle will receive 5 minutes to debate that—that's half as much as any other amendment. This will also be saying to our military, who—all they've asked is just a chance to study the issue and come back with their recommendations to this body. We're going to say no, we don't care what you say. You can die for us on the battlefield, but you have no input into this process. That's a disgrace to this institution, and it's an insult to the men and women who pour out their blood on foreign battlefields for the country that we all love so much.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO.)

Ms. DELAURO. Mr. Speaker, I rise in opposition to the $485 million earmark included in the Defense Authorization Bill for an extra engine for the F–35 Joint Strike Fighter. This extra engine is a prime example of government waste: $3 billion already spent. This would require a further investment of $2.9 billion, according to the Pentagon. Secretary of Defense Gates put it aptly: We have reached a critical point in this debate where spending more money on a second engine for the JSF, the Joint Strike Fighter, is unnecessary, wasteful. It simply diverts precious modernization funds from other more-pressing priorities.

Only two U.S. aircraft models, the F–16C and D, use multiple engine types. We have 114 U.S. aircraft models that use a single-source engine, the type the Pentagon would like to use with the F–35, yet we are making an exception for the F–35. Why? This isn't competition. Competition doesn't mean you buy two of everything.

Both the Bush and the Obama administrations have opposed this wasteful spending. Secretary Gates is strongly recommending a veto of the Defense Authorization bill if it contains funding for the extra engine.

I urge my colleagues to support an amendment to strip this wasteful spending from the bill. The Marines don't want it. The Air Force doesn't want it. The Navy doesn't want it. Why are we moving ahead with it?

If you are opposed to wasteful spending—as so many of my colleagues stand up on this floor and talk about—then this is your chance to prove it. Strip this $485 million earmark out of the Defense Authorization Bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman for yielding.

And I come to the floor today to, of course, announce opposition to the rule, because I just cannot understand why in the world one of the crowning principles that the Founding Fathers had of this country was the freedom of speech, and certainly in this body we believe in the freedom of debate.

But when we're talking about an issue such as the repeal of Don't Ask, Don't Tell, and the majority side wants to restrict the debate on this to 10 minutes—5 minutes for the minority side—on an issue that is so vitally important and should be discussed. We have our folks in the military that are trying to study this particular issue.

But the thing that's most egregious to me is that you're only providing the same amount of time that the manager's amendment is allowed. And when we have days and days and days here in Washington that we can debate on these issues, I ask the majority, why in the world on something this important to you and certainly those of us that oppose it, are you restricting our ability to debate this particular piece of legislation?

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS.)

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the gentlelady for yielding.

Mr. Speaker, if you love your country, you ought to be able to serve your country. That's the change that Congress is talking about today.

The minority is opposing an amendment that doesn't exist. We've heard voices on the minority side say that the policy changes ignore the advice of those in uniform, and it's not listening to the report the military is presently preparing. They should read the amendment, Mr. Speaker.

The amendment says the policy change would not take effect until 60 days after the Secretary of Defense and the Chairman of the Joint Chiefs of Staff say the implementation of the necessary policies is consistent with the standards of military readiness.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. ANDREWS. I will yield, yes.

Has the gentleman read the amendment?

Mr. MILLER of Florida. Yes, I have. And my question is——

Mr. ANDREWS. Reclaiming my time, am I correctly stating the amendment?

Mr. MILLER of Florida. No, you're not.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, it is growing more and more clear that the Obama administration intends to allow Iran to gain nuclear weapons and then to adopt a policy of containment, and I am unable to fully express the danger of such a policy. Whatever challenges we have in dealing with Iran today will pale in comparison to dealing with an Iran that has nuclear weapons.

Now, I am grateful that the committee chose to accept my amendment to this bill requiring the Defense Department to develop and report to the Congress a national military strategic plan to counter Iran.

However, Mr. Speaker, the Obama administration remains asleep at the wheel while the last window we will ever have to stop Iran from gaining nuclear weapons is rapidly closing. I only pray that the President will wake up in time to prevent a nuclear-armed Iran from ushering a human family into the shadow of nuclear terrorism.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, yesterday I offered an amendment to the Rules Committee which would protect small businesses that support business on bases.

There's a movement right now to convert private employees to public or government employees at the detriment of small business. But this Rules Committee voted in a straight-line partisan way to deny this amendment to protect small businesses. And I am frustrated that as we are trying to help this economy, help small businesses grow, that they denied an amendment that would have protected small businesses.

Here's one small business owner in Bellevue, Nebraska, in support of Offutt Air Force Base. Dave Everhart, president of Veterans Defense Services, a small business in Bellevue, says, In many cases our employees are being told that they can either accept the government position at a reduced salary or lose their jobs. This is causing—when they are taking these employees from small businesses, many times they are taking their best talent, leaving only one option for these small businesses, and that's shuttering their doors, which leaves vacant bays and is impacting our communities in a negative way.

I am very frustrated with the Rules Committee's denial of this amendment.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

One of the big disappointments that I have about this rule is that the identity of service personnel who are accused of mistreating or torturing an al Qaeda terrorist if they capture them is not going to be agreed to. We think that their identity ought to be kept secret until they're proven guilty if they're charged with something like that.

We had three Navy SEALs that were accused of mistreating an al Qaeda terrorist because of what he said, because of what he got out of the al Qaeda training manual, and they were all found innocent, but their names were made public—all through the media they were made public—and as a result, they're at risk, their families are at risk, and their future careers are at risk because they've been accused of something but not convicted of it.

So I think the legislation that we proposed in this amendment should have been approved by the Rules Committee because it protects our service men and women from being exposed for something that they did not do.

And I am very disappointed the Rules Committee did not choose to protect the identity of our service personnel who are accused wrongfully by al Qaeda terrorists of mistreatment.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. FRANK), chair of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I congratulate Speaker PELOSI and others in the leadership for successfully insisting that this House get a chance to vote on repealing the rule that says that patriotic, able-bodied gay and lesbian Americans cannot serve their country.

Mr. Speaker, it strikes me as odd. If there was a situation in which we were at war, as we are now sadly in two situations—sadly because no one likes war—if I had proposed that gay and lesbian Americans be exempted from any drafts and from any requirement to serve and put their lives in danger, I would have been accused of a ''special rights,'' and it would have been a correct accusation. Instead, gay and lesbian people are asking for the right to serve, and we're told that will undo military cohesion.

Mr. Speaker, the Israeli Defense Forces have understandably, given the history of the Jewish people and our aversion to bigotry, because we know what it does to us, they have been free of any such prejudice. Gay and lesbian Israelis have not just the right but the obligation to serve their country. And those who tell me that the presence of gay and lesbian members of the military undermine the effectiveness of a fighting force and undermine unit cohesion must have never heard of Israel. They must have never heard of as effective a fighting force as has existed in modern times.

So the notion that you must deny American gay and lesbian citizens their rights has no basis in reality.

□ 1145

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I yield for the purpose of a unanimous consent request to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman.

Mr. Speaker, I ask unanimous consent that all germane amendments be allowed to be offered, because the chairlady said that all germane amendments were approved.

The SPEAKER pro tempore. The Chair will entertain that unanimous consent request only from the manager in charge of the resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would make that request.

The SPEAKER pro tempore. The Chair would recognize that request only from the proponent of the resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise in opposition to this rule. With all due respect to the gentleman from Massachusetts who just spoke with great passion about his position, I believe the American people don't want to see the American military used to advance a liberal political agenda, especially when the men and women who serve in our military haven't had a say in the matter. That's precisely what this Congress is poised to do today with a vote essentially repealing Don't Ask, Don't Tell.

Look, we all know that success on a battlefield requires high morale, unit cohesion. Standards of conduct over the years have been a critical part of this. Don't Ask, Don't Tell has been in place for 17 years. Repealing it without waiting till we hear from our military in December is essentially a disservice to those who are putting their lives on the line every day.

I urge this Congress to stop and put our priorities in order. The American people don't want the American military used as a vehicle to advance a liberal social agenda. Give the men and women in uniform a say before bringing this change to the floor of this House.

Ms. PINGREE of Maine. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's been a good debate. It's unfortunate there is not

more fairness, procedural fairness in this rule with regard to what is traditionally a bipartisan bill. I urge a ''no'' vote on this resolution.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I will be brief in my closing, but I want to say this is a major piece of legislation, and its effects will be felt across the country.

I am extremely proud of this body today, as I know we will be poised to finally repeal the issue we have had so much discussion about this morning, that is, Don't Ask, Don't Tell. This has had a lengthy process. Fourteen thousand members of the military who have served this country honorably have been forced to leave strictly because of their own personal status.

This is a long process. It will not be changed until the Secretary of Defense and the Joint Chiefs of Staff have had time to certify it will not disrupt the military, as we have heard from some of our colleagues.

This has happened in many other countries, whether it's Israel or Australia or even the United Kingdom. If they can do it, so can we as well.

I am proud to know that my colleagues are debating this topic, as well as making sure today that we remember, on top of everything else, to respect our military, to thank them for their service and to make sure they are well compensated.

I want to thank Chairman SKELTON, Ranking Member MCKEON and all my colleagues on the Armed Services Committee for all their tireless work.

I urge a ''yes'' vote on the previous question and on the rule.

Ms. GIFFORDS, Mr. Speaker. I rise today in support of the underlying bill and to highlight a number of very important provisions related to DoD's energy usage.

Last year, the Department of Defense consumed nearly 6.9 billion barrels of oil to power everything from bases to fighters. But every day, the services are proving that this dependence no longer needs to tether us to supply lines.

In the last year, thanks in large part to efforts by the Armed Services Committee, the military has begun to take aggressive action.

At Davis-Monthan Air Force Base in my District, the Air Force completed construction of the largest solar community in America.

Last month the Navy flew a fighter jet for the first time on biofuel.

The Army continues testing battlefield energy solutions at Fort Irwin.

And today, we will have an opportunity to move forward with additional responsible energy language I have worked with the services to develop and with the Committee to move forward.

The Defense bill requires DoD to develop a testing and certification plan for the operational use of aviation biofuels.

I have also added language that integrates the hybrid drive platform that the Army developed for Future Combat Systems over the last decade into the vehicles of today.

We included $130 million for Energy Conservation projects at bases across the country that save the military and the American taxpayer millions of dollars.

In theater, we reduce basic energy consumption by cutting waste. During a DoD pilot program to spray foam insulate facilities in Iraq and Afghanistan, fuel consumption was reduced by nearly 75% on average. These projects had a return on investment of less than six months. The Defense bill seeks to expand this program by seeking a comprehensive review of all facilities to identify low cost, energy-saving solutions.

New Energy Performance Goals, new implementation plans and new studies of how to more effectively supply the force make the energy provisions in this bill stronger than in any previous year.

The NDAA specifically addresses many of the battlefield energy challenges our servicemembers face in-theater every day. And the overwhelming bi-partisan support these provisions received at the Committee level validates the continued need for aggressive, smart and responsible solutions.

I urge my colleagues to support this rule and join me in passing the Defense Authorization bill.

Ms. PINGREE of Maine. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. 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.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. PINGREE of Maine. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 282

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 8, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, 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, June 7, 2010, or such other time on that day as may be specified 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.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. 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 agreeing to House Concurrent Resolution 282 will be followed by 5-minute votes on adoption of House Resolution 1404; the motion to suspend the rules on House Resolution 1161; and the motion to suspend the rules on House Resolution 1372.

The vote was taken by electronic device, and there were—yeas 230, nays 187, not voting 14, as follows:

[Roll No. 306]

YEAS—230

Ackerman	Edwards (MD)	Klein (FL)
Andrews	Edwards (TX)	Kucinich
Arcuri	Ehlers	Langevin
Baca	Ellison	Larsen (WA)
Baird	Engel	Larson (CT)
Baldwin	Eshoo	Lee (CA)
Barrow	Etheridge	Levin
Bean	Farr	Lipinski
Becerra	Fattah	Loebsack
Berkley	Filner	Lofgren, Zoe
Berman	Foster	Lowey
Berry	Frank (MA)	Luján
Bishop (GA)	Fudge	Lummis
Blumenauer	Garamendi	Maffei
Boccieri	Giffords	Maloney
Boswell	Gohmert	Markey (MA)
Boucher	Gonzalez	Marshall
Boyd	Gordon (TN)	Matheson
Brady (PA)	Grayson	Matsui
Braley (IA)	Green, Al	McCarthy (NY)
Brown, Corrine	Green, Gene	McCollum
Butterfield	Grijalva	McDermott
Capps	Gutierrez	McGovern
Capuano	Hall (NY)	McIntyre
Cardoza	Halvorson	McNerney
Carnahan	Hare	Meek (FL)
Carson (IN)	Harman	Meeks (NY)
Castle	Hastings (FL)	Melancon
Castor (FL)	Heinrich	Miller (NC)
Chaffetz	Heller	Miller, George
Chandler	Herseth Sandlin	Mollohan
Chu	Higgins	Moore (WI)
Clarke	Hill	Moran (VA)
Clay	Himes	Murphy (CT)
Cleaver	Hinchey	Murphy (NY)
Clyburn	Hinojosa	Murphy, Patrick
Cohen	Hirono	Nadler (NY)
Connolly (VA)	Hodes	Napolitano
Conyers	Holden	Neal (MA)
Cooper	Holt	Oberstar
Costa	Honda	Olson
Costello	Hoyer	Olver
Courtney	Inslee	Ortiz
Critz	Israel	Owens
Crowley	Jackson (IL)	Pallone
Cuellar	Jackson Lee (TX)	Pastor (AZ)
Cummings	Johnson (IL)	Paul
Davis (CA)	Johnson, E. B.	Payne
Davis (IL)	Jones	Perlmutter
Davis (TN)	Kagen	Peterson
DeFazio	Kanjorski	Pingree (ME)
DeGette	Kaptur	Polis (CO)
Delahunt	Kennedy	Pomeroy
DeLauro	Kildee	Price (NC)
Deutch	Kilpatrick (MI)	Quigley
Dicks	Kind	Rahall
Dingell	Kirkpatrick (AZ)	Rangel
Doggett	Kissell	Reyes
Doyle		Richardson

Rodriguez	Sherman	Towns
Ross	Shuler	Tsongas
Rothman (NJ)	Sires	Van Hollen
Roybal-Allard	Skelton	Velázquez
Ruppersberger	Slaughter	Visclosky
Ryan (OH)	Smith (WA)	Walz
Salazar	Snyder	Wasserman Schultz
Sánchez, Linda T.	Speier	Waters
Sanchez, Loretta	Spratt	Watson
Sarbanes	Stark	Watt
Schakowsky	Stupak	Waxman
Schiff	Sutton	Weiner
Schrader	Tanner	Welch
Schwartz	Teague	Wilson (OH)
Scott (GA)	Thompson (CA)	Woolsey
Scott (VA)	Thompson (MS)	Wu
Serrano	Tierney	Yarmuth
Shea-Porter	Titus	
	Tonko	

NAYS—187

Aderholt	Franks (AZ)	Moran (KS)
Adler (NJ)	Frelinghuysen	Murphy, Tim
Akin	Gallegly	Myrick
Alexander	Garrett (NJ)	Neugebauer
Altmire	Gerlach	Nunes
Austria	Gingrey (GA)	Nye
Bachmann	Goodlatte	Obey
Bachus	Granger	Paulsen
Bartlett	Griffith	Pence
Barton (TX)	Guthrie	Perriello
Biggert	Hall (TX)	Peters
Bilbray	Harper	Petri
Bilirakis	Hastings (WA)	Pitts
Bishop (NY)	Hensarling	Platts
Bishop (UT)	Herger	Poe (TX)
Blackburn	Hunter	Posey
Blunt	Inglis	Price (GA)
Boehner	Issa	Putnam
Bonner	Jenkins	Radanovich
Bono Mack	Johnson (GA)	Rehberg
Boozman	Johnson, Sam	Reichert
Boustany	Jordan (OH)	Roe (TN)
Brady (TX)	Kilroy	Rogers (AL)
Bright	King (IA)	Rogers (KY)
Broun (GA)	King (NY)	Rogers (MI)
Brown (SC)	Kingston	Rohrabacher
Buchanan	Kirk	Rooney
Burgess	Kline (MN)	Ros-Lehtinen
Burton (IN)	Kosmas	Roskam
Buyer	Kratovil	Royce
Calvert	Lamborn	Scalise
Camp	Lance	Schauer
Campbell	Latham	Schmidt
Cantor	LaTourette	Schock
Cao	Latta	Sensenbrenner
Capito	Lee (NY)	Sessions
Carney	Lewis (CA)	Sestak
Carter	Linder	Shadegg
Cassidy	LoBiondo	Shimkus
Childers	Lucas	Shuster
Coble	Luetkemeyer	Simpson
Coffman (CO)	Lungren, Daniel E.	Smith (NE)
Cole	Mack	Smith (NJ)
Conaway	Manzullo	Smith (TX)
Crenshaw	Marchant	Space
Culberson	Markey (CO)	Stearns
Dahlkemper	McCarthy (CA)	Sullivan
Dent	McCaul	Taylor
Diaz-Balart, L.	McClintock	Terry
Diaz-Balart, M.	McCotter	Thompson (PA)
Djou	McHenry	Thornberry
Donnelly (IN)	McKeon	Tiahrt
Dreier	McMahon	Tiberi
Driehaus	McMorris Rodgers	Turner
Duncan	Mica	Upton
Ellsworth	Michaud	Walden
Emerson	Miller (FL)	Wamp
Fallin	Miller (MI)	Westmoreland
Flake	Miller, Gary	Whitfield
Fleming	Minnick	Wilson (SC)
Forbes	Mitchell	Wittman
Fortenberry		Wolf
Foxx		Young (AK)

NOT VOTING—14

Barrett (SC)	Davis (KY)	Moore (KS)
Boren	Graves	Pascrell
Brown-Waite, Ginny	Hoekstra	Rush
Davis (AL)	Lewis (GA)	Ryan (WI)
	Lynch	Young (FL)

□ 1218

Messrs. COBLE, COFFMAN of Colorado, MCMAHON, and ALTMIRE changed their vote from ''yea'' to ''nay.''

Mr. MORAN of Virginia changed his vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAREWELL TO PAGES

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

Mr. KILDEE. Mr. Speaker, as chairman of the House Page Board, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 111th Congress.

Mr. Speaker, I yield to the vice chair of the Page Board, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. For all of you who are giving us your riveting attention right now, on behalf of the Page Board, we would like to turn your attention to the rail in the back where some of the 67 pages are who have been here this year, some of the best and the brightest high school juniors in this Nation. These 67 pages were nominated by you; they have been serving you; they have been here for the past semester observing you, listening to you, learning from you, which makes you all guilty of child abuse or at least guilty of contributing to the delinquency of a minor.

However, this is their final week. They are in finals right now at the accredited high school which they attend, and they will be finishing their service to the House next week when, hopefully, we will be in recess. So we will not have a chance to bid them a farewell before that time, but we are extremely grateful.

I would ask that the names of these 67 pages who have been serving this semester be added to the RECORD.

Mr. KILDEE. Mr. Speaker, the pages have witnessed this House debate the great issues of war and peace and of justice and civil rights through a program called Close Up, which is a very good program.

You have seen this House close up more than any other group. You have seen us at our best and at our worst. You have seen democracy at work. You have enabled us to do our work.

Mr. Speaker, as Chairman of the House Page Board, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the 111th Congress.

We all recognize the important role that congressional pages play in helping the U.S. House of Representatives operate.

These groups of young people, who come from all across our Nation, represent what is good about our country.

To become a page, these young people have proven themselves to be academically qualified.

They have ventured away from the security of their homes and families to spend time in an unfamiliar city.

Through this experience, they have witnessed a new culture, made new friends, and learned the details of how our government operates.

As we all know, the job of a congressional page is not an easy one.

Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy.

In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level.

At the same time, they face a challenging academic schedule of classes in the House Page School.

You pages have witnessed the House debate issues of war and peace, hunger and poverty, justice and civil rights.

You have seen Congress at moments of greatness and Congress with its frailties.

You have witnessed the workings of an institution that has endured well over 200 years.

No one has seen Congress and Members of the Congress as close up as have you.

I am sure you will consider your time spent in Washington, DC to be one of the most valuable and exciting experiences of your lives, and that with this experience you will all move ahead to lead successful and productive lives.

Mr. Speaker, as the Chairman of the House Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans.

They certainly will be missed.

I would like to thank the members of the House Page Board who have provided such fantastic service to this institution:

Congressman ROB BISHOP, Vice Chair,
Congresswoman DIANA DEGETTE,
Congresswoman VIRGINIA FOXX,
Clerk of the House Lorraine Miller,
Sergeant at Arms Bill Livingood,
Ms. Lynn Silversmith Klein,
Mr. Adam Jones

Thank you for your service on the House Page Board.

Mr. Speaker, I again yield to the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Speaker, if it would be possible, I would ask the Members of this body to rise and to give some thanks to the service of our pages who have been with us this semester.

(Applause, the Members rising.)

Mr. BISHOP of Utah. Mr. Speaker, on behalf of Chairman KILDEE, Representative DEGETTE from Colorado, Representative FOXX from North Carolina, and myself, who are the Page Board, we appreciate all of your service.

SPRING 2010 PAGE CLASS GRADUATES

1. Kyle Aguiar, CA
2. Jacquelyn Andrews, NJ
3. Tyler J. Barnett, CA
4. Aaron Benudiz, CA
5. Zoe Bertrand, NY
6. Paris Bess, OH
7. Zakariya Binshaieg, WA
8. Addison Blair, UT
9. Charlotte Bowers, OR

10. Martin J. Boyle, MA
11. LaVontae Brooks, IL
12. Kathleen L.M. Calcerano, PA
13. Halley Cameron, CA
14. John Barrett Cannafax, FL
15. Christopher Connolly, VA
16. Sarah Coyle, MD
17. Thomas Crawford, CA
18. Ryan Davenport, NC
19. Devin Marie DePalmer, CA
20. Elizabeth Maria Dixon, FL
21. Jacob Fessler, KY
22. Jillian Rose Fisher, TX
23. Tori Greaves, CA
24. Blair Gremillion, LA
25. Samantha Guarneros, TX
26. Talitha Halley, TX
27. Garrett J. Helgesen, UT
28. Daniel Herzstein, CA
29. Alice Hewitt, CA
30. Henry Huang, CA
31. Rachel Janik, IL
32. Jamal L. Johnson, Jr., NY
33. Terrence Kim, NY
34. Tekeisha Chanaé King, SC
35. Rebecca Levine, PA
36. Thomas Marion, GA
37. Catherine Ann Martlin, MA
38. Cameron McGarrah, AR
39. Matthew Charles McKnight, OH
40. Lauren Milosky, CA
41. Giovanni Navarrete, IL
42. Joshua A. Nawrocki, FL
43. Lucy Nieboer, MN
44. Tyler Odom, PA
45. Sarah Okey, OH
46. Benjamin Hollis Olson, IA
47. Jessica Maria Orozco, TX
48. Grace L. Pazak, IN
49. Garrett J. Perconti, NJ
50. Marvin Lee Pierre-Louis, NY
51. Alex Pommier, CA
52. Riley J. Quinlan, IL
53. Paul Reitz, OH
54. Alice Rockswold, MN
55. Nicholas Rudnik, GA
56. Nathan Shepherd, GA
57. Lauren A. Smith, OK
58. Marina Ariel Stevens, MD
59. LaShaun Yevette Steward, TX
60. Samarth Suresh, CT
61. Joseph Fortunato Tantillo, NY
62. Nicholas Scott Taxera, CA
63. Cassidy Anne Taylor, OR
64. Matthew Weiss, NY
65. Cortez Lewis Williams, MI
66. Jessica Gayle Williford, NC
67. Sara Zimmerman, IL

PROVIDING FOR CONSIDERATION OF H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1404, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 12, as follows:

[Roll No. 307]

YEAS—241

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—12

Barrett (SC)
Blackburn
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Fortenberry
Graves
Hoekstra
Pascrell
Ryan (WI)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1231

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CENTENNIAL CELEBRATION OF WOMEN AT MARQUETTE UNIVERSITY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1161.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1161.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. FUDGE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 380, noes 0, answered ''present'' 36, not voting 15, as follows:

[Roll No. 308]

AYES—380

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Wamp
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

ANSWERED ''PRESENT''—36

Baldwin
Blumenauer
Capuano
Delahunt
Eshoo
Farr
Giffords
Hall (NY)
Hare
Hodes
Honda
Kennedy
Kilroy
Kirkpatrick (AZ)
Kucinich
Lee (CA)
Lofgren, Zoe
McCollum
McDermott
McGovern
Miller, George
Nadler (NY)
Obey
Olver
Peters
Pingree (ME)
Sánchez, Linda T.
Sarbanes
Stark
Sutton
Tierney
Tsongas
Walz
Wasserman Schultz
Weiner
Woolsey

NOT VOTING—15

Arcuri
Barrett (SC)
Boren
Brown-Waite, Ginny
Buyer
Childers
Davis (AL)
Davis (KY)
Diaz-Balart, L.
Graves
Hoekstra
Melancon
Pascrell
Ryan (WI)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1238

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNIVERSITY OF GEORGIA GRADUATE SCHOOL CENTENNIAL

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1372.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BISHOP) that the House suspend the rules and agree to the resolution, H. Res. 1372.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 0, answered ''present'' 1, not voting 18, as follows:

[Roll No. 309]

AYES—412

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo

Loebsack	Ortiz	Sessions
Lofgren, Zoe	Owens	Sestak
Lowey	Pallone	Shadegg
Lucas	Pastor (AZ)	Shea-Porter
Luetkemeyer	Paul	Sherman
Luján	Paulsen	Shimkus
Lummis	Payne	Shuler
Lungren, Daniel E.	Pence	Shuster
	Perlmutter	Simpson
Lynch	Perriello	Sires
Mack	Peters	Skelton
Maffei	Peterson	Slaughter
Maloney	Petri	Smith (NE)
Manzullo	Pingree (ME)	Smith (NJ)
Marchant	Pitts	Smith (TX)
Markey (CO)	Platts	Smith (WA)
Markey (MA)	Poe (TX)	Snyder
Marshall	Polis (CO)	Space
Matheson	Pomeroy	Speier
Matsui	Posey	Spratt
McCarthy (CA)	Price (GA)	Stark
McCarthy (NY)	Price (NC)	Stearns
McClintock	Putnam	Stupak
McCollum	Quigley	Sullivan
McCotter	Radanovich	Sutton
McDermott	Rahall	Tanner
McGovern	Rangel	Taylor
McHenry	Rehberg	Terry
McIntyre	Reichert	Thompson (CA)
McKeon	Reyes	Thompson (MS)
McMahon	Richardson	Thompson (PA)
McMorris Rodgers	Rodriguez	Thornberry
	Roe (TN)	Tiahrt
McNerney	Rogers (AL)	Tiberi
Meek (FL)	Rogers (KY)	Titus
Meeks (NY)	Rogers (MI)	Tonko
Mica	Rohrabacher	Towns
Michaud	Rooney	Tsongas
Miller (FL)	Ros-Lehtinen	Turner
Miller (MI)	Roskam	Upton
Miller (NC)	Ross	Van Hollen
Miller, Gary	Rothman (NJ)	Velázquez
Miller, George	Roybal-Allard	Visclosky
Minnick	Royce	Walden
Mitchell	Ruppersberger	Walz
Mollohan	Rush	Wamp
Moore (KS)	Ryan (OH)	Wasserman Schultz
Moore (WI)	Salazar	
Moran (KS)	Sánchez, Linda T.	Waters
Moran (VA)		Watson
Murphy (CT)	Sanchez, Loretta	Watt
Murphy (NY)	Sarbanes	Waxman
Murphy, Patrick	Scalise	Weiner
Murphy, Tim	Schakowsky	Welch
Myrick	Schauer	Westmoreland
Nadler (NY)	Schiff	Whitfield
Napolitano	Schmidt	Wilson (OH)
Neal (MA)	Schock	Wilson (SC)
Neugebauer	Schrader	Wittman
Nunes	Schwartz	Wolf
Nye	Scott (GA)	Woolsey
Oberstar	Scott (VA)	Wu
Olson	Sensenbrenner	Yarmuth
Olver	Serrano	Young (AK)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—18

Akin	Davis (KY)	Pascrell
Barrett (SC)	Diaz-Balart, L.	Ryan (WI)
Berman	Graves	Teague
Boren	Hoekstra	Tierney
Brown-Waite, Ginny	Johnson (GA)	Young (FL)
	McCaul	
Davis (AL)	Melancon	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1253

Ms. CORRINE BROWN of Florida changed her vote from ''present'' to ''aye.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL SECURITY STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. ANDREWS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting the National Security Strategy of the United States.

BARACK OBAMA.

THE WHITE HOUSE. *May 27, 2010.*

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, regarding H.R. 5136, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in which to insert extraneous materials in the RECORD.

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

There was no objection.

REQUEST TO EXTEND TIME FOR DEBATE ON AMENDMENT NO. 79

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the time for debate on amendment No. 79 offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) be extended by 60 minutes evenly divided between the proponent and opponent.

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

Mr. SKELTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1404 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5136.

□ 1255

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Today, we as a Congress perform a duty in compliance with the Constitution of the United States. Article I, section 8 states that Congress shall have the power to provide for the common defense and general welfare of the United States. It also provides for and maintaining a Navy and making all rules for the government and regulation of land and naval forces.

So today I rise in support of H.R. 5136, the National Defense Authorization Act for fiscal year 2011. I'm pleased to be joined here today with my friend, my colleague, the ranking member, BUCK MCKEON. BUCK's been a true partner in this effort to bring forward a bipartisan bill that addresses the national security needs of our country.

The committee passed the Defense Authorization Bill by a vote of 59–0.

Our Nation's been at war for nearly a decade. Our troops are worn, and their families are tired, and the Nation recognizes their sacrifices. The bill addresses many of the concerns that they've raised.

I'm proud that this bill is a result of the committee's engagement with the military community and our citizens to determine what issues were important to them as we developed the programs and policies that are included in this bill.

This bill authorizes $567 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy. The bill also authorizes $159 billion to support ongoing military operations in Iraq and Afghanistan during fiscal year 2011. These amendments are essentially equal to the President's budget request for items in the jurisdiction of the Armed Services Committee.

H.R. 5136 continues Congress' deep commitment to supporting U.S. servicemembers and their families and to provide the necessary resources to keep America safe. The bill provides our military personnel a 1.9 percent pay raise, which is an increase of a half a percent above the President's request.

The bill also includes a number of initiatives to support military families, including extending health care coverage to adult dependent children up to the age of 26. We also have the single most comprehensive legislative proposal to address sexual assault in the military.

The bill also fully funds the President's budget request for military training, equipment, maintenance and the facilities upkeep, which continues the committee's efforts to address readiness shortfalls that have developed over previous years.

□ 1300

The bill provides an increase of $12 billion above the fiscal year 2010 budget for operations and maintenance, including $345 million to fully fund the

first increment of construction necessary to modernize Department of Defense schools. There is 13.6 billion for training of an all active-duty Reserve force to increase readiness; an increase of $500 million for day-to-day operations of Army bases, which is a direct impact on our soldiers. It also provides an increase of $700 million above the administration's budget to address the equipment shortfalls on National Guard and Reserve units.

The war in Afghanistan is a critical mission that is essential to our national security. To ensure that our strategies in both Iraq and Afghanistan are effective and achieve the intended goals within well-defined timelines, the bill requires the President to assess U.S. efforts and regularly report on progress, including providing timelines by which he plans to achieve his goals.

It also extends the authorization of the Pakistan Counterinsurgency Fund through fiscal year 2011 to allow commanders to help Pakistan quickly and more effectively go after terrorist safe havens. The bill also provides $1.6 billion for Coalition Support Funds to reimburse nations that are providing logistical, military, and other support to our troops in Iraq and Afghanistan.

On Iraq, the bill upholds Congress's responsibility to provide oversight to the process of drawing down the mountain of material purchased, transported, and built up in Iraq at tremendous expense to the taxpayer.

In the area of nonproliferation, the bill continues our focus on keeping weapons of mass destruction and related materials out of the hands of terrorists and strengthens our nonproliferation programs and activities. The bill increases funding for the Department of Energy's nonproliferation programs and adds funding to continue the administration's plan to secure and remove all known vulnerable nuclear materials that could be used for weapons.

There are other good things in this bill, which my colleagues will cover.

I want to recognize the members of the Armed Services Committee for their contributions in making this bill one of the best that the committee has put forward in recent years.

I also, Mr. Chair, want to brag about the wonderful staff that we have on the Armed Services Committee. They make it all work well.

Mr. Chair, our committee has been and will continue to be strong proponents of our Nation's security and the people that it defends. We will continue to do what is right and necessary to ensure that our country is safe and secure. We must continue to work with the President to ensure that our citizens are safe and our Nation's security is paramount.

I urge my colleagues to support our troops and their families and vote for the defense authorization bill.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as legislators, we meet once again to address the wide range of important national security activities undertaken by the Department of Defense and the Department of Energy. We all take our legislative responsibilities very seriously. This is especially true during a time of war. And it's always true of my good friend and colleague, our Armed Services Committee chairman, IKE SKELTON.

As a result of Chairman SKELTON's tireless efforts to put forward this bill, our committee reported out the National Defense Authorization Act for Fiscal Year 2011 last Wednesday. The vote was unanimous, 59–0. Consistent with the longstanding bipartisan practice of the Armed Services Committee, this bill reflects our committee's continued strong support for the brave men and women of the United States Armed Forces.

The defense authorization bill authorizes $567 billion in budget authority for the fiscal year 2011 base budget of the Department of Defense and national security programs of the Department of Energy, and it authorizes $139 billion in funding to support operations in Iraq, Afghanistan, and elsewhere in the global war on terrorism.

This bill does an admirable job in dealing with some of our greatest national security challenges. Addressing the wars in Iraq and Afghanistan, H.R. 1536 authorizes the fiscal year 2011 overseas contingency operations. With respect to Afghanistan, this bill updates reporting requirements, including asking for the conditions and criteria that will be used to measure progress, instead of allowing the ticking Washington political clock to determine our end state.

I am very pleased that the chairman and our colleagues on the committee joined us in ensuring that lifesaving combat enablers such as force protection, medical evacuation, and intelligence, surveillance, and reconnaissance capabilities are deployed in time to fully support the 30,000 additional troops scheduled to arrive in Afghanistan by this summer.

Building on the Acquisition Reform Act this body passed in April, this legislation takes a number of important steps on major weapons programs. We strongly believe that a $110 billion noncompetitive, sole source, 25-year contract should not be permitted. Therefore, we strongly support the inclusion of funding to complete development of the F–136 competitive engine for the Joint Strike Fighter.

As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make and have made to protect our freedom. We are pleased that this legislation includes a pay raise which is half a percentage point above the President's request.

A major disappointment is that once again the committee and House leadership were unable to find the mandatory spending offsets needed to eliminate the widow's tax, a tax that occurs because survivors must forfeit most or all of their Survivor Benefit Plan annuity to receive Dependency and Indemnity Compensation. Nor were we able to provide for concurrent receipt of military disability retired pay and VA disability pay, as proposed by the President. I know that Chairman SKELTON has attempted to find the offsets, but so far, despite this House approving trillions in spending that is not offset, this body has been unable or unwilling to find the means to support widows and disabled veterans.

One of the areas where there is disagreement between the aisles is detainee policy. We need to keep terrorists off our soil, not fight to get them here. We are disappointed that the bill does not prohibit the transfer of Guantanamo Bay detainees to U.S. soil.

Finally, for the last 8 years, we have asked our men and women of the Armed Forces and their families to make repeated sacrifices while serving this Nation. They have unhesitatingly and selflessly responded in a magnificent manner, without hesitation putting mission and Nation ahead of self and family. Now the proponents of repealing Don't Ask, Don't Tell want to rush a vote to the floor that disrupts the process that was put in place earlier this year to give the troops the opportunity to make their view known on this most important issue.

After making the continuous sacrifice of fighting two wars over the course of 8 years, the men and women of our military deserve to be heard. Congress acting first is the equivalent to turning to our men and women in uniform and their families and saying your opinion, your views do not count.

Yesterday I spoke to and received letters from all four service chiefs. I will include copies of those letters in the RECORD. Let me read a couple of excerpts, Mr. Chairman.

General Schwartz, the Air Force Chief of Staff, writes, ''I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the Don't Ask, Don't Tell law. Such action sends an important signal to our airmen and families that their opinion matters.''

General Casey, the Army Chief of Staff, writes, ''I believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.'' Similar views are expressed by Admiral Roughead and General Conway.

Mr. Chairman, I planned on addressing this matter in detail when we debate Mr. MURPHY's amendment. Unfortunately, the leadership deemed this debate, this issue so critical to the morale and welfare of our military worthy of only 10 minutes of debate. Ten minutes. The repeal of Don't Ask, Don't

Tell will get as much time for debate today as the manager's amendment. This is an outrage.

I'd like to make one last point. If this body were to adopt Mr. MURPHY's amendment, then this House would breach the trust of 2.5 million men and women in uniform and their families by saying to them that their voices don't count. We owe our military personnel better.

In order to allow this House the time it needs to hear from our military forces through the process that was set up earlier this year, and their families, before we make a decision, I would encourage Members to vote against the Don't Ask, Don't Tell compromise and against final passage if my Democratic colleagues refuse to wait to hear from our troops.

As in years past, I believe that this legislation reflects many of the Armed Services Committee's priorities in supporting our Nation's dedicated and courageous servicemembers. I thank Chairman SKELTON for putting together an excellent bill and helping us to stay focused on delivering a bill that protects, sustains, and builds our forces. I support H.R. 5136 as passed by the House Armed Services Committee.

We never, in the committee, in our markup, we never held a full committee hearing on Don't Ask, Don't Tell. We never included it or discussed it in our debate in the Armed Services Committee.

I look forward to working with my colleagues to improve H.R. 5136.

SECRETARY OF DEFENSE,
Washington, DC, April 30, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of April 28 requesting my views on the advisability of legislative action to repeal the so-called ''Don't Ask Don't Tell'' statute prior to the completion of the Department of Defense review of this matter.

I believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. A critical element of this effort is the need to systematically engage our forces, their families, and the broader military community throughout this process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we are to carry out this change successfully.

Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process. Further, I hope Congress will not do so, as it would send a very damaging message to our men and women in uniform that in essence their views, concerns, and perspectives do not matter on an issue with such a direct impact and consequence for them and their families.

Adm. MICHAEL G. MULLEN,
Chairman of the Joint Chiefs of Staff.

ROBERT M. GATES,
Secretary of Defense.

U.S. ARMY,
May 26, 2010.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: My views on the repeal of section 654 of Title 10, United States Code, have not changed since my testimony. I continue to support the review and timeline offered by Secretary Gates.

I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue, and what the impacts on readiness and unit cohesion might be, so that I can provide informed military advice to the President and the Congress.

I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

Sincerely,

GEORGE W. CASEY, Jr.,
General, United States Army.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, May 26, 2010.

Hon. BUCK P. MCKEON,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCKEON: The President has clearly articulated his intent for the ''Don't Ask, Don't Tell'' (DA/DT) law to be repealed, and should this law change, the Air Force will implement statute and policy faithfully. However, as I testified to you and the HASC at the AF Posture hearing on 23 February 2010, my position remains that DOD should conduct a review that carefully investigates and evaluates the facts and circumstances, the potential implications, the possible complications, and potential mitigations to repealing this law.

I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the DA/DT law. Such action allows me to provide the best military advice to the President, and sends an important signal to our Airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would reflect an intent to act before all relevant factors are assessed, digested and understood.

Sincerely,

NORTON A. SCHWARTZ,
General, USAF,
Chief of Staff.

MAY 25, 2010.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: During testimony, I spoke of the confidence I had as a Service Chief in the DoD Working Group that Secretary Gates laid out in the wake of President Obama's guidance on ''Don't Ask—Don't Tell.'' I felt that an organized and systematic approach on such an important issue was precisely the way to develop ''best military advice'' for the Service Chiefs to offer the President.

Further, the value of surveying the thoughts of Marines and their families is that it signals to my Marines that their opinions matter.

I encourage the Congress to let the process the Secretary of Defense created to run its course. Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great Nation.

Very Respectfully,

James T. Conway,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

MAY 26, 2010.

Hon. HOWARD P. ''BUCK'' MCKEON,
House of Representatives, Washington, DC.

DEAR MR. MCKEON: As a follow-up to our phone call today, the following represents my personal views about the proposed amendment concerning section 654 of title 10, United States Code.

I testified in February about the importance of the comprehensive review that began in March and is now well underway within the Department of Defense. We need this review to fully assess our force and carefully examine potential impacts of a change in the law. I have spoken with Sailors and fellow flag officers alike about the importance of conducting the review in a thoughtful and deliberate manner. Our Sailors and their families need to clearly understand that their voices will be heard as part of the review process, and I need their input to develop and provide my best military advice.

I share the view of Secretary Gates that the best approach would be to complete the DOD review before there is any legislation to change the law. My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law in the Fleet and disrupt the review process itself by leading Sailors to question whether their input matters. Obtaining the views and opinions of the force and assessing them in light of the issues involved will be complicated by a shifting legislative backdrop and its associated debate.

Sincerely,

G. ROUGHEAD,
Admiral, U.S. Navy.

I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend, my colleague, the distinguished chairman of the Subcommittee on Air and Land Forces, the gentleman from Washington (Mr. SMITH).

(Mr. SMITH of Washington asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Washington. Mr. Chairman, I rise in strong support of the National Defense Authorization Act for 2011.

I want to first thank the chairman of the committee, Mr. SKELTON, for his outstanding leadership of this committee. He has once again put together a bill that reflects the priorities that should be in place for national defense: first and foremost, support our troops. I know nobody on that committee cares more about that issue than Mr. SKELTON. He has once again made sure that this bill reflects that. It gives them a higher pay raise than was recommended by the Department of Defense and, across the board, makes sure that our troops and our families get the support they need to continue to do the amazing job that they are doing of defending this country. It is a great privilege to serve on this committee with Mr. SKELTON and with Mr. MCKEON and to have the responsibility for supporting our troops who have

served us so well. I thank him for his great leadership and for this bill.

On the Air and Land Subcommittee, I want to thank Mr. BARTLETT, the ranking member on the committee. We have truly worked together in a very bipartisan fashion on this bill. That's one of the great things about being on the Armed Services Committee. We have a lot that we disagree on on a partisan basis in this body, but on the Armed Services Committee we work in a bipartisan way to make sure that we have a defense bill that protects our national security and supports our troops. And Mr. BARTLETT certainly upholds that standard, and it's been a great pleasure working with him.

On our subcommittee, our top priority is to support our soldiers and airmen in the fight they are now fighting in Iraq and Afghanistan. We want to make sure that they have the equipment they need to fulfill the mission that we have asked them to do. Towards that end, we have $3.9 billion in the bill to upgrade and improve our helicopters, which are so critical to the mission that they are fighting; $3.4 billion to fully fund the MRAP, the Mine Resistant Ambush Protected vehicles that have done such an amazing job at improving the survivability of our troops when hit by IEDs; $3.4 billion for the JIEDDO account, which continues to find more and better ways to protect our troops from improvised explosive devices; $3.7 billion to fund intelligence, surveillance, and reconnaissance, which is critical to make sure that our troops get the information they need when they need it to be in the best position to protect themselves on the battlefield; a billion dollars for new Strykers, a vehicle that has been critical for our combat infantry brigades and their ability to be maneuverable enough to survive in the fight.

We are making sure in this bill that our troops in the field get the equipment they need to fulfill the mission we have asked them to do. We also set aside an additional $700 million in this bill for the Army and Air Force Guard and Reserve equipment accounts. As we all know, Guard and Reserve members have been asked to do far more than they ever have in the history of this country. They are stressed and strained, and their equipment is being used at a far greater pace than anyone anticipated. We want to make sure that they have the funds available to replenish that equipment and make sure that they get the training they need so that they are able to do the job here in the U.S. we ask them to do, and also the job that we ask them to do in Afghanistan and Iraq.

□ 1315

We are also concerned in this bill and continue to be concerned about our procurement and acquisition process. We passed acquisition reform again under Chairman SKELTON's great leadership, but we have a fair number of programs, certainly the Joint Strike Fighter, future combat systems that have not delivered on time and on budget. We have to make sure that we get every penny that we spend, and it is spent efficiently and effectively. We need to continue to work to make sure the programs that we procure meet that standard.

That is why I, too, along with Mr. MCKEON, am strongly supportive of the second engine program. And it has been our committee's position for a long time to support that program. We believe that it is an efficient use of taxpayer dollars.

So I thank you, Mr. Chairman, again for your great leadership. I believe this bill gives us a very strong national security.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT). He's the ranking member on the Air and Land Subcommittee of the committee.

Mr. BARTLETT. I would like to thank our Armed Forces Committee Chairman SKELTON, Ranking Member MCKEON, Committee chair SMITH, and all of our colleagues for their contributions to this Defense Authorization Bill.

This bill was voted out of committee by unanimous vote because it maintains our objectives of balancing the health and capability of the current force with the needs of future capability. And I also want to thank, really thank the staff for their professionalism, dedication, and extraordinary hard work this year.

As an engineer with 20 patents, 20 years of experience with military R&D programs, and 17 years in the Armed Services Committee, I can assure you that the Defense Department's own data provides the proof that Congress must continue to approve the alternative engine for the Joint Strike Fighter which will ultimately lead 95 percent of all of fighting aircraft. The competition is crucial for our national security and that of our allies because the original engine awarded under a noncompetitive contract is 21 months behind schedule, and according to GAO is estimated to be $2 billion over budget. That's a 52 percent increase and one of the main reasons with redundancy the committee overwhelmingly supports continued funding of the competitive engine.

The Department asked Congress to permit the issue of a sole-source contract for over $100 billion for thousands of engines over the life of this program. I owe it to the American people and warfighters to object to something this irresponsible.

And, Mr. Chairman, I urge support of H.R. 5136 as approved unanimously by the Armed Service Committee, but a vote for the Don't Ask, Don't Tell amendment abdicates our Constitutional authority over military policy and gives this authority to the President and unelected executive branch leaders. Congress has yielded far too much of its Constitutional authority to the executive and judiciary. Therefore, if this amendment passes, I cannot support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my colleague, my friend from Texas (Mr. ORTIZ), the distinguished chairman of the Subcommittee on Readiness.

Mr. ORTIZ. Thank you, Mr. Chairman. First, let me thank you for your leadership that you bring to the committee and being able to get the committee to work together. Mr. MCKEON as well.

I rise in support of H.R. 5136, the National Defense Authorization Act for fiscal year 2011. The bill before us today continues efforts begun last year to address readiness shortfalls.

It supports the President's request for increased training funding for all of the active duty forces and provides funding to continue reset of equipment damaged or worn out through 9 years of continuous combat operations. The bill authorizes $20 billion for military construction and $168 billion for operation and maintenance, a $12 billion increase in O&M. This funding is needed over the amount authorized last year in the defense budget.

To reduce budgetary risk to readiness in areas where the services identified shortfalls, the bill includes additional funding for Navy ship depot maintenance; Army Reserve depot maintenance; contract and performance management; Army base operating services and trainee barracks construction; Guard and Reserve construction; energy conservation and renewable energy projects; and day-to-day facilities maintenance and repair.

Our combatant commanders should not have to wait years to have the right infrastructure to support wartime operations. This bill provides the tools that the Department needs to ensure that General Petraeus has the right facilities at the right location at the right time.

The bill also supports the Readiness and Environmental Protection Initiative, which ensures the long-term viability of military testing and training ranges by protecting them from encroachment.

The bill provides provisions related to benefits for DOD civilians who are deployed to combat zones. These provisions are very important because Federal civilian employees are increasingly providing important support in contingency operations.

The bill supports the President's request for a much-needed reinvestment in Army training and readiness. Increases in funding for all Army components, along with a drawdown from Iraq, should begin to put the Army on a path to restoring its readiness posture.

The bill sustains the Navy's course correction of flying-hour funding to meet operational requirements. To ensure the sea services can attain fleet air training goals, the bill includes $185 million in additional funding for naval

training and aircraft depot maintenance.

The bill contains additional funding for Air Force accounts critical to supporting emergent missions and taking care of an aging aircraft fleet.

Mr. Chairman, this is a good bill, and I ask my colleagues to support it.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN), the ranking member of the Seapower Subcommittee.

Mr. AKIN. Mr. Chairman, I rise in support of H.R. 5136—that's the National Defense Authorization Act—which we have before us at this time, and it was approved unanimously by Republicans and Democrats on the House Armed Services Committee. And we believe overall a proper balance has been struck on this bill.

I was personally concerned about some problems with our missile defense system, but I made several amendments looking to get a little more information from the administration on these programs. Those were adopted.

In addition, we were concerned about the department's assessment even in the most rosy scenario that we are short on strike fighters. And I was pleased that we are able to add some additional F–18s to the budget to at least, in a small way, mitigate that particular problem.

I would be remiss, though, if I were to stand here and say that everything is well. As much as I support this bill, it is possible to mess up any good thing. And the idea of repealing Don't Ask, Don't Tell at the last minute with an amendment that doesn't even come out of our committee, that has, at the most, 10 minutes to debate and has more far-reaching implications for defense than almost any single item in this bill is the height of folly.

Approaching Memorial Day weekend, for us to try to slide this little fellow in, this little political gimme to some vocal but very small interest group over the interests of our sons and daughters who serve in the service, in spite of the objections of the military leadership, starting with the Secretary of Defense coming down the chain of commanders saying, Give us time to figure out, what does it mean to repeal Don't Ask, Don't Tell.

The current policy says that if you're gay and you want to serve in the military, that's fine, but don't let it get in the way of the mission. If we take that out, what does it mean? We need time, and we don't need some fast little political fix to mess up an otherwise good bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the gentleman from Mississippi (Mr. TAYLOR), who's the chairman of the Subcommittee on Seapower and Expeditionary Forces.

Mr. TAYLOR. Mr. Chairman, I rise in support of the bill as it passed committee, and in particular of the Sea Power and Expeditionary Forces section of the bill.

Under the leadership of Chairman IKE SKELTON, the fleet has grown by seven ships since he became chairman to a total of 286. I guess it's in the direction, however slowly, of the 313 ships that CNO wishes to have. It also takes some far-reaching steps, one of which is directing the CNO that in the future, that in order to go to the fleet, he may only retire two ships for every three ships we commission. I think this is very important language. This is the third CNO who has said he wanted 313 ships, but ironically, they keep submitting budgets to Congress that actually shrink their fleet rather than grow it.

So I want to thank Chairman SKELTON for working with us on that, my colleagues, on directive language that actually keeps some of those great vessels that would go to someone else's fleet in our fleet a bit longer.

Specifically the bill takes many steps to continue the work of the world's greatest Navy and the world's greatest Marine Corps. It authorizes the construction of nine battle-force vessels and one auxiliary oceanographic research vessel, along with 214 aircraft for the Navy and Marine Corps. It authorizes $5.1 billion to construct two Virginia-class submarines—the first time Congress has ever authorized two Virginia-class submarines; $950 million for the first increment of funding of the Marine Corp's amphibious assault vessel LHA–7; $3 billion to fully fund two DDG 51 Arleigh Burke-class destroyers to work off of the Navy's surface fleet and the centerpiece of our Nation's missile defense; $1.5 billion to fully fund two littoral combat ships; $180.7 million to fund one Joint High Speed Vessel for the Navy; $380 million to fully fund the remaining construction costs for the first of the class maritime landing platform vessel for the Marine Corps; $3.3 billion for 30 F–18 Superhornet strike fighters, as well as 12 EA–18 Growler expeditionary electronic-warfare aircraft.

That will make a total of 186 of these fine aircraft built on Chairman SKELTON's watch. $4.1 billion for 20 Navy and Marine Corps F–35 Joint Strike Fighter aircraft; $4.6 billion for 180 Marine Corps rotary-winged aircraft; $359 million for the Maritime Administration of the Department of Transportation, including $100 million for the Merchant Marine Academy.

The bill strongly supports funding for our Overseas Contingency Operations, authorizing $3.4 billion to build the life saving Mine Resistant Vehicles. This is on top of the $16.4 billion under Chairman SKELTON's watch that was allocated in 2007 for a total of 16,000 of these vehicles that have been built as we continue to build 1,000 of them a month to protect our soldiers in Iraq and Afghanistan.

For Marine Corps programs, this bill fully authorizes the $3.1 billion for a request for Marine Corps procurement, with an additional $126 million for unfunded requirements that will protect our Marines.

Mr. Chairman, I fully support the bill as recommended by the committee.

The CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional 30 seconds.

Mr. TAYLOR. I also want to thank my colleague Mr. AKIN for all of his help on this and all of the Seapower Subcommittee, and in particular I want to commend our great staff: Ms. Jenness Simler, Captain Will Ebbs, Heath Bope, Jesse Tolleson, and Liz Drummond.

ACTIONS SPEAK LOUDER THAN WORDS

Since 2007, the House Armed Services Committee under Chairman Ike Skelton has continued to grow our nation's air, land and sea forces to address the threats facing the United States from both foreign nations and terrorist organizations. Chairman Skelton's predecessor, Duncan Hunter, deserves credit for leading House Armed Service Committee member's efforts to provide up-armored Humvees, Improvised Explosive Device (IEDs) Jammers, and other initiatives to counter the IED threat in Iraq and Afghanistan. However, the game changing improvement in the IED effort was the rapid development and fielding of the Mine Resistant Ambush Protected Vehicle (MRAP) that occurred under the leadership of Chairman Ike Skelton, The actions of the Democratic majority speak much louder than words when it comes to our national defense.

The Mississippi National Guard's 155th Heavy Brigade Combat Team returned home to Mississippi in March 2010 after completing their second tour of duty in Iraq. During their deployment they encountered more than 80 attacks from IEDs without suffering any fatalities or serious injuries compared to their 2005 deployment where they suffered 28 fatalities from lED attacks. During their most recent deployment, their unit was equipped with MRAPs. Prior to 2007, the demand for MRAP's was ignored for four straight years by Secretary of Defense, Donald Rumsfeld. The Republican majority in Congress did not prod Secretary Rumsfeld to build these vehicles at the rate our forward deployed commanders were requesting.

In 2004 military officials in Iraq began requesting MRAPs from the Pentagon to counter the enemy's most successful means of attack—the IED. At the time, 60% of U.S. fatalities in Iraq were the direct result of IED attacks. Secretary Rumsfeld and top leaders at the Pentagon originally ignored these requests from the forward deployed commanders to make fielding MRAPs a priority. By the end of 2006 the Department of Defense's (DoD) established requirement for MRAPs for the Iraq war effort was an absurdly low amount—4000 vehicles.

Before MRAPs were available in Iraq or Afghanistan, military patrols were conducted in up-armored Humvees. The enemy quickly discovered this vehicles vulnerability to under-bottom explosions. Since Secretary Rumsfeld had refused to provide MRAPs despite the requests coming from the theater of combat, the result of continuing to use up-armored Humvees was unnecessary American injuries and deaths. The MRAP is designed with a ''V'' shaped bottom that provides an effective defense against bottom exploding IEDs by forcing the impact of the explosion away from the bottom of the vehicle, unlike the Humvees.

When I became Chairman of the Seapower and Expeditionary Forces Subcommittee in January 2007, under the new Democratic majority, the very first hearing I chaired focused on the need to rapidly get MRAPs to

our troops in Iraq. I worked with Chairman Skelton and my colleagues on the Armed Services Committee to provide an additional $16.4 billion in 2007 for procurement, building and transporting 15,374 MRAPs to Iraq. This effort continues today, and we currently have approximately 16,000 MRAPs in Iraq and Afghanistan. We also continue to work with DOD on providing vehicles that provide the same type of protection as the MRAP but are more suitable for the hazardous terrain and conditions in Afghanistan. There are approximately 2300 of these vehicles in operational units in Afghanistan, with 6,800 working their way through the pipeline to get to the theater of combat. We continue to produce about 1000 of these life saving vehicles a month.

For years the House Armed Services Committee has voiced concerns over the concurrent and high-risk development of the F–35 Joint Strike Fighter, which in turn, has caused a several years delay in its operational fielding. Because of this issue, coupled with the planned F/A–18 production line drawdown, our Naval Air Forces face a significant strike-fighter shortfall peaking at over 250 aircraft in 2017. Realizing this significant issue over the last two years, the committee has added 17 F/A–18s to the Department's request to help mitigate the shortfall. The Committee, under Chairman Skelton's leadership, also included candid language within the FY11 NDAA report stating that ''barring a complete reversal'' of the F–35 program failures, the Committee expects the Navy to ''continue production of F/A–18s to prevent our naval airpower from losing significance in our nation's arsenal,''

I have made the commitment to my colleagues on the Committee and to Chairman Skelton to get our shipbuilding back on track. The United States Navy's goal is to maintain a 313 ship fleet capable of transporting troops around the world, providing support for military operations, along with a global U.S. presence. The Navy's fleet is currently at 286 ships, Starting in 2003, the wars in Iraq and Afghanistan, shifted our defense needs primarily to the Army, the National Guard and our Reserves. During this time, the Navy's shipbuilding program went stagnant, lacked direction, and had no plan in place to reach the Navy's stated goal of a 313 ship fleet.

This all changed starting in 2007. The Armed Services Committee began addressing the Navy's acquisition reform process, the cost overruns as a result of Secretary Rumsfeld's outsourcing of shipbuilding to contractors and lead system integrators. We have provided the Navy real goals to meet each year in order to build the Navy back to a 313 ship fleet.

This reformation includes a proposed authorization of 10 ships in this year's National Defense Authorization Act. We have worked to bring the Littoral Combat Ship (LCS) back under control. These ships had been previously authorized, but the program spun wildly out of control. It got to the point where the contractors wanted $600 million for a ship they originally said could be built for $220 million in fiscal year 2005. This cost increase prevented the Navy from building the amount of LCS' originally approved by Congress which seriously affected the Navy's ability of reaching its goal of a 313 ship fleet.

Chairman Skelton and the Democratic majority also prevented another costly over run from occurring by capping the DDG 1000 program at three ships at approximately $3 billion per ship. This program was running billions of dollars over budget. By capping this program at three ships, we allowed the Navy to shift funds into a much more successful shipbuilding program—the DDG 51 program. This maximizes the Navy's budget by providing them with a ship that has a proven track record for success and providing the funds to a proven shipbuilding program that has already produced 58 ships for the United States Navy,

The Navy has also received authorization for 15 ships not including the additional 10 ships in the proposed FY 2011 NDAA, to be built from fiscal years 2009 through 2011, Since 2007, the Navy's fleet has grown by 7 ships to 286 ships. Prior to this, the Navy's fleet was the smallest it has been since the 19th century at 279 ships. The progress made by the Navy's shipbuilding program is the direct result of a clear and consistent plan and new leadership at the Department of the Navy. It is by no means a coincidence that the fleet has grown and continues to grow under Chairman Skelton's leadership during this Democratically controlled Congress.

While men and women in the United States military continue to be put in harms way in Iraq and Afghanistan we must continue providing them the real support necessary to allow them to successfully carry out their mission. It is clear that the House Armed Services Committee under Chairman Skelton, has provided much more than mere words or rhetoric and has acted loudly to ensure that the Department of Defense and our men and women fighting overseas constantly have what they need to succeed in protecting and defending the United States of America.

GENE TAYLOR,
Member of Congress.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), the ranking member on the Readiness Subcommittee.

Mr. FORBES. Thank you, Mr. Chairman, for the opportunity to stand in strong support of this bill as recommended. I would also like to express my sincere appreciation for Chairman SKELTON, Ranking Member MCKEON, and the chairman of our Readiness Subcommittee and my good friend from Texas, Mr. ORTIZ.

Creating legislation of this magnitude and of critical importance to the defense of this Nation is no easy task, and I appreciate their leadership and their hard work in crafting a solid bipartisan bill.

Mr. Chairman, our Founding Fathers knew that our freedoms were so precious that they were worth protecting and worth defending. They also knew, as we know today, that one of the realities of having these freedoms is that there will always be individuals who want to rob them from us. Throughout the course of our Nation's history, we have seen this to be true. Today is no different. Recent attempts in Times Square, New York City, and on passenger airlines on Christmas Day are stark reminders that there are terrorist organizations that are actively trying to kill American citizens.

Mr. Chairman, we need to keep terrorists off U.S. soil, not provide means for any administration to bring them here. And while the committee did not support an amendment that would have prevented the transfer of any Guantanamo Bay detainee to U.S. soil, I do want to take a moment to highlight one provision that I am very glad is included in the mark. This provision requires an inventory and analysis of the modeling and simulation tools used by the Department of Defense during the development of the annual budget. This is a terrific first step in making sure the department has the right tools to ensure that the readiness needs of commanders will be reflected in the budget. By starting with funding priorities in support of commanders out in the field, we will make sure we are providing what is required to defend America.

Mr. Chairman, I thank you, and I thank all of the Members of this committee for their hard work in preparing this bill. I strongly encourage my colleagues to support H.R. 5136—provided it's not destroyed with the adoption of political amendments that could negatively impact the readiness of our troops, such as the removal of the Don't Ask, Don't Tell policy before the military has concluded its impact on our readiness.

□ 1330

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to my friend, my colleague, a former marine, and the distinguished chairman of the Subcommittee on Oversight and Investigations, the gentleman from Arkansas, Dr. SNYDER.

Mr. SNYDER. When the history of U.S. national security is written, Secretary Gates' speech given at the end of 2007 at Kansas State will be remembered. Yet as a new administration pursued these policies with Secretary Gates kept on as Secretary of Defense, criticisms were heard, criticisms with which I disagree.

An America confident in more than just its military strength is a strong America. To remember our moral strength, not just our military strength, is to build a strong America. To build a strengthened diplomatic corps builds a strong America. Selling our products internationally and not fearing competition builds a strong America. Using our power to help other nations develop their economy, public health systems, rule of law builds our national security.

Listening to nations like Bangladesh regarding what climate change means to them strengthens us. Listening to the voices that want America to be a beacon of human rights strengthens us. Yesterday's view that only military strength makes us strong is indeed yesterday's view.

As we consider this very good defense bill, I applaud the administration's incredibly successful efforts at killing and capturing terrorists, but let us not forget our responsibilities to all aspects of national power and strength.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MILLER), the ranking member of the Terrorism Subcommittee.

Mr. MILLER of Florida. I thank the gentleman for yielding.

I too rise in support of the defense authorization act for 2011 as it was passed out of the full committee. I do think we have taken some important steps on protecting those who work

every day to protect the people and protect those of us in the United States.

The language that we had inserted into this bill, one of the things that it does is require the Department of Defense Inspector General to investigate the alleged misconduct and practices of certain lawyers for terrorist detainees at Guantanamo Bay.

Unanimously, the committee approved this amendment, whereby we have said that these lawyers may very well have engaged in illegal actions by seeking to ''out'' covert agents to the very terrorists that these particular agents took off the battlefield.

If this indeed is true, I can't think of a more offensive, unpatriotic and terrible act to be committed by the Americans that did this against fellow Americans.

I also do stand with the ranking member in opposition to the repeal of Don't Ask, Don't Tell. I agree, we also need to allow the Department of Defense to complete its study before we jump the gun to a rash, premature decision, one that diverts our military's attention from its true priorities. Those priorities are succeeding in Iraq and Afghanistan, and also in keeping terrorists from harming Americans and its citizens.

Unfortunately, if the Murphy amendment does pass and we do repeal Don't Ask, Don't Tell, I will have to vote against H.R. 5136. But I trust this body will reject the Murphy amendment and allow our forces to remain focused on the task at hand—defending America.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to my friend, the chair of the Subcommittee on Terrorism, Unconventional Threats and Capabilities, the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank the chairman for yielding.

Mr. Chairman, I rise today as a 14-year member of the House Armed Services Committee and the chairwoman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities to address probably what I believe is one of the most important assets that we have for the Department of Defense, the role of our small businesses in America.

My subcommittee, along with the full committee, has worked hard to develop ways to expand opportunities for small businesses to get defense procurements. For example, we wanted to repeal the Small Business Competitive Demonstration Program. This would reinstitute the use of small business set-asides for Federal procurements in certain industry groups, assuring that these small businesses are awarded a fair proportion of Department of Defense contracts.

The repeal of this program would not only have saved DOD money and personnel but would have improved small business prime and subcontracting opportunities.

Secondly, the Armed Services Committee was hoping to extend the Small Business Innovation Research program by 1 year and to apply funding toward technical assistance for that program in order to strengthen the ability of small businesses to meet the demands of DOD requirements.

It would have made perfect sense to move an extension within this bill because over 50 percent of that program is with the Department of Defense.

Also, there is a program called the Mentor-Protege Program. It pairs up major DOD contractors with small businesses, and it helps to develop a relationship with these small contractors to help them.

As you can see, these are good provisions for small businesses. Unfortunately, none of these amendments were approved by the Rules Committee because of the objections raised by the House Small Business Committee on grounds of jurisdiction. I think everyone in this Chamber will agree that small businesses are the backbone of many of our districts and I know that this is true in the 47th Congressional District of California.

I hope that in the very near future, the Committee on Small Business will work with the Armed Services Committee to rapidly provide these resources to our small businesses.

I rise today as a 14-year Member of the House Armed Services Committee and the Chairwoman of the Subcommittee on Terrorism and Unconventional Threats to address probably what I consider one of the most important assets to the Department of Defense—the role of small businesses.

My subcommittee along with the full committee has worked hard to develop ways to expand opportunities for small businesses in defense procurement.

Let me provide this chamber with a couple of amendments that would have ultimately not only strengthened this bill and the Department but would have also provided our country's small businesses with the resources in order to thrive in the competitive world of DoD contracting.

For example, we wanted to repeal the Small Business Competitive Demonstration Program. This would re-institute the use of small business set-asides for Federal procurements in certain industry groups, assuring that these small businesses are awarded a fair proportion of DoD contracts.

The repeal of this program would not only have saved DoD money—but also personnel—while improving small business prime and subcontracting opportunities.

Second, the Armed Services Committee was hoping to extend the Small Business Innovation Research program by 1 year and apply funding toward technical assistance for the program in order to strengthen the ability of small businesses to meet the demands of DoD requirements.

Currently, 11 Federal agencies are involved in the SBIR Program where DoD takes up 50 percent of the entire SBIR Program.

It would have made perfect sense to move such an extension within the NDAA, because DoD has over 50 percent of the program.

Through this year's bill the Committee was also working towards extending the DoD Mentor-Protégé program by 5 years.

The Mentor-Protégé program is a program that started with DoD in 1991.

This program pairs up major DoD contractors with small businesses and helps develop a relationship where major contractors can provide developmental assistance to small businesses and guide them to a point where they can sustain themselves.

As you can see, all these provisions would have significantly expanded and strengthened small business growth.

One of my subcommittee's major responsibilities is to provide and expand resources for small businesses who want to do business with DoD.

Unfortunately, none of these amendments were approved by the Rules Committee because of objections raised by the House Small Business Committee on grounds of jurisdiction.

The FY2011 National Defense Authorization Act is a good piece of legislation that addresses several of the Defense Department's most important challenges, including:

The fight to interrupt the flow of violent extremists and the ideological underpinnings of radicalization;

The development and deployment of innovative and critical technologies;

Defending our homeland from attacks and managing the consequences of catastrophic incidents including natural disasters;

Enhancing strategies and capabilities to counter irregular warfare challenges;

And enhancing force protection policies governing Department of Defense personnel.

And I believe none of these challenges can be met without the innovation and technology of our small businesses.

I think everyone in this chamber will agree that small businesses are the backbone of many of our districts; I know it is for the 47th District of California.

I hope in the very near future the Committee on Small Businesses will work with the Armed Services Committee to rapidly provide these resources to our small businesses.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), the ranking member on the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. I thank the gentleman from California for yielding.

As the ranking member of the Military Personnel Subcommittee, there are a few issues I would like to highlight with regard to this year's National Defense Authorization Act.

I am pleased the act adopted the Military Personnel Subcommittee mark in full and adopted some important amendments. Of note in the mark was a 1.9 percent basic pay raise for the military, as proposed in my bill, H.R. 4427.

Concerning amendments, first is my amendment to ensure that the Secretary of Defense retains sole authority over TRICARE, the Department of Defense's health care system. This ensures that the health care system of our servicemen and women and families will not be overwhelmed in the health care takeover.

I do have concerns about a few other issues that are not in the NDAA. First is the proposal that we would have allowed military personnel retired with disabilities to receive both their full military disability retirement pay and VA disability pay. The concurrent receipt issue has been addressed numerous times by the committee led by Congressman JEFF MILLER of Florida, and while we have been making inroads, there are still many veterans who need our help.

Additionally, it was not allowed to eliminate the widow's tax that results because surviving spouses are required to forfeit their survivor benefit pension annuity. This is a real burden to widows and children of servicemembers.

I am also concerned about the retroactive retirement credit for Guard and Reserve soldiers who served after 9/11. These soldiers have answered the call to duty and deserve no less for their honorable service than their active duty counterparts.

As we bring this act to the floor, it is important to keep the servicemember in the forefront of our mind. It is crucial to consider the repeal of the military's Don't Ask, Don't Tell policy. The service chiefs, as represented by the fighting men and women of our country, have again and again urged us not to change the law until they have sufficient time to conduct their study.

We are a Nation at war, and, as such, we should follow the wishes of our war fighters.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to my friend, the distinguished chair of the Subcommittee on Military Personnel, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I am pleased to summarize the Military Personnel Subcommittee portion of H.R. 5136, and I want to thank Mr. WILSON and Chairman SKELTON for their contributions and certainly to our hardworking staff.

This bill continues to improve the quality of life for our servicemembers, their families, and military survivors who carry such a heavy burden for our country. Some of the highlights include continued support for increased end strengths for the active Army and Navy, a 1.9 percent pay raise, increases to hostile fire pay and family separation allowance, new initiatives to complement our Year of the Military Family, the authority for TRICARE beneficiaries to extend health care coverage to dependents up to age 26, adoption of the full range of recommendations by the Defense Task Force on Sexual Assault in the Military Services, and authorization of millions of dollars for Impact Aid.

While we couldn't accommodate all the requests that were brought before the subcommittee, we were able to include many to address the needs of our military. But, Mr. Chairman, there is still a policy, a policy in place which no longer reflects the needs of our military.

We can correct that today through the Murphy amendment to repeal Don't Ask, Don't Tell. The intent of this amendment is not to freeze the DOD implementation review process or discount the findings of the DOD's comprehensive working group on this subject. We support their work and know how important their findings will be to the successful repeal of Don't Ask, Don't Tell.

A fundamental piece of this will be the opinions of our servicemembers. Congress sincerely values their point of view, and we know DOD will work hard to address their concerns. But DOD's review and the congressional action are not mutually exclusive.

We have heard that repealing Don't Ask, Don't Tell will weaken unit cohesion and, by extension, national security. But this policy is forcing those in uniform to lie to their colleagues that weakens unit cohesion. And it is firing personnel during two wars just because they are gay that weakens national security.

As chairwoman of the Military Personnel Subcommittee, I know that our military draws its strength from the integrity of our unified force. Current law challenges this integrity by creating two realities within the ranks. I urge my colleagues to look at this closely. I hope my colleagues will stand on the right side of history and end Don't Ask, Don't Tell.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the ranking member on the Strategic Forces Subcommittee.

Mr. TURNER. I want to thank Ranking Member MCKEON and also our chair, Mr. SKELTON, and the chair, Mr. LANGEVIN, of our Subcommittee on Strategic Forces.

I support the committee-passed version of H.R. 5136, and particularly by the way that it strengthens our Nation's strategic forces. It endorses an increase in funding for the modernization of our Nation's nuclear deterrence capabilities, although this funding must be sustained in the outyears.

It includes a $362 million increase in funding for missile defense, which I strongly support, and holds the administration accountable for deploying missile defenses in Europe to protect the United States and our NATO allies. It establishes a sense of Congress that there would be no limitations on U.S. missile defenses in Europe in the new START treaty, despite Russian statements to the contrary.

There is an area, however, in which I am concerned in that the bill does not go far enough to provide a sufficient hedge to protect the United States from missile attack. The Phased Adaptive Approach for missile defense in Europe is not planned to cover the U.S. homeland until 2020, yet the ICBM threat from Iran to the U.S. could materialize as early as 2015, according to the latest intelligence assessments. Regrettably, an amendment I offered in full committee to address this gap was rejected.

Another area which I support, I want to thank our chairman, Mr. SKELTON, for his support of the custody rights of our military parents. This bill includes protection for the fundamental custody rights of those military parents. Once again it highlights the need for a baseline of child custody protections for our men and women in uniform, and it also includes language that criticizes an unofficial DOD report as an incomplete product that does not ascertain the full scope of this problem.

Equally important in this bill is it strengthens the safety and family rights for military personnel. I want to thank Chairwoman DAVIS and Ranking Member WILSON for incorporating bipartisan language from the Tsongas-Turner Defense STRONG Act that seeks to enhance sexual assault protections as well as improving training requirements to protect our members.

I thank my colleagues in the Armed Services Committee for their work on the 2011 National Defense Authorization Act. It is certainly my hope that we can retain the language passed by the committee so the House can have a bipartisan report.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 1404, and as the chairman of the Committee on Armed Services, I request that, during further consideration of H.R. 5136 in the Committee of the Whole, and following consideration of amendment No. 4 printed in House Report 111–498, the following amendments be considered: en bloc No. 1; amendment No. 13; en bloc No. 2; en bloc No. 3.

The CHAIR. The gentleman's request is noted.

Mr. SKELTON. Mr. Chairman, I now yield 2½ minutes to my friend, the gentleman from Rhode Island (Mr. LANGEVIN), the chairman of the Subcommittee on Strategic Forces.

□ 1345

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011.

This is a strong, bipartisan bill; and as chairman of the Strategic Forces

Subcommittee, it has been a pleasure working with Chairman SKELTON and Ranking Member MCKEON, as well as the ranking member of the subcommittee, Mr. TURNER, and members of the committee in crafting this measure which provides our men and women in uniform with the tools to address some of the most pressing strategic threats to our national security.

Members of our subcommittee are acutely aware that we are racing against time to secure vulnerable nuclear materials and prevent nuclear terrorism and that we must deter nations like Iran from developing nuclear weapons. We must also protect ourselves, our deployed forces and our allies against the growing threat of attacks from ballistic missiles, particularly from expanding stockpiles of short- and medium-ranged rockets, as well as being mindful that both Iran and North Korea are pursuing development of ICBM capabilities.

So our bill invests in maintaining a safe, secure, and reliable nuclear deterrent, providing an effective missile defense against the most likely and immediate threats, and protecting our national security space and intelligence assets.

First, reflecting the President's commitment to provide a strong and sustained investment in our nuclear deterrent, the bill provides $15 billion for the Department of Energy's Atomic Energy Defense Activities, not counting the nonproliferation programs. This includes $7 billion for nuclear weapons activities, a 10 percent increase over last year's funding, and $5.6 billion for defense environmental cleanup activities. This increase will sustain our nuclear arsenal without nuclear testing. It ensures we will maintain a credible deterrent as we responsibly reduce our stockpile and provides a robust foundation for implementing the administration's Nuclear Posture Review and President Obama's historic efforts to reduce nuclear dangers.

Second, H.R. 5136 will strengthen our ballistic missile defenses by providing $10.3 billion to protect the United States, our deployed troops, and our allies and friends against the most immediate threats from nations such as Iran, Syria, and North Korea. Our funding increases ensure that we will purchase key elements of the administration's Phased Adaptive Approach for ballistic missile defense in Europe more efficiently and at lower overall cost.

The bill also provides an additional $88 million for the longstanding U.S.-Israeli collaboration on missile defense programs. Further, the bill provides a $50 million increase for directed energy research and the Airborne Laser Test Bed to facilitate the testing and development of technologies that are most likely to yield operational capabilities in the future.

The CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional 15 seconds.

Mr. LANGEVIN. The bill also requires operationally realistic testing of missile defense systems. It makes deployment of missile defenses in Europe contingent on such testing, as well as host nation ratification of any deployments on European soil.

I am proud of our smart spending decisions to strengthen our defenses against current missile threats. We are embracing good government practices and emphasizing thorough testing that reduces the costs to American taxpayers in the long run.

Finally, this authorization builds on the bipartisan approach of previous years to military space programs, providing $9.7 billion to sustain and improve these critical assets that are essential to our warfighters.

I want to thank Chairman SKELTON for his leadership one again in crafting such a strong measure, and I urge my colleagues to support it.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), the ranking member on the Oversight and Investigations Subcommittee.

Mr. WITTMAN. Mr. Chairman, I would like to begin by congratulating Ranking Member MCKEON and Chairman SKELTON for their fine work on the National Defense Authorization bill for 2011.

Mr. Chairman, the defense authorization bill provides our Department of Defense the resources it needs and addresses the committee's priorities in supporting our men and women in uniform, their spouses and families.

To enable our servicemembers to continue defending our freedoms abroad, we owe it to them to provide the best available support, training and equipment; and this bill reflects our undying commitment to those servicemembers. After traveling to Afghanistan and Pakistan last month on a congressional delegation and visiting the troops in the field, I know it is critical that we move the bill forward quickly to provide them that vital support.

The funding and support in this bill for the wars in Afghanistan and Iraq are critical. That support back home is just as critical. I am concerned, though, today about the attempt to repeal the Don't Ask, Don't Tell policy without listening to our servicemembers first. We are currently fighting two wars and asking our men and women to make tremendous sacrifices. Now this Congress wants to act without their regard and essentially tell our American military members and families that their views do not count.

We have only been given 5 minutes to debate this policy which will affect millions of American servicemembers and their families. Surely the American people and the military deserve more, especially as we head into the Memorial Day weekend intending to honor our servicemembers.

Furthermore, we heard from all the service branch chiefs yesterday asking Congress not to support this amendment and wait for the study next year. I believe Congress must make a fully informed decision, and the Department of Defense must provide Congress a full and complete report on the ramifications of changing the current law or whether a change is necessary. We owe that much to our military personnel to listen to them and to wait for the completion of a study next year.

Mr. SKELTON. Mr. Chairman, may I inquire of the time remaining, please.

The CHAIR. The gentleman from Missouri has 5¼ minutes remaining; the gentleman from California has 7½ minutes remaining.

Mr. SKELTON. Would the gentleman from California care to proceed?

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY. Mr. Chairman, I rise in support of the bill as it passed out of the committee by unanimous vote. This legislation authorizes good policy for directing the defense of our Nation. I also strongly support the addition of the IMPROVE Act of 2010, which has already passed this House with an overwhelming vote.

The IMPROVE Act will make needed improvements to the way the acquisition process is managed; it will also help us move closer to the day that the financial statements of the Department of Defense are auditable and receive an unqualified opinion.

Mr. Chairman, the Murphy amendment will tell the 350,000-plus men and women who are currently participating in the survey that what they think about Don't Ask, Don't Tell Members of Congress, quite frankly, couldn't care less what they say. While those constituents may work for the Department of Defense and the President, as Commander in Chief, they are our constituents. We are criticized roundly in this realm for not listening to our constituents, and a vote for the Murphy amendment will codify that statement in their minds.

I will oppose the Murphy amendment. I will also oppose the overall legislation if the Murphy amendment is adopted.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my colleague, my friend, the distinguished chairman of the Budget Committee who is also a member of our Committee on Armed Services, the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. I thank my good friend and colleague for yielding and commend him for the job he has done in bringing together an excellent bill to this floor.

This bill fully funds national security activities in the Departments of Defense and Energy, including top-line funding increases for DOD as well as fully funding Iraq and Afghanistan operations. This is the fourth consecutive year that the Congress has significantly increased funding for the military of this country. Overall, this bill

provides $548 billion for DOD, $159 billion for operations in Iraq and Afghanistan, and a total altogether of $726 billion, if you include the Department of Energy.

Among the unsung heroes in our national military are the families who serve every bit as much as the member, particularly when there is deployment in the family. This bill recognizes the vital role they play and provides a 1.9 percent pay increase, it expands TRICARE health coverage to include adult dependent children up to the age of 26, it increases family separation allowance for troops who are deployed and away from their families, and it increases hostile fire and imminent danger pay for the first time since 2004.

There will be more extensive debate later on the alternate engine, which this bill accommodates and provides for. Let me simply say I think it makes sense and saves money—it will in the long run—because the $100 billion program for the engine alone is something where competition is vitally needed.

Having followed the course of ballistic missile defense for some time, it's of interest to me that this bill amply provides for military defense for a robust missile defense, providing $10.3 billion, which is $361.6 million above the budget request.

Let me say finally that this bill is consistent too with the glide path that has been set for exploring the ramifications of a change on our Don't Ask, Don't Tell policy. I think it would be wise if we left the Secretary of Defense to finish his exploration, along with the military chiefs, before dictating any changes.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana, a member of the committee, Dr. FLEMING.

Mr. FLEMING. I thank the gentleman for yielding.

First of all, I want to congratulate the chairman and ranking member for an excellent mark. I voted for it coming out of committee. I have three amendments in en bloc, two I would like to mention quickly.

One is military retiree pay adjustment that ensures our Nation's military retirees are always paid on or before the first of each month. Second, it requires reports to Congress on U.S. modernization, sustainment, and recapitalization of our bomber force. However, I am very disappointed. The lack of an ear to the people of this country by this Congress is unprecedented, and a good example is the Murphy amendment that we see today that repeals Don't Ask, Don't Tell when we have a scheduled report coming out the 1st of December, and we had the entire Joint Chiefs of Staff and Secretary Gates who oppose that. So I will oppose the Don't Ask, Don't Tell repeal.

Mr. SKELTON. Mr. Chairman, may I inquire about the available time.

The CHAIR. The gentleman has 3¼ minutes remaining.

Mr. SKELTON. I yield 1¼ minutes to the gentleman from New Jersey (Mr. ANDREWS), the chairman of the acquisition reform task force.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, the best way to defend this country is to have every person who is willing to serve her have the opportunity to do so and who is able to do so. That's the intention of the Murphy amendment which, frankly, there have been a series of misrepresentations about.

Let's set the record straight. If the Secretary of Defense and the Chairman of the Joint Chiefs of Staff believe, after listening to the input of our service personnel, after reviewing the facts, if they believe that implementation of this policy would in any way undercut the readiness or effectiveness of our Armed Forces, they will not certify the policy, and it will not happen. This policy will happen only when the Secretary of Defense and the Chairman of the Joint Chiefs of Staff say that it's the right thing to do for this country.

The right thing to do for this country is not to ask someone what church they go to, what country they came from, what color they are, or what their sexual orientation is. It's to ask if they're willing and able to serve, and that is what we are going to do.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

I rise today to express concern with section 346 of the National Defense Authorization Act.

While the bill before us takes the important step of preventing the move of any C–130 aircraft away from air reserve components until Congress receives written agreement on the details of such a temporary transfer, I believe we should consider implementing a time limitation of 18 months on the duration of those loans.

As a former Governor, I understand the important role the Air National Guard provides in meeting our homeland security needs and that any aircraft reductions may significantly impact each State's ability to respond to emergencies. If this body does choose to move forward with a C–130 loan agreement, we should at least set up a regime to ensure this is truly a temporary transfer. Hopefully, we can consider these issues as the bill moves forward.

□ 1400

Mr. SKELTON. Mr. Chair, pursuant to section 4 of House Resolution 1404, I hereby give notice that amendment Nos. 80 and 82 may be offered out of order.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, today, we have the opportunity to right a wrong.

I rise in strong support of repealing the military's Don't Ask, Don't Tell policy.

Seventeen years after Congress passed Don't Ask, Don't Tell, we know that it is a misguided, unjust, and discriminatory policy. Not only does Don't Ask, Don't Tell damage the lives and livelihoods of military professionals, it deprives our Nation and our Armed Forces of their honorable service and of their needed skills. Under this law, almost 14,000 servicemembers have been discharged, including almost 1,000 mission-critical troops and at least 60 Arabic speakers and 10 Farsi linguists. It is indefensible.

When the House votes to repeal Don't Ask, Don't Tell, we will have taken one more step on the path to full civil rights and equality for LGBT Americans, but we will also change the course of history for all of the courageous Americans who serve our country and for their families.

Mr. Chairman, in the land of the free and the home of the brave, it is long past time for Congress to end this un-American policy.

Mr. MCKEON. Mr. Chairman, may I inquire as to the time we have remaining.

The Acting CHAIR (Mr. SERRANO). The gentleman from California has 4½ minutes remaining; the gentleman from Missouri has 1 minute remaining.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Chairman, this Memorial Day, we thank our men and women serving our Nation—our veterans, their families, and those who have given their lives to defend and protect Americans. We honor their sacrifices on behalf of our freedom as a Nation.

My colleagues and I have worked very hard in our Armed Services Committee on the National Defense Authorization Act, which I believe to be an effective and comprehensive blueprint for our Nation's defense both at home and abroad. Most importantly, I believe this bill provides our men and women in uniform with the support and protection they need and deserve both on and off the battlefield.

Every day, these brave men and women put their lives on the line for the safety and security of our Nation, and it is our job to make sure that they receive the quality support and services they need, especially when they return home.

I am very grateful for my amendments to improve the detection and the diagnosis of common combat-related afflictions, like that of ringing in the ears, of posttraumatic stress disorder, and of traumatic brain injury, which are all included in this year's authorization. The sooner we catch these prevalent service-related injuries, the sooner we will simultaneously improve the quality of the lives of our troops and will reduce the costs of health care across the board for them.

So, as this Memorial Day approaches, I hope we all remember our troops—those who are currently serving and

those who have served our country to defend our freedoms.

If this bill makes it off the floor as it came out of the committee, which was in one piece, then I will be supporting it. If there are changes that deal with some other issues that this committee has raised in the last few minutes as objectionable, then we will be considering them.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, picture in your mind an American soldier, a corporal, patrolling in Afghanistan, wearing his American-made uniform, carrying his American-made M4 rifle, having been transported in an MRAP security vehicle to his place of patrolling, with a radio on his back which was made in America—all of these items furnished by the Congress of the United States and under our duty and the duty to train and to allow him to be fully prepared to fight the fight that he is.

That is what is important in what we do today. That is the purpose of an authorization bill. It is required by the Constitution of the United States. It is paramount. It is the most important job that we have to do—to provide for the security of those who fight and who protect us in their line of duty.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. COFFMAN), a member of the committee.

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in support of the defense authorization bill, but I rise in opposition to the Murphy amendment to the bill.

Congress must review the results of the Department of Defense study on Don't Ask, Don't Tell before we vote to reverse the existing policy or to keep it. The purpose of this study is to survey those in uniform on this issue. The Murphy amendment essentially says that we are not willing to listen to those who currently serve in uniform before making our decision.

It was during the first gulf war when I served as a ground combat leader with the United States Marine Corps that I found that the interdependent bond that was formed between marines on a ground combat team was essential to our effectiveness on the battlefield. My concern is that the ability for this bond to form might be greatly degraded with the interjection of sexuality, whether it be heterosexuality or homosexuality.

I think that it is absolutely essential for the study to be completed so that the Department of Defense can demonstrate how challenges, such as the one that I just raised, and concerns will be handled before Congress makes a final decision on whether to keep the current policy in regards to sexual orientation or to reject it.

Mr. MCKEON. I yield myself the balance of my time.

Mr. Chairman, as I mentioned earlier, I think this is an outstanding bill. I think the chairman has worked very hard. I think the members of the committee—the subcommittee chairman and the ranking members—have all worked very hard, and the staff.

It is an excellent product as it stands right now. I think we will have, unfortunately, insufficient time to debate the Murphy amendment about Don't Ask, Don't Tell. I think that it is unfortunate that the Rules Committee did not give us the time that will be necessary to fully debate that, but we will take advantage of the time as we may.

I would like to say, as for many of the Members who have spoken today on our side, they do support the bill as it came out of committee. They hope that it will be improved, but if the Don't Ask, Don't Tell Murphy amendment passes, many of them will not be able to support the final passage, which is, indeed, I believe, a tragedy. None of us have ever before, to my knowledge, voted against the defense authorization bill, and we really don't do that lightly. We want to support all of this product, and we hope that we will be able to work this out as the day goes on.

Mr. MATHESON. Mr. Chair, I rise in support of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011. This bill makes investments in our nation's military, authorizes funding to further strengthen our national security, and provides resources and aid to service members and their families.

However, I am disappointed with a Sense of Congress that was added to this bill during the House Armed Services Committee Markup. This Sense of Congress states that the administration's recently released Nuclear Posture Review (NPR) weakens our national security. I disagree with that position. The Nuclear Posture Review, led by the Department of Defense, states that America's nuclear arsenal will be maintained safely and securely without the need to develop new nuclear warheads.

The Nuclear Posture Review is particularly important as it shuts the door on new nuclear weapons testing. I have long had concerns that the development of new nuclear weapons could lead us back down a path to new nuclear weapons testing, which I strongly oppose. Utahns and others living downwind of the Nevada Test Site have paid dearly for government deception about the safety of past nuclear weapons testing activities. I will continue to work to ensure that history is not repeated. Evidence has long supported the fact that our current nuclear arsenal is a sufficient and reliable deterrent. In 2006 the National Nuclear Security Administration released the results of a five-year, peer-reviewed study which found that plutonium remains potent as a weapons fuel for at least 90 years and perhaps much longer.

I believe the NPR sets us on a path forward that secures our existing weapons stockpile as a continued, effective deterrent, combined with efforts to reduce nuclear danger in the world. This direction will allow the U.S. to focus on securing the intelligence and the conventional weapons that we need to deal with the real and ongoing terrorist threat that we face and assuring our continued national security. I hope that as the Senate considers this bill, it will reevaluate this misguided Sense of the Congress and recognize the importance of the Nuclear Posture Review.

Mr. CONYERS. Mr. Chair, I rise in strong opposition to H.R. 5136, the "National Defense Authorization Act for Fiscal Year 2011." As with most omnibus pieces of legislation, there are many provisions I support, as well as those I do not. Unfortunately, the improvements to our military policy do little to blunt the effect of the wasteful billions authorized for military spending, which continue to feed the military-industrial complex and the ever-growing imperial overstretch of our military around the world.

I do want to briefly acknowledge a few of the provisions I supported in this bill. First, I am heartened that an amendment I offered with my colleague, Representative GEOFF DAVIS of Kentucky, was adopted by the House. Our amendment builds on our bipartisan resolution, H. Con. Res. 94, and would instruct the Secretary of Defense, in coordination with the Secretary of State, to submit a report to Congress assessing the strategic benefits of the successful negotiation of a "rules of the road" Incidents At Sea naval agreement including the United States and Iran. I believe such an agreement would reduce tensions in the region and help prevent accidental war. I am heartened that the Defense Department and State Department will officially address this critical issue.

Additionally, I want to acknowledge the good work of Representatives SCHAKOWSKY, MCGOVERN, HINCHEY, and MORAN. Together, we successfully offered an amendment that would empower the Special Inspector General for Afghanistan Reconstruction to improve its oversight and take steps to deny federal funding to private security contractors responsible for the deaths of Afghan civilians. For far too long, mercenaries like Blackwater have acted with impunity in the theaters of war, committing human rights atrocities and soiling the good name of the American people. With the adoption of this amendment, we are hopefully moving closer to finally putting these reckless soldiers of fortune out of business.

Unfortunately, this authorization does not do nearly enough to properly reorient our national security posture to earn my vote. As with past defense budgets, it spends too much on war, outdated Cold War weapons systems, and nuclear weaponry.

The American people cannot afford the $159.3 billion provided in this bill to fund our "overseas contingency operations"—the Orwellian term for our wars in Afghanistan and Iraq—with our economy struggling to escape recession and with so many families torn apart by long deployments, debilitating battlefield wounds, and heart-wrenching premature deaths. Continuing to fund our wars simply continues to compound the mistakes of the previous administration and I, in good conscience, cannot support a bill that continues us down this path of folly which has, to date, cost us the lives of 1,000 young men and women in Afghanistan and nearly $1 trillion in war spending since 2001.

I was inspired by a passage in the President's new National Security Strategy, which was released today. It spoke of another path towards securing our homeland and brokering peace around the world. It simply and eloquently stated:

The freedom that America stands for includes freedom from want. Basic human

rights cannot thrive in places where human beings do not have access to enough food, or clean water, or the medicine they need to survive.

Those are powerful words and they speak to a universal truth: When we love and care for one another, we do not need to rely on nuclear weapons, Virginia-class submarines, or other tools of destruction to secure ourselves and our families. We don't need to invest 26.5 million in "counter-ideology initiatives," when our national policy is to export hope and dignity instead of Predator drone missiles. The death of a family member and the humiliation associated with a night raid is what radicalizes someone to the point where they seek to harm the American people. We can and we must stop these destructive practices if we hope to win over our brothers and sisters in the Muslim world.

I have unending faith in the ability of the American people to change our country's course when needed. I believe that they can stand up and say "no" to our nation being perpetually at war. I believe that they can say no to spending more on defense than all the other nations of the world combined, especially when people in Detroit and Hamtramck and Dearborn still need a job that pays a decent wage. I hope my fellow Members will join me in opposing this bill, so that we can inspire the American people to pursue another, better path.

Mr. MCEON.Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

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

H.R. 5136

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2011''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

SEC. 4. TREATMENT OF SUCCESSOR CONTINGENCY OPERATION TO OPERATION IRAQI FREEDOM.

Any law or regulation applicable to Operation Iraqi Freedom shall apply in the same manner and to the same extent to the successor contingency operation known as Operation New Dawn, except as specifically provided in this Act, any amendment made by this Act, or any other law enacted after the date of the enactment of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Army as follows:

(1) For aircraft, $5,986,361,000.
(2) For missiles, $1,631,463,000.
(3) For weapons and tracked combat vehicles, $1,616,245,000.
(4) For ammunition, $1,946,948,000.
(5) For other procurement, $9,398,728,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Navy as follows:

(1) For aircraft, $19,132,613,000.
(2) For weapons, including missiles and torpedoes, $3,350,894,000.
(3) For shipbuilding and conversion, $15,724,520,000.
(4) For other procurement, $6,450,208,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Marine Corps in the amount of $1,379,044,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement of ammunition for the Navy and the Marine Corps in the amount of $817,991,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Air Force as follows:

(1) For aircraft, $15,355,908,000.
(2) For ammunition, $672,420,000.
(3) For missiles, $5,470,772,000.
(4) For other procurement, $17,911,730,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2011 for Defense-wide procurement in the amount of $4,399,768,000.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF EARLY INFANTRY BRIGADE COMBAT TEAM INCREMENT ONE EQUIPMENT.

(a) LIMITATION ON PRODUCTION QUANTITIES.—Except as provided in subsection (c), the Secretary of Defense may not procure more than

two brigade sets of early-infantry brigade combat team increment one equipment (in this section referred to as a ''brigade set'').

(b) APPLICABILITY TO LONG-LEAD PRODUCTION ITEMS.—The limitation in subsection (a) includes procurement of a long-lead item for an element of a brigade set beyond the two brigade sets authorized under such subsection.

(c) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the limitation in subsection (a) if—

(1) the Under Secretary submits to Congress written certification that—

(A) the initial operational test and evaluation of the brigade set has been completed;

(B) the Director of Operational Test and Evaluation has submitted to Congress a report describing the results of the initial operational test and evaluation (as described in section 2399(b) of title 10, United States Code) and the comparative test of the brigade set;

(C) all of the subsystems tested in the initial operational test and evaluation were tested in the intended production configuration; and

(D) all radios planned for fielding with the brigade set have received the appropriate National Security Agency approvals, as determined by the Under Secretary; and

(2) a period of 30 days has elapsed after the date on which the certification under paragraph (1) is received.

(d) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation in subsection (a) does not apply to the procurement of individual components of the brigade set if the procurement of such components is specifically intended to address an operational need statement requirement (as described in Army Regulation 71-9 or a successor regulation).

SEC. 112. REPORT ON ARMY BATTLEFIELD NETWORK PLANS AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Secretary of the Army shall submit to the congressional defense committees a report on plans for fielding tactical communications network equipment. Such report shall include—

(1) an explanation of the current communications architecture of every level of the Army;

(2) an explanation of the future communications architecture of every level of the Army;

(3) the quantities and types of new equipment that the Secretary plans to procure in the five-year period following the date on which the report is submitted in order to develop the architecture described in paragraph (2); and

(4) a list of the equipment described in paragraph (3) that is included in the budget of the President for fiscal year 2012 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) LIMITATION ON OBLIGATION OF FUNDS.—Except as provided in subsection (c), of the funds authorized to be appropriated by this or any other Act for fiscal year 2011 for procurement, Army, for tactical radios or tactical communications network equipment, not more than 50 percent may be obligated or expended until the date that is 15 days after the date on which the report is submitted under subsection (a).

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation in subsection (b) does not apply to the procurement of tactical radio or tactical communications network equipment if the procurement of such equipment is specifically intended to address an operational need statement requirement (as described in Army Regulation 71–9 or a successor regulation).

(d) TACTICAL COMMUNICATIONS NETWORK EQUIPMENT DEFINED.—In this section, the term ''tactical communications network equipment'' means all electronic communications systems operated by a tactical unit (of brigade size or smaller) of the Army.

Subtitle C—Navy Programs

SEC. 121. INCREMENTAL FUNDING FOR PROCUREMENT OF LARGE NAVAL VESSELS.

(a) INCREMENTAL FUNDING OF LARGE NAVAL VESSELS.—Except as provided in subsection (b), the Secretary of the Navy may use incremental funding for the procurement of a large naval vessel over a period not to exceed the number of years equal to three-fourths of the total period of planned ship construction of such vessel.

(b) LPD 26.—With respect to the vessel designated LPD 26, the Secretary may use incremental funding for the procurement of such vessel through fiscal year 2012 if the Secretary determines that such incremental funding—

(1) is in the best interest of the overall shipbuilding efforts of the Navy;

(2) is needed to provide the Secretary with the ability to facilitate changes to the shipbuilding industrial base of the Navy; and

(3) will provide the Secretary with the ability to award a contract for construction of the vessel that provides the best value to the United States.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) or (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after the fiscal year the vessel was authorized is subject to the availability of appropriations for that purpose for that later fiscal year.

(d) DEFINITIONS.—In this section:

(1) The term ''large naval vessel'' means a vessel—

(A) that is—

(i) an aircraft carrier designated a CVN;

(ii) an amphibious assault ship designated LPD, LHA, LHD, or LSD; or

(iii) an auxiliary vessel; and

(B) that has a light ship displacement of 17,000 tons or more.

(2) The term ''total period of planned ship construction'' means the period of years beginning on the date of the first authorization of funding (not including funding requested for advance procurement) and ending on the date that is projected on the date of the first authorization of funding to be the delivery date of the vessel to the Navy.

SEC. 122. MULTIYEAR PROCUREMENT OF F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

(a) MULTIYEAR PROCUREMENT.—

(1) ADDITIONAL AUTHORITY.—Section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217) is amended by adding at the end the following new subsections:

''(e) UPDATED REPORT.—With respect to a multiyear contract entered into under subsection (a), the Secretary of Defense may submit to the congressional defense committees an update to the report under section 2306b(l)(4) of title 10, United States Code, by not later than September 1, 2010.

''(f) REQUIRED AUTHORITY.—Notwithstanding any other provision of law, with respect to a multiyear contract entered into under subsection (a), this section shall be deemed to meet the requirements under subsection (i)(3) and (l)(3) of section 2306b of title 10, United States Code.

''(g) EXCEPTION TO CERTAIN REQUIREMENT.—Section 8008(b) of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 10 U.S.C. 2306b note) shall not apply to a multiyear contract entered into under subsection (a).

''(h) USE OF FUNDS.—

''(1) PROCUREMENT.—In accordance with paragraph (2), the Secretary of Defense shall ensure that all funds authorized to be appropriated for the advance procurement or procurement of F/A–18E, F/A–18F, or EA–18G aircraft under this section are obligated or expended for such purpose.

''(2) USE OF EXCESS FUNDS.—The Secretary of Defense shall ensure that any excess funds are obligated or expended for the advance procurement or procurement of F/A–18E or F/A–18F aircraft under this section, regardless of whether such aircraft are in addition to the 515 F/A–18E and F/A–18F aircraft planned by the Secretary of the Navy.

''(3) EXCESS FUNDS DEFINED.—In this subsection, the term 'excess funds', with respect to funds available for the advance procurement or procurement of F/A–18E, F/A–18F, or EA–18G aircraft under this section, means the amount of funds that is equal to the difference of—

''(A) the sum of—

''(i) the funds authorized to be appropriated by this Act or otherwise available for fiscal year 2010 for the advance procurement and procurement of F/A–18E, F/A–18F, or EA–18G aircraft; and

''(ii) the funding levels for the advance procurement and procurement of such aircraft for fiscal years 2011 through 2013 proposed by the Secretary of Defense in the future-years defense program for fiscal year 2011 submitted under section 221 of title 10, United States Code; and

''(B) the funds required to execute the multiyear contracts for the advance procurement and procurement of such aircraft under this section.''.

(2) EXTENSION OF CERTIFICATION.—Paragraph (2) of subsection (a) of such section is amended by striking ''a reference to March'' and inserting ''a reference to September''.

(b) FULL FUNDING CERTIFICATION.—Paragraph (1) of section 8011 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 10 U.S.C. 2306b note) is amended by inserting after ''within 30 days of enactment of this Act'' the following: ''(or in the case of a multiyear contract for the procurement of F/A–18E, F/A–18F, or EA–18G aircraft, by the date that is not less than 30 days prior to the contract award)''.

SEC. 123. REPORT ON NAVAL FORCE STRUCTURE AND MISSILE DEFENSE.

(a) REPORT.—Not later than March 1, 2011, the Secretary of the Navy, in coordination with the Chief of Naval Operations, shall submit to the congressional defense committees a report on the requirements of the major combatant surface vessels with respect to missile defense.

(b) MATTERS INCLUDED.—The report shall include the following:

(1) An analysis of whether the requirement for sea-based missile defense can be accommodated by upgrading Aegis ships that exist as of the date of the report or by procuring additional combatant surface vessels.

(2) Whether such sea-based missile defense will require increasing the overall number of combatant surface vessels beyond the requirement of 88 cruisers and destroyers in the 313-ship fleet plan of the Navy.

(3) The number of Aegis ships needed by each combatant commander to fulfill ballistic missile defense requirements, including (in consultation with the Chairman of the Joints Chiefs of Staff) the number of such ships needed to support the phased, adaptive approach to ballistic missile defense in Europe.

(4) A discussion of the potential effect of ballistic missile defense operations on the ability of the Navy to meet surface fleet demands in each geographic area and for each mission set.

(5) An evaluation of how the Aegis ballistic missile defense program can succeed as part of a balanced fleet of adequate size and strength to meet the security needs of the United States.

(6) A description of both the shortfalls and the benefits of expected technological advancements in the sea-based missile defense program.

(7) A description of the anticipated plan for deployment of Aegis ballistic missile ships within the context of the fleet response plan.

Subtitle D—Air Force Programs

SEC. 131. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F–22 FIGHTER AIRCRAFT.

Subsection (b) of section 133 of the National Defense Authorization Act for Fiscal Year 2010

(Public Law 111–84; 123 Stat.2219) is amended by striking ''2010'' and inserting ''2011''.

Subtitle E—Joint and Multiservice Matters

SEC. 141. LIMITATION ON PROCUREMENT OF F–35 LIGHTNING II AIRCRAFT.

(a) LIMITATION.—Except as provided in subsection (c), of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for aircraft procurement, Air Force, and aircraft procurement, Navy, for F–35 Lightning II aircraft, not more than an amount necessary for the procurement of 30 such aircraft may be obligated or expended unless—

(1) the certifications under subsection (b) are received by the congressional defense committees on or before January 15, 2011; and

(2) a period of 15 days has elapsed after the date of such receipt.

(b) CERTIFICATIONS.—Not later than January 15, 2011—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify in writing to the congressional defense committees that—

(A) each of the 11 scheduled system development and demonstration aircraft planned in the schedule for delivery during 2010 has been delivered to the designated test location;

(B) the initial service release has been granted for the F135 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F–35 aircraft for fiscal year 2011;

(D) block 1.0 software has been released and is in flight test;

(E) the Secretary of Defense has—

(i) determined that two F–35 aircraft from low-rate initial production 1 have met established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(F) advance procurement funds appropriated for the advance procurement of F136 engines for fiscal years 2009 and 2010 have either been obligated or the Secretary of Defense has submitted a reprogramming action to the congressional defense committees that would reprogram such funds to meet other F136 development requirements; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) the F–35C aircraft designated as CF–1 has effectively accomplished its first flight;

(B) the 394 F–35 aircraft test flights planned in the schedule to occur during 2010 have been completed with sufficient results;

(C) 95 percent of the 3,772 flight test points planned for completion in 2010 were accomplished;

(D) the conventional take-off and land variant low observable signature flight test has been conducted and the results of such test have met or exceeded threshold key performance parameters;

(E) six F136 engines have been made available for testing; and

(F) not less than 1,000 test hours have been completed in the F136 system development and demonstration program.

(c) WAIVER.—After January 15, 2011, the Secretary of Defense may waive the limitation in subsection (a) if each of the following occurs:

(1) The written certification described in subsection (b)(1) is submitted by the Under Secretary of Defense for Acquisition, Technology, and Logistics not later than January 15, 2011.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the congressional defense committees that the failure to fully achieve the milestones described in subsection (b)(2) will not—

(A) delay or otherwise negatively affect the F–35 aircraft test schedule for fiscal year 2011;

(B) impede production of 42 F–35 aircraft in such fiscal year; and

(C) otherwise increase risk to the F–35 aircraft program.

(3) A period of 30 days has elapsed after the date on which the certification under paragraph (2) is submitted to the congressional defense committees.

(d) SCHEDULE DEFINED.—In this section, the term ''schedule'' means the F–35 Lightning II program update schedule received by the congressional defense committees on March 15, 2010.

SEC. 142. LIMITATIONS ON BIOMETRIC SYSTEMS FUNDS.

(a) GENERAL LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for biometrics programs and operations, not more than 85 percent may be obligated or expended until—

(1) the Secretary of Defense submits to the congressional defense committees a report on the actions taken—

(A) to implement subparagraphs (A) through (F) of paragraph (16) of the National Security Presidential Directive dated June 5, 2008 (NSPD–59);

(B) to implement the recommendations of the Comptroller General of the United States included in the report of the Comptroller General numbered GAO–08–1065 dated September, 2008;

(C) to implement the recommendations of the Comptroller General included in the report of the Comptroller General numbered GAO–09–49 dated October, 2008;

(D) to fully and completely characterize the current biometrics architecture and establish the objective architecture for the Department of Defense;

(E) to ensure that an official of the Office of the Secretary of Defense has the authority necessary to be responsible for ensuring that all funding for biometrics programs and operations is programmed, budgeted, and executed; and

(F) to ensure that an officer within the Office of the Joint Chiefs of Staff has the authority necessary to be responsible for ensuring the development and implementation of common and interoperable standards for the collection, storage, and use of biometrics data by all combatant commanders and their commands; and

(2) a period of 30 days has elapsed after the date on which the report is submitted under paragraph (1).

(b) SPECIFIC LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for biometrics programs and operations may be obligated or expended unless the Under Secretary of Defense for Acquisition, Technology, and Logistics (acting through the Director of Defense Biometrics) approves such obligation or expenditure in writing.

SEC. 143. COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVES DATABASE.

(a) COMPREHENSIVE DATABASE.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall develop and maintain a comprehensive database containing appropriate information for coordinating, tracking, and archiving each counter-improvised explosive device initiative within the Department of Defense. The database shall, at a minimum, ensure the visibility of each counter-improvised explosive device initiative.

(2) USE OF INFORMATION.—Using information contained in the database developed under paragraph (1), the Secretary, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

(A) identify and eliminate redundant counter-improvised explosive device initiatives;

(B) facilitate the transition of counter-improvised explosive device initiatives from funding under the Joint Improvised Explosive Device Defeat Fund to funding provided by the military departments; and

(C) notify the appropriate personnel and organizations prior to a counter-improvised explosive device initiative being funded through the Joint Improvised Explosive Device Defeat Fund.

(3) COORDINATION.—In carrying out paragraph (1), the Secretary shall ensure that the Secretary of each military department coordinates and collaborates on development of the database to ensure its interoperability, completeness, consistency, and effectiveness.

(b) METRICS.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

(1) develop appropriate means to measure the effectiveness of counter-improvised explosive device initiatives; and

(2) prioritize the funding of such initiatives according to such means.

(c) ELIMINATION OF PRIOR NOTICE REQUIREMENT.—Subsection (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 the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), is further amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

(d) COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVE DEFINED.—In this section, the term ''counter-improvised explosive device initiative'' means any project, program, or research activity funded by any component of the Department of Defense that is intended to assist or support efforts to counter, combat, or defeat the use of improvised explosive devices.

SEC. 144. STUDY ON LIGHTWEIGHT BODY ARMOR SOLUTIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct a study to—

(1) assess the effectiveness of the processes used by the Secretary to identify and examine the requirements for lighter weight body armor systems; and

(2) determine ways in which the Secretary may more effectively address the research, development, and procurement requirements regarding reducing the weight of body armor.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall include findings and recommendations regarding the following:

(1) The requirement for lighter weight body armor and personal protective equipment and the ability of the Secretary to meet such requirement.

(2) Innovative design ideas for more modular body armor that allow for scalable protection levels for various missions and threats.

(3) The need for research, development, and acquisition funding dedicated specifically for reducing the weight of body armor.

(4) The efficiency and effectiveness of current body armor funding procedures and processes.

(5) Industry concerns, capabilities, and willingness to invest in the development and production of lightweight body armor initiatives.

(6) Barriers preventing the development of lighter weight body armor (including such barriers with respect to technical, institutional, or financial problems).

(7) Changes to procedures or policy with respect to lightweight body armor.

(8) Other areas of concern not previously addressed by equipping boards, body armor producers, or program managers.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,316,754,000.
(2) For the Navy, $17,978,646,000.
(3) For the Air Force, $27,269,902,000.
(4) For Defense-wide activities, $20,908,006,000, of which $194,910,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REPORT REQUIREMENTS FOR REPLACEMENT PROGRAM OF THE OHIO-CLASS BALLISTIC MISSILE SUBMARINE.

(a) FINDINGS.—Congress makes the following findings:
(1) The sea-based strategic deterrence provided by the ballistic missile submarine force of the Navy has been essential to the national security of the United States since the deployment of the first ballistic missile submarine, the USS George Washington SSBN 598, in 1960.
(2) Since 1960, a total of 59 submarines have served the United States to provide the sea-based strategic deterrence.
(3) As of the date of the enactment of this Act, the sea-based strategic deterrence is provided by the tremendous capability of the 14 ships of the Ohio-class submarine force, which have been the primary sea-based deterrent force for more than two decades.
(4) Ballistic missile submarines are the most survivable asset in the arsenal of the United States in the event of a surprise nuclear attack on the country because, being submerged for months at a time, these submarines are virtually undetectable to any adversary and therefore invulnerable to attack, thus providing the submarines with the ability to respond with significant force against any adversary who attacks the United States or its allies.
(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) as Ohio-class submarines reach the end of their service life and are retired, the United States must maintain the robust sea-based strategic deterrent force that has the ability to remain undetected by potential adversaries and must have the capability to deliver a retaliatory strike of such magnitude that no rational actor would dare attack the United States;
(2) the Secretary of Defense should conduct a comprehensive analysis of the alternative capabilities to provide the sea-based strategic deterrence that includes consideration of different types and sizes of submarines, different types and sizes of missile systems, the number of submarines necessary to provide such deterrence, and the cost of each alternative; and
(3) prior to requesting more than $1,000,000,000 in research and development funding to develop a replacement for the Ohio-class ballistic missile submarine force in advance of a Milestone A decision, the Secretary of Defense should have made available to Congress the guidance issued by the Director of Cost Assessment and Performance Evaluation with respect to the analysis of alternative capabilities and the results of such analysis.
(c) LIMITATION.—
(1) REPORT.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for research and development for the Navy, not more than 50 percent may be obligated or expended to research or develop a submarine as a replacement for the Ohio-class ballistic missile submarine force unless—
(A) the Secretary of Defense submits to the congressional defense committees a report including—
(i) guidance issued by the Director of Cost Assessment and Performance Evaluation with respect to the analysis of alternative capabilities to provide the sea-based strategic deterrence currently provided by the Ohio-class ballistic missile submarine force and any other guidance relating to requirements for such alternatives intended to affect the analysis;
(ii) an analysis of the alternative capabilities considered by the Secretary to continue the sea-based strategic deterrence currently provided by the Ohio-class ballistic missile submarine force, including—
(I) the cost estimates for each alternative capability;
(II) the operational challenges and benefits associated with each alternative capability; and
(III) the time needed to develop and deploy each alternative capability; and
(iii) detailed reasoning associated with the decision to replace the capability of sea-based deterrence provided by the Ohio-class ballistic missile submarine force with an alternative capability designed to carry the Trident II D5 missile; and
(B) a period of 30 days has elapsed after the date on which the report under subparagraph (A) is submitted.
(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 212. LIMITATION ON OBLIGATION OF FUNDS FOR F–35 LIGHTNING II AIRCRAFT PROGRAM.

Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for research, development, test, and evaluation for the F–35 Lightning II aircraft program, not more than 75 percent may be obligated until the date that is 15 days after 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 2011 for the continued development and procurement of a competitive propulsion system for the F–35 Lightning II aircraft have been obligated.

SEC. 213. 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 AIRCRAFT.

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

"§236. Budgeting for competitive propulsion system for F–35 Lightning II aircraft

''(a) ANNUAL BUDGET.—Effective for the budget for fiscal year 2012 and each fiscal year thereafter, the Secretary of Defense shall include in the defense budget materials 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 aircraft.

''(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 aircraft, 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 aircraft.

''(c) REQUIREMENT TO OBLIGATE AND EXPEND FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2011 or any fiscal year thereafter, for research, development, test, and evaluation and procurement for the F–35 Lightning II aircraft program, the Secretary of Defense shall ensure the obligation and expenditure in each such fiscal year of sufficient annual amounts for the continued development and procurement of two options for the propulsion system for the F–35 Lightning II aircraft in order to ensure the development and competitive production for the propulsion system for such aircraft.

''(d) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.''.

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

''236. Budgeting for competitive propulsion system for F–35 Lightning II aircraft.''.

(c) CONFORMING REPEAL.—Section 213 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is repealed.

SEC. 214. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF JOINT LIGHT TACTICAL VEHICLE.

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 2012, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of the Army and the Navy a separate, dedicated program element is assigned to the Joint Light Tactical Vehicle.

Subtitle C—Missile Defense Programs

SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR MISSILE DEFENSES IN EUROPE.

(a) LIMITATION ON CONSTRUCTION AND DEPLOYMENT OF SYSTEMS.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for site activation, construction, preparation of equipment for, or deployment of a medium-range or long-range missile defense system in Europe until—
(1) any nation agreeing to host such system has signed and ratified a missile defense basing agreement and a status of forces agreement; and
(2) a period of 45 days has elapsed following the date on which the Secretary of Defense submits to the congressional defense committees the report on the independent assessment of alternative missile defense systems in Europe required by section 235(c)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2235).
(b) LIMITATION ON PROCUREMENT OR DEPLOYMENT OF INTERCEPTORS.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for the procurement (other than initial long-lead procurement) or deployment of operational missiles of a medium-range or long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and that such missile defense system has the ability to accomplish the mission.
(c) CONFORMING REPEAL.—Section 234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–81; 123 Stat. 2234) is repealed.

SEC. 222. REPEAL OF PROHIBITION OF CERTAIN CONTRACTS BY MISSILE DEFENSE AGENCY WITH FOREIGN ENTITIES.

Section 222 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1055; 10 U.S.C. 2431 note) is repealed.

SEC. 223. PHASED, ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.

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

(1) the new phased, adaptive approach to missile defense in Europe, announced by the President on September 17, 2009, should be supported by sound analysis, program plans, schedules, and technologies that are credible;

(2) the cost, performance, and risk of such approach to missile defense should be well understood; and

(3) Congress should have access to information regarding the analyses, plans, schedules, technologies, cost, performance, and risk of such approach to missile defense in order to conduct effective oversight.

(b) REPORT REQUIRED.—

(1) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the phased, adaptive approach to missile defense in Europe.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A discussion of the analyses conducted by the Secretary of Defense preceding the announcement of the phased, adaptive Approach to missile defense in Europe on September 17, 2009, including—

(i) a description of any alternatives considered;

(ii) the criteria used to analyze each such alternative; and

(iii) the result of each analysis, including a description of the criteria used to judge each alternative.

(B) A discussion of any independent assessments or reviews of alternative approaches to missile defense in Europe considered by the Secretary in support of the announcement of the phased, adaptive approach to missile defense in Europe on September 17, 2009.

(C) A description of the architecture for each of the four phases of the phased, adaptive approach to missile defense in Europe, including—

(i) the composition, basing locations, and quantities of ballistic missile defense assets, including ships, batteries, interceptors, radars and other sensors, and command and control nodes;

(ii) program schedules and site-specific schedules with task activities, test plans, and knowledge and decision points;

(iii) technology maturity levels of missile defense assets and plans for retiring technical risks;

(iv) planned performance of missile defense assets and defended area coverage, including sensitivity analysis to various basing scenarios and varying threat capabilities (including simple and complex threats, liquid and solid-fueled ballistic missiles, and varying raid sizes);

(v) operational concepts and how such operational concepts effect force structure and inventory requirements;

(vi) total cost estimates and funding profiles, by year, for acquisition, fielding, and operations and support; and

(vii) acquisition strategies.

(3) GAO.—The Comptroller General of the United States shall submit to the congressional defense committees a report assessing the report under paragraph (1) pursuant to section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2431 note).

(c) LIMITATION ON FUNDS.—Of the amounts authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide, for the Office of the Secretary of Defense, not more than 95 percent of such amounts may be obligated or expended until the date on which the report required under subsection (b)(1) is submitted to the congressional defense committees.

SEC. 224. HOMELAND DEFENSE HEDGING POLICY.

(a) FINDINGS.—Congress finds the following:

(1) As noted by the Director of National Intelligence, testifying before the Senate Select Committee on Intelligence on February 2, 2010, ''the Iranian regime continues to flout UN Security Council restrictions on its nuclear program. . .we judge Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon. Iran already has the largest inventory of ballistic missiles in the Middle East and it continues to expand the scale, reach, and sophistication of its ballistic missile forces—many of which are inherently capable of carrying a nuclear payload.''.

(2) The Unclassified Report on Military Power of Iran, dated April 2010, states that, ''with sufficient foreign assistance, Iran could probably develop and test an intercontinental ballistic missile (ICBM) capable of reaching the United States by 2015. Iran could also have an intermediate-range ballistic missile (IRBM) capable of threatening Europe.''.

(3) Under phase 3 of the phased, adaptive approach for missile defense in Europe (scheduled for 2018), the United States plans to deploy the standard missile–3 block IIA interceptor at sea- and land-based sites in addition to existing missile defense systems to provide coverage for all NATO allies in Europe against medium- and intermediate-range ballistic missiles.

(4) Under phase 4 of the phased, adaptive approach for missile defense in Europe (scheduled for 2020), the United States plans to deploy the standard missile–3 block IIB interceptor to provide additional coverage of the United States against a potential intercontinental ballistic missile launched from the Middle East in the 2020 time frame.

(5) According to the February 2010 Ballistic Missile Defense Review, the United States will continue the development and assessment of a two-stage ground-based interceptor as part of a hedging strategy and, as further noted by the Under Secretary of Defense for Policy during testimony before the Committee on Armed Services of the House of Representatives on October 1, 2009, ''we keep the development of the two-stage [ground-based interceptor] on the books as a hedge in case things come earlier, in case there's any kind of technological challenge with the later models of the [standard missile–3].''.

(b) POLICY.—It shall be the policy of the United States to—

(1) field missile defense systems in Europe that—

(A) provide protection against medium- and intermediate-range ballistic missile threats consistent with NATO policy and the phased, adapted approach for missile defense announced on September 17, 2009; and

(B) have been confirmed to perform the assigned mission after successful, operationally realistic testing;

(2) field missile defenses to protect the territory of the United States pursuant to the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) and to test those systems in an operationally realistic manner;

(3) ensure that the standard missile–3 block IIA interceptor planned for phase 3 of the phased, adaptive approach for missile defense is capable of addressing intermediate-range ballistic missiles launched from the Middle East and the standard missile–3 block IIB interceptor planned for phase 4 of such approach is capable of addressing intercontinental ballistic missiles launched from the Middle East; and

(4) continue the development and testing of the two-stage ground-based interceptor to maintain it—

(A) as a means of protection in the event that—

(i) the intermediate-range ballistic missile threat to NATO allies in Europe materializes before the availability of the standard missile–3 block IIA interceptor;

(ii) the intercontinental ballistic missile threat to the United States that cannot be countered with the existing ground-based missile defense system materializes before the availability of the standard missile–3 block IIB interceptor; or

(iii) technical challenges or schedule delays affect the standard missile–3 block IIA interceptor or the standard missile–3 block IIB interceptor; and

(B) as a complement to the missile defense capabilities deployed in Alaska and California for the defense of the United States.

SEC. 225. INDEPENDENT ASSESSMENT OF THE PLAN FOR DEFENSE OF THE HOMELAND AGAINST THE THREAT OF BALLISTIC MISSILES.

(a) FINDING.—Congress finds that section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) states that it is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

(b) ASSESSMENT.—The Secretary of Defense shall contract with an independent entity to conduct an assessment of the plans of the Secretary for defending the territory of the United States against the threat of attack by ballistic missiles, including electromagnetic pulse attacks, as such plans are described in the Ballistic Missile Defense Review submitted to Congress on February 1, 2010, and the report submitted to Congress under section 232 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2232).

(c) ELEMENTS.—The assessment required by subsection (b) shall include an assessment of the following:

(1) The ballistic missile threat, including electromagnetic pulse attacks, against which the homeland defense elements are intended to defend, including mobile or fixed threats that might arise from non-state actors and accidental or unauthorized launches.

(2) The military requirements for defending the territory of the United States against such missile threats.

(3) The capabilities of the missile defense elements available to defend the territory of the United States as of the date of the assessment.

(4) The planned capabilities of the homeland defense elements, if different from the capabilities under paragraph (3).

(5) The force structure and inventory levels necessary to achieve the planned capabilities of the elements described in paragraph (3) and (4).

(6) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(7) The number of interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(d) REPORT.—

(1) IN GENERAL.—At or about the same time the budget of the President for fiscal year 2012 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required by subsection (b).

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

SEC. 226. STUDY ON BALLISTIC MISSILE DEFENSE CAPABILITIES OF THE UNITED STATES.

(a) STUDY.—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall conduct a joint capabilities mix study on the ballistic missile defense capabilities of the United States.

(b) ELEMENTS.—The study under paragraph (1) shall include, at a minimum, the following:

(1) An assessment of the missile defense capability, force structure, and inventory sufficiency requirements of the combatant commanders based on the threat assessments and operational plans for each combatant command.

(2) A discussion of the infrastructure necessary to achieve the ballistic missile defense capabilities, force structure, and inventory assessed under paragraph (1).

(3) An analysis of mobile and fixed missile defense assets.

(c) REPORT.—

(1) IN GENERAL.—At or about the same time the budget of the President for fiscal year 2012 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the study under subsection (a).

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

SEC. 227. REPORTS ON STANDARD MISSILE SYSTEM.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and each 180-day period thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the standard missile system, particularly with respect to standard missile–3 block IIA and standard missile–3 block IIB.

(b) MATTERS INCLUDED.—The reports under subsection (a) shall include the following:

(1) A detailed discussion of the modernization, capabilities, and limitations of the standard missile.

(2) A review of the standard missile's comparison capability against all expected threats.

(3) A report on the progress of complimentary systems, including, at a minimum, radar systems, delivery systems, and recapitalization of supporting software and hardware.

(4) Any industrial capacities that must be maintained to ensure adequate manufacturing of standard missile technology and production ratio.

Subtitle D—Reports

SEC. 231. REPORT ON ANALYSIS OF ALTERNATIVES AND PROGRAM REQUIREMENTS FOR THE GROUND COMBAT VEHICLE PROGRAM.

(a) REPORT REQUIRED.—Not later than January 15, 2011, the Secretary of the Army shall provide to the congressional defense committees a report on the Ground Combat Vehicle program of the Army. Such report shall include—

(1) the results of the analysis of alternatives conducted prior to milestone A, including any technical data; and

(2) an explanation of any plans to adjust the requirements of the Ground Combat Vehicle program during the technology development phase of such program.

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

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the funds authorized to be appropriated by this or any other Act for fiscal year 2011 for research, development, test, and evaluation, Army, for development of the Ground Combat Vehicle, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the report is submitted under subsection (a).

SEC. 232. COST BENEFIT ANALYSIS OF FUTURE TANK-FIRED MUNITIONS.

(a) COST BENEFIT ANALYSIS REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a cost benefit analysis of future munitions to be fired from the M1 Abrams series main battle tank to determine the proper investment to be made in tank munitions, including beyond line of sight technology.

(2) ELEMENTS.—The cost benefit analysis under paragraph (1) shall include—

(A) the predicted operational performance of future tank-fired munitions, including those incorporating beyond line of sight technology, based on the relevant modeling and simulation of future combat scenarios of the Army, including a detailed analysis on the suitability of each munition to address the full spectrum of targets across the entire range of the tank (including close range, mid-range, long-range, and beyond line of sight);

(B) a detailed assessment of the projected costs to develop and field each tank-fired munition included in the analysis, including those incorporating beyond line of sight technology; and

(C) a comparative analysis of each tank-fired munition included in the analysis, including suitability to address known capability gaps and overmatch against known and projected threats.

(3) MUNITIONS INCLUDED.—In conducting the cost benefit analysis under paragraph (1), the Secretary shall include, at a minimum, the Mid-Range Munition, the Advanced Kinetic Energy round, and the Advanced Multipurpose Program.

(b) REPORT.—Not later than March 15, 2011, the Secretary shall submit to the congressional defense committees the cost benefit analysis under subsection (a).

SEC. 233. ANNUAL COMPTROLLER GENERAL REPORT ON THE VH–(XX) PRESIDENTIAL HELICOPTER ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—During the period beginning on the date of the enactment of this Act and ending on March 1, 2018, the Comptroller General of the United States shall conduct an annual review of the VH–(XX) aircraft acquisition program.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2011 and ending in 2018, the Comptroller General shall submit to the congressional defense committees a report on the review of the VH–(XX) aircraft acquisition program conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the VH–(XX) aircraft acquisition program shall include the following:

(A) The extent to which the program is meeting development and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the VH–(XX) aircraft, the progress and results of—

(i) developmental and operational testing of the aircraft; and

(ii) plans for correcting deficiencies in aircraft performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of VH–(XX) aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the VH–(XX) aircraft, including whether such strategy is in compliance with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the VH–(XX) aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding programmed; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION.—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Navy to the baseline documentation of the VH–(XX) aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the analysis of alternatives;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

SEC. 234. JOINT ASSESSMENT OF THE JOINT EFFECTS TARGETING SYSTEM.

(a) REVIEW.—Not later than March 1, 2011, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall form a joint assessment team to review the joint effects targeting system.

(b) REPORT.—Not later than 30 days after the date on which the review under subsection (a) is completed, the Under Secretary shall submit to the congressional defense committees a report on the review.

Subtitle E—Other Matters

SEC. 241. ESCALATION OF FORCE CAPABILITIES.

(a) NON-LETHAL DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of Operational Test and Evaluation and in consultation with the Executive Agent for Non-lethal Weapons, shall carry out a program to operationally test and evaluate non-lethal weapons that provide counter-personnel escalation of force options to members of the Armed Forces deploying in support of a contingency operation.

(b) TECHNOLOGY TESTED.—Technologies evaluated under subsection (a) shall include crowd control, area denial, space clearing, and personnel incapacitation tools.

(c) REPORT REQUIRED.—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 that—

(1) evaluates operational and situational suitability for each non-lethal weapon tested;

(2) defines the tactics, techniques, and procedures approved for deployment of each non-lethal weapon by service;

(3) identifies deployment schemes for each type of non-lethal weapon by service; and

(4) details, by service, the number of units receiving pre-deployment training on each non-lethal weapon and the total number of units trained.

(d) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for non-lethal weapons.

SEC. 242. PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS.

(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a pilot program to develop and incorporate technology protection features in a designated system during the research and development phase of such system.

(b) FUNDING.—Of the amounts authorized to be appropriated by this Act for research, development, test, and evaluation, Defense-wide, not more than $5,000,000 may be available to carry out this section.

(c) ANNUAL REPORTS.—Not later than December 31 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program established under this section, including a list of each designated system included in the program.

(d) TERMINATION.—The pilot program established under this section shall terminate on October 1, 2015.

(e) DEFINITIONS.—In this section:

(1) The term ''designated system'' means any system (including a major system, as defined in section 2302(5) of title 10, United States Code) that the Under Secretary of Defense for Acquisition, Technology, and Logistics designates as being included in the pilot program established under this section.

(2) The term ''technology protection features'' means the technical modifications necessary to protect critical program information, including anti-tamper technologies and other systems engineering activities intended to prevent or delay exploitation of critical technologies in a designated system.

SEC. 243. PILOT PROGRAM ON COLLABORATIVE ENERGY SECURITY.

(a) PILOT PROGRAM.—The Secretary of Defense, in coordination with the Secretary of Energy, shall carry out a collaborative energy security pilot program involving one or more partnerships between one military installation and one national laboratory, for the purpose of evaluating and validating secure, salable microgrid components and systems for deployment.

(b) SELECTION OF MILITARY INSTALLATION AND NATIONAL LABORATORY.—The Secretary of Defense and the Secretary of Energy shall jointly select a military installation and a national laboratory for the purpose of carrying out the pilot program under this section. In making such selections, the Secretaries shall consider each of the following:

(1) A commitment to participate made by a military installation being considered for selection.

(2) The findings and recommendations of relevant energy security assessments of military installations being considered for selection.

(3) The availability of renewable energy sources at a military installation being considered for selection.

(4) Potential synergies between the expertise and capabilities of a national laboratory being considered for selection and the infrastructure, interests, or other energy security needs of a military installation being considered for selection.

(5) The effects of any utility tariffs, surcharges, or other considerations on the feasibility of enabling any excess electricity generated on a military installation being considered for selection to be sold or otherwise made available to the local community near the installation.

(c) PROGRAM ELEMENTS.—The pilot program shall be carried out as follows:

(1) Under the pilot program, the Secretaries shall evaluate and validate the performance of new energy technologies that may be incorporated into operating environments.

(2) The pilot program shall involve collaboration with the Office of Electricity Delivery and Energy Reliability of the Department of Energy and other offices and agencies within the Department of Energy, as appropriate, and the Environmental Security Technical Certification Program of the Department of Defense.

(3) Under the pilot program, the Secretary of Defense shall investigate opportunities for any excess electricity created for the military installation to be sold or otherwise made available to the local community near the installation.

(4) The Secretary of Defense shall use the results of the pilot program as the basis for informing key performance parameters and validating energy components and designs that could be implemented in various military installations across the country and at forward operating bases.

(5) The pilot program shall support the effort of the Secretary of Defense to use the military as a test bed to demonstrate innovative energy technologies.

(d) IMPLEMENTATION AND DURATION.—The Secretary of Defense shall begin the pilot program under this section by not later than July 1, 2011. Such pilot program shall be not less than three years in duration.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than October 1, 2011, the Secretary of Defense shall submit to the appropriate congressional committees an initial report that provides an update on the implementation of the pilot program under this section, including an identification of the selected military installation and national laboratory partner and a description of technologies under evaluation.

(2) FINAL REPORT.—Not later than 90 days after completion of the pilot program under this section, the Secretary shall submit to the appropriate congressional committees a report on the pilot program, including any findings and recommendations of the Secretary.

(f) FUNDING.—

(1) DEPARTMENT OF DEFENSE.—Of the funds authorized to be appropriated by section 201 for fiscal year 2011 for research, development, test, and evaluation, Defense-wide, $5,000,000 is available to carry out this section.

(2) DEPARTMENT OF ENERGY.—Upon determination by the Secretary of Energy that the program under this section is relevant and consistent with the mission of the Department of Energy to lead the modernization of the electric grid, enhance the security and reliability of the energy infrastructure, and facilitate recovery from disruptions to energy supply, the Secretary may transfer funds made available for the Office of Electricity Delivery and Energy Reliability of the Department of Energy in order to carry out this section.

(g) DEFINITIONS.—For purposes of this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources (including generators, energy storage devices, and smart controls) that can operate with the utility grid or in an intentional islanding mode.

(3) The term ''national laboratory'' means—

(A) a national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); or

(B) a national security laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $34,232,221,000.

(2) For the Navy, $37,976,443,000.

(3) For the Marine Corps, $5,568,340,000.

(4) For the Air Force, $36,684,588,000.

(5) For Defense-wide activities, $30,200,596,000.

(6) For the Army Reserve, $2,942,077,000.

(7) For the Naval Reserve, $1,374,764,000.

(8) For the Marine Corps Reserve, $287,234,000.

(9) For the Air Force Reserve, $3,311,827,000.

(10) For the Army National Guard, $6,628,525,000.

(11) For the Air National Guard, $5,980,139,000.

(12) For the United States Court of Appeals for the Armed Forces, $14,068,000.

(13) For the Acquisition Development Workforce Fund, $229,561,000.

(14) For Environmental Restoration, Army, $444,581,000.

(15) For Environmental Restoration, Navy, $304,867,000.

(16) For Environmental Restoration, Air Force, $502,653,000.

(17) For Environmental Restoration, Defense-wide, $10,744,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $296,546,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $108,032,000.

(20) For Cooperative Threat Reduction programs, $522,512,000.

Subtitle B—Energy and Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Hazardous Substance Superfund not more than $5,611,670.67 for fiscal year 2011.

(2) PURPOSE OF REIMBURSEMENT.—A payment made under paragraph (1) is to reimburse the Environmental Protection Agency for all costs the Agency has incurred through fiscal year 2011 relating to the response actions performed by the Department of Defense under the Defense Environmental Restoration Program at the Twin Cities Army Ammunition Plant, Minnesota.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Twin Cities Army Ammunition Plant that took effect in December 1987.

(b) SOURCE OF FUNDS.—A payment under subsection (a) shall be made using funds authorized to be appropriated for fiscal year 2011 to the Department of Defense for operation and maintenance for Environmental Restoration, Army.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amounts transferred under subsection (a) to pay costs incurred by the Agency at the Twin Cities Army Ammunition Plant.

SEC. 312. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) AUTHORITY TO TRANSFER FUNDS.—From amounts authorized to be appropriated for fiscal year 2011 for the Department of Defense Base Closure Account 2005, and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer an amount of not more than $153,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986.

(b) PURPOSE OF TRANSFER.—The purpose of a transfer made under subsection (a) is to satisfy a stipulated penalty assessed by the Environmental Protection Agency on June 12, 2008, against Naval Air Station, Brunswick, Maine, for the failure of the Navy to sample certain monitoring wells in a timely manner pursuant to a schedule included in the Federal facility agreement for Naval Air Station, Brunswick, which was entered into by the Secretary of the Navy and the Administrator of the Environmental Protection Agency on October 19, 1990.

(c) ACCEPTANCE OF PAYMENT.—If the Secretary of Defense makes a transfer authorized under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

SEC. 313. TESTING AND CERTIFICATION PLAN FOR OPERATIONAL USE OF AN AVIATION BIOFUEL DERIVED FROM MATERIALS THAT DO NOT COMPETE WITH FOOD STOCKS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a testing and certification plan for the operational use of a biofuel that—

(1) is derived from materials that do not compete with food stocks; and

(2) is suitable for use for military purposes as an aviation fuel or in an aviation-fuel blend.

SEC. 314. REPORT IDENTIFYING HYBRID OR ELECTRIC PROPULSION SYSTEMS AND OTHER FUEL-SAVING TECHNOLOGIES FOR INCORPORATION INTO TACTICAL MOTOR VEHICLES.

(a) IDENTIFICATION OF USABLE ALTERNATIVE TECHNOLOGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall submit to Congress a report identifying hybrid or electric propulsion systems and other vehicle technologies that reduce consumption of fossil fuels and are suitable for incorporation into the current fleet of tactical motor vehicles of each Armed Force under the jurisdiction of the Secretary. In identifying suitable alternative technologies, the Secretary shall consider the feasibility and cost of incorporating the technology, the design changes and amount of time required for incorporation, and the overall impact of incorporation on vehicle performance.

(b) HYBRID DEFINED.—In this section, the term ''hybrid'' refers to a propulsion system, including the engine and drive train, that draws energy from onboard sources of stored energy that involve—

(1) an internal combustion or heat engine using combustible fuel; and

(2) a rechargeable energy storage system.

Subtitle C—Workplace and Depot Issues

SEC. 321. TECHNICAL AMENDMENTS TO REQUIREMENT FOR SERVICE CONTRACT INVENTORY.

Section 2330a(c)(1) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting after the first sentence the following new sentence: ''The guidance for compiling the inventory shall be issued by the Under Secretary of Defense for Personnel and Readiness, as supported by the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense for Acquisition, Technology, and Logistics.''; and

(2) by striking subparagraph (E) and inserting the following new subparagraph (E):

''(E) The number and work location of contractor employees, expressed as full-time equivalents for direct labor, using direct labor hours and associated cost data collected from contractors.''.

SEC. 322. REPEAL OF CONDITIONS ON EXPANSION OF FUNCTIONS PERFORMED UNDER PRIME VENDOR CONTRACTS FOR DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 346 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is repealed.

SEC. 323. PILOT PROGRAM ON BEST VALUE FOR CONTRACTS FOR PRIVATE SECURITY FUNCTIONS.

(a) PILOT PROGRAM AUTHORIZED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a pilot program under which the Secretary shall implement a best value procurement standard in entering into contracts for the provision of private security functions in Afghanistan and Iraq. In entering into a covered contract under the pilot program, in addition to taking into consideration the cost of the contract, the Secretary shall take into consideration each of the following:

(1) Past performance.

(2) Quality.

(3) Delivery.

(4) Management expertise.

(5) Technical approach.

(6) Experience of key personnel.

(7) Management structure.

(8) Risk.

(9) Such other matters as the Secretary determines are appropriate.

(b) JUSTIFICATION.—A covered contract under the pilot program may not be awarded unless the contracting officer for the contract justifies in writing the reason for the award of the contract.

(c) ANNUAL REPORT.—Not later than January 15 of each year the pilot program under this section is carried out, the Secretary of Defense shall submit to the congressional defense committees an unclassified report containing each of the following:

(1) A list of any covered contract awarded for private security functions in Afghanistan and Iraq under the pilot program.

(2) A description of the matters that the Secretary of Defense took into consideration, in addition to cost, in awarding each such contract.

(3) Any additional information or recommendations the Secretary considers appropriate to include with respect to the pilot program, the contracts awarded under the pilot program, or the considerations for evaluating such contracts.

(d) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to carry out a pilot program under this section terminates on September 30, 2013. The termination of the authority shall not affect the validity of contracts that are awarded or modified during the period of the pilot program, without regard to whether the contracts are performed during the period.

(e) DISCRETIONARY IMPLEMENTATION AFTER SEPTEMBER 30, 2013.—After September 30, 2013, implementation of a best value procurement standard in entering into contracts for the provision of private security functions in Afghanistan and Iraq shall be at the discretion of the Secretary of Defense.

(f) DEFINITIONS.—In this section:

(1) The term ''best value'' means providing the best overall benefit to the Government in accordance with the tradeoff process described in section 15.101-1 of title 48 of the Code of Federal Regulations.

(2) The term ''covered contract'' means—

(A) a contract of the Department of Defense for the performance of services; or

(B) a task order or delivery order issued under such a contract.

(3) The term ''private security functions'' means guarding, by a contractor under a covered contract, of personnel, facilities, or property of a Federal agency, the contractor, a subcontractor of a contractor, or a third party.

SEC. 324. STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS.

(a) THIRD-PARTY CERTIFICATION POLICY GUIDANCE.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue policy guidance requiring, as a condition for award of a covered contract for the provision of private security functions, that each contractor receive certification from a third party that the contractor adheres to specified operational and business practice standards. The guidance shall—

(1) establish criteria for defining standard practices for the performance of private security functions, which shall reflect input from industry representatives as well as the Inspector General of the Department of Defense;

(2) establish criteria for weapons training programs for contractors performing private security functions, including minimum requirements for weapons training programs of instruction and minimum qualifications for instructors for such programs; and

(3) identify organizations that can carry out the certifications.

(b) REGULATIONS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense supplement to the Federal Acquisition Regulation to carry out the requirements of this section and the guidance issued under this section.

(c) DEFINITIONS.—In this section:

(1) The term ''covered contract'' means—

(A) a contract of the Department of Defense for the performance of services;

(B) a subcontract at any tier under such contract;

(C) a task order or delivery order issued under such a contract or subcontract.

(2) The term ''contractor'' means, with respect to a covered contract, the contractor or subcontractor carrying out the covered contract.

(3) The term ''private security functions'' means activities engaged in by a contractor under a covered contract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

(d) EXCEPTION.—The requirements of this section shall not apply to contracts entered into by elements of the intelligence community in support of intelligence activities.

SEC. 325. PROHIBITION ON ESTABLISHING GOALS OR QUOTAS FOR CONVERSION OF FUNCTIONS TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) PROHIBITION.—The Secretary of Defense may not establish, apply, or enforce any numerical goal, target, or quota for the conversion of Department of Defense function to performance by Department of Defense civilian employees, unless such goal, target, or quota is based on considered research and analysis, as required by section 235, 2330a, or 2463 of title 10, United States Code.

(b) DECISIONS TO INSOURCE.—In deciding which functions should be converted to performance by Department of Defense civilian employees pursuant to section 2463 of title 10, United States Code, the Secretary of Defense shall use the costing methodology outlined in the Directive-Type Memorandum 09-007 (Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support) or any successor guidance for the determination of costs when costs are the sole basis for the decision. The Secretary of a military department may issue supplemental guidance to assist in such decisions affecting functions of that military department.

(c) REPORTS.—

(1) REPORT TO CONGRESS.—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the decisions with respect to the conversion of functions to performance by Department of Defense civilian employees made during fiscal year 2010. Such report shall identify, for each such decision—

(A) the agency or service of the Department involved in the decision;

(B) the basis and rationale for the decision; and

(C) the number of contractor employees whose functions were converted to performance by Department of Defense civilian employees.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the submittal of the report under paragraph (1), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the report.

Subtitle D—Reports

SEC. 331. REVISION TO REPORTING REQUIREMENT RELATING TO OPERATION AND FINANCIAL SUPPORT FOR MILITARY MUSEUMS.

(a) CHANGE IN FREQUENCY OF REPORT.—Subsection (a) of section 489 of title 10, United States Code, is amended by striking ''As part of'' and all that follows through ''fiscal year—'' and inserting the following: ''As part of the budget materials submitted to Congress for every odd-numbered fiscal year, in connection with the submission of the budget for that fiscal year pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on military museums. In each such report, the Secretary shall identify all military museums that, during the most recently completed two fiscal-year period—''

(b) REPEAL OF REQUIRED REPORT ELEMENT.—Subsection (b) of such section is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

(c) CLERICAL AMENDMENTS.—

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

"§ 489. Department of Defense operation and financial support for military museums: biennial report".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 489 and inserting the following new item:

''489. Department of Defense operation and financial support for military museums: biennial report.''.

SEC. 332. ADDITIONAL REPORTING REQUIREMENTS RELATING TO CORROSION PREVENTION PROJECTS AND ACTIVITIES.

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''The'' and inserting ''For the fiscal year covered by the report and the preceding fiscal year, the''; and

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

''(E) For the fiscal year covered by the report and the preceding fiscal year, the amount of funds requested in the budget for each project or activity described in subparagraph (E) compared to the funding requirements for the project or activity.'';

(2) in paragraph (2)(B), by inserting before the period at the end the following: '', including the annex to the report described in paragraph (3)''; and

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

''(3) Each report under this section shall include, in an annex to the report, a copy of the annual corrosion report most recently submitted by the corrosion control and prevention executive of each military department under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4567; 10 U.S.C. 2228 note).''.

SEC. 333. MODIFICATION AND REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) MODIFICATION OF REPORT ON ARMY PROGRESS.—Section 323 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2146; 10 U.S.C. 229 note) is amended—

(1) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(2) in subsection (d), as so redesignated, by striking ''or (d)''.

(b) REPEAL OF REPORT ON DISPOSITION OF RESERVE EQUIPMENT.—Title III of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended by striking section 349.

(c) REPEAL OF REPORT ON READINESS OF GROUND FORCES.—Title III of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by striking section 355.

SEC. 334. REPORT ON AIR SOVEREIGNTY ALERT MISSION.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Commander of the United States Northern Command and the North American Aerospace Defense Command (hereinafter in this section referred to as ''NORTHCOM'') shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report on the Air Sovereignty Alert (hereinafter in this section referred to as ''ASA'') Mission and Operation Noble Eagle (hereinafter in this section referred to as ''ONE'').

(b) CONSULTATION.—NORTHCOM shall consult with the Director of the National Guard Bureau who shall be authorized to review and provide independent analysis and comments on the report required under subsection (a).

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An evaluation of the current ASA mission and ONE.

(2) An evaluation of each of the following:

(A) The current ability to perform the mission with regards to training, equipment, funding, and military construction.

(B) Any current deficiencies in the mission.

(C) Any changes in threats which would allow for any change in number of ASA sites or force structure required to support the ASA mission.

(D) Future ability to perform the ASA mission with current and programmed equipment.

(E) Coverage of units with respect to—

(i) population centers covered;

(ii) targets of value covered, including symbolic (national monuments, sports venue, and centers of commerce), critical infrastructure (nuclear plants, dams, bridges, and telecommunication nodes) and national security (military bases and organs of government); and

(iii) an unclassified, notional area of responsibility conforming to the unclassified response time of unit represented graphically on a map and detailing total population covered and number of targets described in clause (ii).

(3) Status of implementation of the recommendations made in the Government Accountability Office Report entitled ''Actions Needed to Improve Management of Air Sovereignty Alert Operations to Protect U.S. Airspace'' (GAO–09–184).

(d) MEANS OF DELIVERY OF REPORT.—The report required by subsection (a) shall be unclassified, and NORTHCOM shall brief the Committees on Armed Services of the Senate and House of Representatives at the appropriate classification level.

SEC. 335. REPORT ON THE SEAD/DEAD MISSION REQUIREMENT FOR THE AIR FORCE.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report describing the feasibility and desirability of designating the Suppression of Enemy Air Defenses/Destruction of Enemy Air Defenses (hereinafter in this section referred to as ''SEAD/DEAD'') mission as a responsibility of the Air National Guard .

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An evaluation of the SEAD/DEAD mission, as in effect on the date of the enactment of this Act.

(2) An evaluation of the following with respect to the SEAD/DEAD mission:

(A) The current ability of the Air National Guard to perform the mission with regards to training, equipment, funding, and military construction.

(B) Any current deficiencies of the Air National Guard to perform the mission.

(C) The corrective actions and costs required to address any deficiencies described in subparagraph (B).

(D) The need for SEAD/DEAD ranges to be constructed on existing ranges operated, controlled, or used by Air National Guard units based on geographic considerations of proximity and utility.

(c) CONSULTATION.—The Secretary of the Air Force shall consult with the Director of the National Guard Bureau who shall be authorized to review and provide independent analysis and comments on the report required under subsection (a).

Subtitle E—Limitations and Extensions of Authority

SEC. 341. PERMANENT AUTHORITY TO ACCEPT AND USE LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.

''(a) AUTHORITY.—The Secretary of a military department may impose landing fees for the use by civil aircraft of domestic military airfields under the jurisdiction of that Secretary and may use any fees received under this section as a source of funding for the operation and maintenance of airfields of that department.

''(b) UNIFORM LANDING FEES.—The Secretary of Defense shall prescribe the amount of the landing fees that may be imposed under this section. Such fees shall be uniform among the military departments.

''(c) USE OF PROCEEDS.—Amounts received for a fiscal year in payment of landing fees imposed under this section for the use of a military airfield shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of that military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.''.

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

''2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.''.

SEC. 342. IMPROVEMENT AND EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) IMPROVEMENT.—

(1) IN GENERAL.—Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 10 U.S.C. 4551 note) is amended—

(A) in subsection (b), by striking paragraphs (3) and (4) and redesignating paragraphs (5) through (11) as paragraphs (3) through (9), respectively;

(B) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) PRIORITIZATION OF PROGRAM PURPOSES.—The Secretary of the Army shall—

(1) prioritize the purposes of the Arsenal Support Program Initiative under section 343(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; U.S.C. 4551 note), as amended by subsection (a)(1)(A); and

(2) issue guidance to the appropriate commands reflecting such priorities.

(c) EXTENSION.—

(1) IN GENERAL.—Such section, as amended by subsection (a)(1) of this section, is further amended—

(A) in subsection (a), by striking ''2010'' and inserting ''2012''; and

(B) in paragraph (1) of subsection (f), as redesignated by subsection (a)(1)(B) of this section, by striking ''2010'' and inserting ''2012''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the submittal of the report required under subsection (d).

(d) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the Arsenal Support Program Initiative that includes—

(1) the Secretary's determination with respect to the Army's highest priorities from among the

purposes of the Arsenal Support Program Initiative under section 343(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; U.S.C. 4551 note), as amended by subsection (a)(1)(A), reflecting the Secretary's overall strategy to achieve desired results;

(2) performance goals for the Arsenal Support Program Initiative; and

(3) outcome-focused performance measures to assess the progress the Army has made toward addressing the purposes of the Arsenal Support Program Initiative.

SEC. 343. EXTENSION OF AUTHORITY TO REIMBURSE EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

Section 1014(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4585) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2012''.

SEC. 344. LIMITATION ON OBLIGATION OF FUNDS FOR THE ARMY HUMAN TERRAIN SYSTEM.

(a) LIMITATION.—Of the amounts authorized to be appropriated for the Human Terrain System (hereinafter in this section referred to as the ''HTS'') that are described in subsection (b), not more than 50 percent of the amounts remaining unobligated as of the date of enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees each of the following:

(1) The independent assessment of the HTS called for in the report of the Committee on Armed Services of the House of Representatives accompanying the National Defense Authorization Act for Fiscal Year 2010 (H. Rept. 111-166).

(2) A validation of all HTS requirements, including any prior joint urgent operations needs statements.

(3) A certification that policies, procedures, and guidance are in place to protect the integrity of social science researchers participating in HTS, including ethical guidelines and human studies research procedures.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2011, including such amounts authorized to be appropriated for oversees contingency operations, for—

(1) Operation and maintenance for HTS;

(2) Procurement for Mapping the Human Terrain hardware and software; and

(3) Research, development, test, and evaluation for Mapping the Human Terrain hardware and software.

SEC. 345. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFIED JUSTIFICATION MATERIAL.

Of the amounts authorized to be appropriated in this title for fiscal year 2011 for the Office of the Secretary of Defense for budget activity four, line 270, not more than 90 percent may be obligated until 15 days after the information cited in the classified annex accompanying this Act relating to the provision of classified justification material to Congress is provided to the congressional defense committees.

SEC. 346. LIMITATION ON RETIREMENT OF C-130 AIRCRAFT FROM AIR FORCE INVENTORY.

The Secretary of the Air Force may not take any action to retire any C-130 aircraft from the inventory of the Air Force until 30 days after the date on which the Secretary submits to the congressional defense committees a written agreement between the Director of the Air National Guard, the Commander of Air Force Reserve Command, and the Chief of Staff of the Air Force. The agreement shall specify the following:

(1) The number of and type of C-130 aircraft to be transferred, on a temporary basis, from the Air National Guard to the Air Force.

(2) The schedule by which any C-130 aircraft transferred to the Air Force will be returned to the Air National Guard.

(3) A description of the condition, including the estimated remaining service life, in which the C-130 aircraft will be returned to the Air National Guard following the period during which the aircraft are on loan to the Air Force.

(4) A description of the allocation of resources, including the designation of responsibility for funding aircraft operations and maintenance, in fiscal year 2011, and detailed description of budgetary responsibilities through the remaining period the aircraft are on loan to the Air Force.

(5) The designation of responsibility for funding depot maintenance requirements or modifications to the aircraft during the period the aircraft are on loan with the Air Force, or otherwise generated as a result of transfer.

(6) The locations from which the C-130 aircraft will be transferred.

(7) The manpower planning and certification that such a transfer will not result in manpower authorization reductions or resourcing at the Air National Guard facilities identified in paragraph (6).

(8) The manner by which Air National Guard personnel affected by the transfer will maintain their skills and proficiencies in order to preserve readiness at the affected units.

(9) Any other items the Director of the Air National Guard or the Commander of Air Force Reserve Command determine are necessary in order to ensure such a transfer will not negatively impact the ability of the Air National Guard and Air Force Reserve to accomplish their respective missions.

SEC. 347. COMMERCIAL SALE OF SMALL ARMS AMMUNITION IN EXCESS OF MILITARY REQUIREMENTS.

(a) COMMERCIAL SALE OF SMALL ARMS AMMUNITION.—Small arms ammunition and ammunition components in excess of military requirements, including fired cartridge cases, which is not otherwise prohibited from commercial sale or certified by the Secretary of Defense as unserviceable or unsafe, may not be demilitarized or destroyed and shall be made available for commercial sale.

(b) DEADLINE FOR GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

SEC. 348. LIMITATION ON AIR FORCE FISCAL YEAR 2011 FORCE STRUCTURE ANNOUNCEMENT IMPLEMENTATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 may be obligated or expended for the purpose of implementing the Air Force fiscal year 2011 Force Structure Announcement until 45 days after—

(1) the Secretary of the Air Force provides a detailed report to the Committees on Armed Services of the Senate and House of Representatives on the follow-on missions for bases affected by the 2010 Combat Air Forces restructure; and

(2) the Secretary of the Air Force certifies to the Committees on Armed Services of the Senate and House of Representatives that the Air Sovereignty Alert Mission will be fully resourced with required funding, personnel, and aircraft.

Subtitle F—Other Matters

SEC. 351. EXPEDITED PROCESSING OF BACKGROUND INVESTIGATIONS FOR CERTAIN INDIVIDUALS.

(a) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—Section 1564 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) EXPEDITED PROCESS.—The Secretary of Defense may prescribe a process for expediting the completion of the background investigations necessary for granting security clearances for—

''(1) Department of Defense personnel and Department of Defense contractor personnel who are engaged in sensitive duties that are critical to the national security; and

''(2) any individual who submits an application for a position as an employee of the Department of Defense for which a security clearance is required who is a member of the armed forces who was retired or separated for physical disability pursuant to chapter 61 of this title.''; and

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

''(f) USE OF APPROPRIATED FUNDS.—The Secretary of Defense may use funds authorized to be appropriated to the Department of Defense for operation and maintenance to conduct background investigations under this section for individuals described in subsection (a)(2).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a background investigation conducted after the date of the enactment of this Act.

SEC. 352. ADOPTION OF MILITARY WORKING DOGS BY FAMILY MEMBERS OF DECEASED OR SERIOUSLY WOUNDED MEMBERS OF THE ARMED FORCES WHO WERE HANDLERS OF THE DOGS.

Section 2583(c) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Military animals''; and

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

''(2) For purposes of making a determination under subsection (a)(2), unusual or extraordinary circumstances may include situations in which the handler of a military working dog is a member of the armed forces who is killed in action, dies of wounds received in action, or is so seriously wounded in action that the member will (or most likely will) receive a medical discharge. If the Secretary of the military department concerned determines that an adoption is justified in such a situation, the military working dog shall be made available for adoption only by the immediate family of the member.''.

SEC. 353. REVISION TO AUTHORITIES RELATING TO TRANSPORTATION OF CIVILIAN PASSENGERS AND COMMERCIAL CARGOES BY DEPARTMENT OF DEFENSE WHEN SPACE UNAVAILABLE ON COMMERCIAL LINES.

(a) TRANSPORTATION ON DOD VEHICLES AND AIRCRAFT.—Subsection (a) of section 2649 of title 10, United States Code, is amended—

(1) by inserting ''AUTHORITY.—'' before ''Whenever''; and

(2) by inserting '', vehicles, or aircraft'' in the first sentence after ''vessels'' both places it appears.

(b) AMOUNTS CHARGED FOR TRANSPORTATION IN EMERGENCY, DISASTER, OR HUMANITARIAN RESPONSE CASES.—

(1) LIMITATION ON AMOUNTS CHARGED.—The second sentence of subsection (a) of such section is amended by inserting before the period the following: '', except that in the case of transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance, any amount charged for such transportation may not exceed the cost of providing the transportation''.

(2) CREDITING OF RECEIPTS.—Subsection (b) of such section is amended by striking ''Amounts'' and inserting ''CREDITING OF RECEIPTS.—Any amount received under this section with respect to transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance may be credited to the appropriation, fund, or account used in incurring the obligation for which such amount is received. In all other cases, amounts''.

(c) TRANSPORTATION DURING CONTINGENCIES OR DISASTER RESPONSES.—Such section is further amended by adding at the end the following new subsection:

''(c) TRANSPORTATION OF ALLIED PERSONNEL DURING CONTINGENCIES OR DISASTER RESPONSES.—(1) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, when space is available on vessels, vehicles, or aircraft operated by the Department of Defense and the Secretary of Defense determines that operations in the area of a contingency operation or disaster response would be facilitated if allied forces or civilians were to be transported using such vessels, vehicles, or aircraft, the Secretary may provide such transportation on a noninterference basis, without charge.

''(2) Not later than March 1 of each year following a year in which the Secretary provides transportation under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing, in detail, the transportation so provided during that year. Each such report shall include a description of each of the following:

''(A) How the authority under paragraph (1) was used during the year covered by the report.

''(B) The frequency with which such authority was used during that year.

''(C) The rationale of the Secretary for each such use of the authority.

''(D) The total cost of the transportation provided under paragraph (1) during that year.

''(E) The appropriation, fund, or account credited and the total amount received as a result of providing transportation under paragraph (1) during that year.''.

(d) CONFORMING AMENDMENT.—Section 2648 of such title is amended by inserting '', vehicles, or aircraft'' after ''vessels'' in the matter preceding paragraph (1).

(e) TECHNICAL AMENDMENTS.—

(1) The heading of section 2648 of such title is amended to read as follows:

''§ 2648. Persons and supplies: sea, land, and air transportation''.

(2) The heading of section 2649 of such title is amended to read as follows:

''§ 2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft''.

(f) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 157 of such title is amended by striking the items relating to sections 2648 and 2649 and inserting the following new items:

''2648. Persons and supplies: sea, land, and air transportation.

''2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft.''.

SEC. 354. TECHNICAL CORRECTION TO OBSOLETE REFERENCE RELATING TO USE OF FLEXIBLE HIRING AUTHORITY TO FACILITATE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE FUNCTIONS BY CIVILIAN EMPLOYEES.

2463(d)(1) of title 10, United States Code, is amended by striking ''under the National Security Personnel System, as established''.

SEC. 355. INVENTORY AND STUDY OF BUDGET MODELING AND SIMULATION TOOLS.

(a) INVENTORY.—

(1) INVENTORY REQUIRED.—The Comptroller General of the United States shall perform an inventory of all modeling and simulation tools used by the Department of Defense to develop and analyze the Department's annual budget submission and to support decision making inside the budget process. In carrying out the inventory, the Comptroller General shall identify the purpose, scope, and levels of validation, verification, and accreditation of each such model and simulation.

(2) REPORT.—Not later than December 1, 2010, the Comptroller General shall submit to Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense a report on the inventory under paragraph (1) and the findings of the Comptroller General in carrying out the inventory.

(b) STUDY.—

(1) STUDY REQUIRED.—By not later than January 15, 2011, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to carry out a study examining the requirements for and capabilities of modeling and simulation tools used by the Department of Defense to support the annual budget process. A contract entered into under this paragraph shall specify that in carrying out the study, the center shall—

(A) use the inventory performed by the Comptroller General under subsection (a) as a baseline;

(B) examine the efficacy and sufficiency of the modeling and simulation tools used by the Department of Defense to support the development, analysis, and decision-making associated with the construction and validation of requirements used as a basis for the annual budget process of the Department;

(C) examine the requirements and any capability gaps with respect to such modeling and simulation tools;

(D) provide recommendations as to how the Department should best address the requirements and fill the capabilities gaps identified under subparagraph (C);

(E) identify annual investment levels in modeling and simulation tools and certifications required to achieve a high degree of confidence in the relationship between the Department's mission effectiveness and 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 a fiscal year;

(F) examine the verification, validation, and accreditation requirements for each of the military services and provide recommendations with respect to establishing uniform standards for such requirements across all of the military services; and

(G) recommend improvements to enhance the confidence, efficacy, and sufficiency of the modeling and simulation tools used by the Department of Defense in the development of the annual budget.

(2) REPORT.—Not later than January 1, 2012, the chief executive officer of the center that carries out the study pursuant to a contract under paragraph (1) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the study.

SEC. 356. SENSE OF CONGRESS REGARDING CONTINUED IMPORTANCE OF HIGH-ALTITUDE AVIATION TRAINING SITE, COLORADO.

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

(1) The High-Altitude Aviation Training Site in Gypsum, Colorado, is the only Department of Defense aviation school that provides an opportunity for rotor-wing military pilots to train in high-altitude, mountainous terrain, under full gross weight and power management operations.

(2) The High-Altitude Aviation Training Site is operated by the Colorado Army National Guard and is available to pilots of all branches of the Armed Forces and to pilots of allied countries.

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

(1) the High-Altitude Army Aviation Training Site continues to be critically important to ensuring the readiness and capabilities of rotor-wing military pilots; and

(2) the Department of Defense should take all appropriate actions to prevent encroachment on the High-Altitude Army Aviation Training Site.

SEC. 357. DEPARTMENT OF DEFENSE STUDY ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED G ENVIRONMENT.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the effectiveness of simulated tactical flight training in a sustained g environment. In conducting the study, the Secretary shall include all relevant factors, including each of the following:

(1) Training effectiveness.

(2) Cost reductions.

(3) Safety.

(4) Research benefits.

(5) Carbon emissions reduction.

(6) Lifecycles of training aircraft.

(b) DEADLINE FOR COMPLETION.—The study required by subsection (a) shall be completed not later than 18 months after the date of the enactment of this Act.

(c) SUBMISSION TO CONGRESS.—Upon completion of the study required by subsection (a), the Secretary shall submit the results of the study to the congressional defense committees.

SEC. 358. STUDY OF EFFECTS OF NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS AND OPERATIONS.

(a) DESIGNATION OF DEPARTMENT ORGANIZATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate a single organization within the Department of Defense to—

(1) serve as the executive agent to carry out the study required by subsection (b);

(2) serve as a clearinghouse to review applications filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, and received by the Department of Defense from the Secretary of Transportation; and

(3) accelerate the development of planning tools to provide preliminary notice as to the acceptability to the Department of Defense of proposals included in an application submitted pursuant to such section.

(b) MILITARY INSTALLATIONS AND OPERATIONS IMPACT STUDY.—

(1) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a study to identify any areas where military installations and military operations, including the use of air navigation facilities, navigable airspace, military training routes, and air defense radars, could be affected by any proposed construction, alteration, establishment, or expansion of a structure described in section 44718 of title 49, United States Code.

(2) MILITARY MISSION IMPACT ZONES.—The Secretary of Defense shall publish a notice of the areas identified pursuant to the study under paragraph (1). Such areas shall be known as ''military mission impact zones''.

(c) EFFECT OF DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.—A notice under subsection (a)(3) or (b)(2) shall not be considered to be a substitute for any assessment required by the Secretary of Transportation under section 44718 of title 49, United States Code.

(d) 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 National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(e) DEFINITIONS.—In this section:

(1) The term ''military training route'' means a training route developed as part of the Military Training Route Program, carried out jointly by the Federal Aviation Administration and the Secretary Defense, for use by the Armed Forces for the purpose of conducting low-altitude, high-speed military training.

(2) The term ''high value military training route'' means a military training route that is in the highest quartile of military training routes used by the Department of Defense with respect to frequency of use.

(3) The term ''military installation'' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

(4) The term ''military operation'' means military navigable airspace, including high value military training routes, air defense radars, special use airspace, warning areas, and other military related systems.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

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, as follows:

(1) The Army, 569,400.

(2) The Navy, 328,700.

(3) The Marine Corps, 202,100.

(4) The Air Force, 332,200.

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, 324,300.

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

''(4) For the Air Force, 332,200.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2011, as follows:

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

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

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

(6) The Air Force Reserve, 71,200.

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

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

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

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2011, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

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

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,688.

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

(5) The Air National Guard of the United States, 14,584.

(6) The Air Force Reserve, 2,992.

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2011 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

(3) For the Air Force Reserve, 10,720.

(4) For the Air National Guard of the United States, 22,394.

SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2011, may not exceed the following:

(A) For the Army National Guard of the United States, 2,520.

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

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2011, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2011, may not exceed 90.

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

(c) CONFORMING AMENDMENT TO ANNUAL LIMITATION ON NON-DUAL STATUS TECHNICIANS FOR THE ARMY NATIONAL GUARD.—Section 10217(c)(2) of title 10, United States Code, is amended by striking ''1,950'' and inserting ''2,870''.

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

During fiscal year 2011, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2011 a total of $138,540,700,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2011.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

SEC. 501. AGE FOR HEALTH CARE PROFESSIONAL APPOINTMENTS AND MANDATORY RETIREMENTS.

(a) AGE FOR ORIGINAL APPOINTMENT AS A HEALTH PROFESSIONS OFFICER.—Section 532(d)(2) of title 10, United States Code, is amended by striking ''reserve''.

(b) ADDITIONAL CATEGORIES OF OFFICERS ELIGIBLE FOR DEFERRAL OF MANDATORY RETIREMENT FOR AGE.—Section 1251(b) of such title is amended—

(1) in paragraph (1), by striking ''the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.'' and inserting ''the officer—

''(A) will be performing duties consisting primarily of providing patient care or performing other clinical duties; or

''(B) is in a category of officers designated under subparagraph (D) of paragraph (2) whose duties will consist primarily of the duties described in clause (i), (ii), or (iii) of such subparagraph.''; and

(2) in paragraph (2)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

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

''(D) an officer in a category of officers designated by the Secretary concerned for the purposes of this paragraph as consisting of officers whose duties consist primarily of—

''(i) providing health care;

''(ii) performing other clinical care; or

''(iii) performing health-care related administrative duties.''.

SEC. 502. AUTHORITY FOR APPOINTMENT OF WARRANT OFFICERS IN THE GRADE OF W-1 BY COMMISSION AND STANDARDIZATION OF WARRANT OFFICER APPOINTING AUTHORITY.

(a) REGULAR OFFICERS.—

(1) AUTHORITY FOR APPOINTMENTS BY COMMISSION IN WARRANT OFFICER W-1 GRADE.—The first sentence of section 571(b) of title 10, United States Code, is amended by striking ''by the Secretary concerned'' and inserting '', except that, with respect to an armed force under the jurisdiction of the Secretary of a military department, the Secretary may provide by regulation that appointments in that grade shall be made by commission''.

(2) APPOINTING AUTHORITY.—The second sentence of section 571(b) of such title is amended by inserting before the period at the end the following: '', and appointments in the grade of regular warrant officer, W-1 (whether by warrant or commission), shall be made by the President, except that appointments in that grade in the Coast Guard shall be made by the Secretary of Homeland Security when it is not operating as a service in the Department of the Navy''.

(b) RESERVE OFFICERS.—Subsection (b) of section 12241 of such title is amended to read as follows:

''(b) Appointments in permanent reserve warrant officer grades shall be made in the same manner as is prescribed for regular warrant officer grades by section 571(b) of this title.''.

(c) PRESIDENTIAL FUNCTIONS.—Except as otherwise provided by the President by Executive order, the provisions of Executive Order 13384 (10 U.S.C. 531 note) relating to the functions of the President under the second sentence of section 571(b) of title 10, United States Code, shall apply in the same manner to the functions of the President under section 12241(b) of title 10, United States Code.

SEC. 503. NONDISCLOSURE OF INFORMATION FROM DISCUSSIONS, DELIBERATIONS, NOTES, AND RECORDS OF SPECIAL SELECTION BOARDS.

(a) NONDISCLOSURE OF BOARD PROCEEDINGS.—Section 613a of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 573, 611, or 628 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a

statutory exemption from disclosure, as described in section 552(b)(3) of title 5.'';

(2) in subsection (b), by striking ''AND RECORDS'' and inserting ''NOTES, AND RECORDS''; and

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

''(c) APPLICABILITY.—This section applies to all selection boards convened under section 573, 611, or 628 of this title, regardless of the date on which the board was convened.''.

(b) REPORTS OF BOARDS.—Section 628(c)(2) of such title is amended by striking ''sections 576(d) and 576(f)'' and inserting ''sections 576(d), 576(f), and 613a''.

(c) RESERVE BOARDS.—Section 14104 of such title is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 14101 or 14502 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5.'';

(2) in subsection (b), by striking ''AND RECORDS'' and inserting ''NOTES, AND RECORDS''; and

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

''(c) APPLICABILITY.—This section applies to all selection boards convened under section 14101 or 14502 of this title, regardless of the date on which the board was convened.''.

SEC. 504. ADMINISTRATIVE REMOVAL OF OFFICERS FROM LIST OF OFFICERS RECOMMENDED FOR PROMOTION.

(a) ACTIVE-DUTY LIST.—Section 629 of title 10, United States Code, is amended—

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

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

''(d) ADMINISTRATIVE REMOVAL.—If an officer on the active-duty list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer shall be administratively removed from the promotion list under regulations prescribed by the Secretary concerned.''.

(b) RESERVE ACTIVE-STATUS LIST.—Section 14310 of such title is amended—

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

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

''(d) ADMINISTRATIVE REMOVAL.—If an officer on the reserve active-status list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher grade under this chapter or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer shall be administratively removed from the promotion list under regulations prescribed by the Secretary concerned.''.

SEC. 505. ELIGIBILITY OF OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ACTIVE DUTY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following new paragraphs:

''(2) Each member of the board shall be senior in rank or grade to the officer being required to show cause for retention on active duty.

''(3) At least one member of the board—

''(A) shall be in or above the grade of major or lieutenant commander, if the grade of the officer being required to show cause for retention on active duty is below the grade of major or lieutenant commander; or

''(B) shall be in a grade above lieutenant colonel or commander, if the grade of the officer being required to show cause for retention on active duty is major or lieutenant commander or above.'';

(2) in subsection (b), by striking ''that officer—'' and all that follows through the period at the end and inserting ''that officer meets the grade requirements of subsection (a)(2).''; and

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

''(e) REGULATIONS.—The Secretary of a military department may prescribe regulations limiting the eligibility of officers to serve on a board convened under this chapter to officers who, while otherwise qualified, are in the opinion of the Secretary best suited for that duty by reason of age, education, training, experience, length of service, or temperament.''.

(b) RESERVES.—Section 14906 of such title is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following new paragraphs:

''(2) Each member of the board shall be senior in rank or grade to the officer being required to show cause for retention in an active status.

''(3) At least one member of the board—

''(A) shall be in or above the grade of major or lieutenant commander, if the grade of the officer being required to show cause for retention in an active status is below the grade of major or lieutenant commander; or

''(B) shall be in a grade above lieutenant colonel or commander, if the grade of the officer being required to show cause for retention in an active status is major or lieutenant commander or above.''; and

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

''(c) REGULATIONS.—The Secretary of a military department may prescribe regulations limiting the eligibility of officers to serve on a board convened under this chapter to officers who, while otherwise qualified, are in the opinion of the Secretary best suited for that duty by reason of age, education, training, experience, length of service, or temperament.''.

SEC. 506. TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by striking ''January 6, 2006, and ending on December 31, 2008'' and inserting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013''.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by striking ''January 6, 2006, and ending on December 31, 2008'' and inserting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013''.

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking ''January 6, 2006, and ending on December 31, 2008'' and inserting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013''.

Subtitle B—Reserve Component Management

SEC. 511. PRESEPARATION COUNSELING FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) REQUIREMENT; EXCEPTION.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''Within'' and inserting ''(A) Within''; and

(B) by striking ''of each member'' and all that follows through the period at the end of the sentence and inserting the following: ''of—

''(i) each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date; and

''(ii) each member of a reserve component not covered by clause (i) whose discharge or release from service is anticipated as of a specific date.''; and

(2) in the second sentence, by striking ''A notation of the provision of such counseling'' and inserting the following:

''(B) A notation of the provision of preseparation counseling''.

(b) CLARIFICATION OF COVERED MATTERS.—Subsection (b)(7) of such section is amended by striking ''from active duty''.

SEC. 512. MILITARY CORRECTION BOARD REMEDIES FOR NATIONAL GUARD MEMBERS.

Subsection (a) of section 1552 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''military record of the Secretary's department'' and inserting ''military record of an armed force, including reserve components thereof, under the jurisdiction of the Secretary''; and

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

''(5) In the case of a member of the National Guard, the authority to correct any military record of the member under this section extends only to records generated while the member was in Federal service and does not apply to matters related to State government policy and procedures related to its National Guard.''.

SEC. 513. REMOVAL OF STATUTORY DISTRIBUTION LIMITS ON NAVY RESERVE FLAG OFFICER ALLOCATION.

Section 12004(c) of title 10, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (5); and

(2) by redesignating paragraph (4) as paragraph (2).

SEC. 514. ASSIGNMENT OF AIR FORCE RESERVE MILITARY TECHNICIANS (DUAL STATUS) TO POSITIONS OUTSIDE AIR FORCE RESERVE UNIT PROGRAM.

Section 10216(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Air Force Reserve in an area other than the Air Force Reserve unit program, except that not more than 50 of such technicians may be assigned outside of the unit program at the same time.''.

SEC. 515. TEMPORARY AUTHORITY FOR TEMPORARY EMPLOYMENT OF NON-DUAL STATUS MILITARY TECHNICIANS.

Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or'' ; and

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

''(3) is hired as a temporary employee pursuant to the exception for temporary employment provided by subsection (d) and subject to the terms and conditions of such subsection.''; and

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

''(d) EXCEPTION FOR TEMPORARY EMPLOYMENT.—(1) Notwithstanding section 10218 of this title, the Secretary of the Army or the Secretary of the Air Force may employ, for a period not to exceed two years, a person to fill a vacancy created by the mobilization of a military technician (dual status) occupying a position under section 10216 of this title.

''(2) The duration of the temporary employment of a person in a military technician position under this subsection may not exceed the shorter of the following:

''(A) The period of mobilization of the military technician (dual status) whose vacancy is being filled by the temporary employee.

''(B) Two years.

''(3) No persons may be hired under the authority of this subsection after the end of the two-year period beginning on the date of the enactment of this subsection.''.

SEC. 516. REVISED STRUCTURE AND FUNCTIONS OF RESERVE FORCES POLICY BOARD.

(a) REVISED STRUCTURE AND FUNCTIONS.—Section 10301 of title 10, United States Code, is amended to read as follows:

''§ 10301. Reserve Forces Policy Board

''(a) FUNCTIONS.—As provided in section 175 of this title, there is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board shall serve as an independent adviser to the Secretary of Defense to provide advice and recommendations to the Secretary on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components. The Board shall report directly to the Secretary to provide independent advice and recommendations to the Secretary on matters relating to the and reserve components.

''(b) MEMBERSHIP.—The Board consists of 20 members, appointed or designated as follows:

''(1) A civilian chairman appointed by the Secretary of Defense, who shall be a person who the Secretary determines has the knowledge of, and experience in, policy matters relevant to national security and reserve component matters required to carry out the duties of chairman.

''(2) Two reserve general officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, one of whom shall be a member of the Army National Guard of the United States and one of whom shall be a member of the Army Reserve.

''(3) Two reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, one of whom shall be a Navy Reserve flag officer and one of whom shall be a Marine Corps Reserve general officer.

''(4) Two reserve general officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, one of whom shall be a member of the Air National Guard of the United States and one of whom shall be a member of the Air Force Reserve.

''(5) One Coast Guard flag officer designated by the Secretary of Homeland Security when the Coast Guard is not operating as a service within the Department of the Navy, or designated by the Secretary of Defense, upon the recommendation of the Secretary of the Navy, when the Coast Guard is operating as a service in the Navy under section 3 of title 14.

''(6) Ten persons appointed or designated by the Secretary of Defense, each of whom shall be a United States citizen and have significant knowledge of and experience in policy matters relevant to national security and reserve component matters and shall be one of the following:

''(A) An individual not employed in any Federal or State department or agency.

''(B) An individual employed by a Federal or State department or agency.

''(C) An officer of a regular component on active duty, or an officer of a reserve component in an active status, who has served or is serving in a senior position on the Joint Staff, a combatant command headquarters staff, or a service headquarters staff.

''(7) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general or flag officer recommended by the chairman and designated by the Secretary of Defense, who shall serve without vote—

''(A) as military adviser to the chairman;

''(B) as military executive officer of the Board; and

''(C) as supervisor of the Board operations and staff.

''(8) A senior enlisted member of a reserve component recommended by the chairman and appointed by the Secretary of Defense, who shall serve without vote as enlisted military adviser to the chairman.

''(c) INDEPENDENT ADVICE.—In the case of a member of the Board who is an officer or employee of the Department of Defense or a member of the armed forces, the advice provided in that member's capacity as a member of the Board shall be rendered independently of the Board member's other duties as an officer or employee of the Department of Defense or member of the armed forces.

''(d) MATTERS TO BE ACTED ON.—The Board shall act on those matters referred to it by the chairman and on any matter raised by a member of the Board.

''(e) STAFF.—The Board shall be supported by a staff consisting of one full-time officer from each of the reserve components listed in paragraphs (1) through (6) of section 10101 of this title who holds the grade of colonel, or in the case of the Navy the grade of captain, or who has been selected for promotion to that grade. These officers shall also serve as liaisons between their respective components and the Board. They shall perform their staff and liaison duties under the supervision of the military executive in an independent manner reflecting the independent nature of the Board.

''(f) RELATIONSHIP TO SERVICE RESERVE POLICY COMMITTEES AND BOARDS.—This section does not affect the committees and boards prescribed within the military departments by sections 10302 through 10305 of this title, and a member of such a committee or board may, if otherwise eligible, be a member of the Board.''.

(b) BOARD MEMBERSHIP TRANSITION PROVISION.—The members of the Reserve Forces Policy Board as of the date of the enactment of this Act shall continue to serve on the Board in accordance with their respective terms of service as of such date, and except to ensure that the positions of chairman and military executive of the Board continue to be filled, and to ensure that the reserve components listed in paragraphs (1) through (7) of section 10101 of title 10, United States Code, continue to have representation, no appointment or designation of a member of the Board may be made after such date until the number of voting members of the Board is fewer than 18. Once the number of voting members is fewer than 18, vacancies in the Board membership shall be filled in accordance with section 10301 of title 10, United States Code, as amended by subsection (a).

(c) REVISION TO ANNUAL REPORT REQUIREMENT.—Section 113(c)(2) of title 10, United States Code, is amended by striking ''the reserve programs of the Department of Defense and on any other matters'' and inserting ''any reserve component matter''.

SEC. 517. MERIT SYSTEMS PROTECTION BOARD AND JUDICIAL REMEDIES FOR NATIONAL GUARD TECHNICIANS.

(a) ELIMINATION OF RESTRICTED RIGHT OF APPEAL.—

(1) CURRENT RESTRICTION TO ADJUTANT GENERAL.—Subsection (f) of section 709 of title 32, United States Code, is amended by striking paragraph (4).

(2) STYLISTIC AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(A) by striking the material preceding paragraph (1);

(B) by capitalizing the first word in paragraphs (1), (2), (3), and (5);

(C) by striking the semicolon at the end of paragraphs (1), (2), and (3) and inserting a period;

(D) by redesignating paragraph (5) as paragraph (4); and

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

''(5) This subsection shall be carried out under regulations prescribed by the Secretary concerned.''.

(b) APPLICATION OF CERTAIN TITLE 5 PROVISIONS.—Section 709(g) of title 32, United States Code, is amended by striking ''Sections 2108, 3502, 7511, and 7512'' and inserting ''Section 2108''.

(c) APPLICATION OF ADVERSE ACTIONS SUBCHAPTER.—Section 7511(b) of title 5, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. TECHNICAL REVISIONS TO DEFINITION OF JOINT MATTERS FOR PURPOSES OF JOINT OFFICER MANAGEMENT.

Section 668(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''multiple'' in the matter preceding subparagraph (A) and inserting ''integrated''; and

(B) by striking ''and'' at the end of the subparagraph (D) and inserting ''or''; and

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

''(2) In the context of joint matters, the term 'integrated military forces' refers to military forces that are involved in the planning or execution (or both) of operations involving participants from—

''(A) more than one military department; or

''(B) a military department and one or more of the following:

''(i) Other departments and agencies of the United States.

''(ii) The military forces or agencies of other countries.

''(iii) Non-governmental persons or entities.''.

SEC. 522. CHANGES TO PROCESS INVOLVING PROMOTION BOARDS FOR JOINT QUALIFIED OFFICERS AND OFFICERS WITH JOINT STAFF EXPERIENCE.

(a) BOARD COMPOSITION.—Subsection (c) of section 612 of title 10, United States Code, is amended to read as follows:

''(c)(1) Each selection board convened under section 611(a) of this title that will consider an officer described in paragraph (2) shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is a joint qualified officer.

''(2) Paragraph (1) applies with respect to an officer who—

''(A) is serving in, or has served in, a joint duty assignment;

''(B) is serving on, or has served on, the Joint Staff; or

''(C) is a joint qualified officer.

''(3) The Secretary of Defense may waive the requirement in paragraph (1) in the case of—

''(A) any selection board of the Marine Corps; or

''(B) any selection board that is considering officers in specialties identified in paragraph (2) or (3) of section 619a(b) of this title.''.

(b) INFORMATION FURNISHED TO SELECTION BOARDS.—Section 615 of such title is amended by striking ''in joint duty assignments of officers who are serving, or have served, in such assignments'' in subsections (b)(5) and (c) and inserting ''of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers''.

(c) ACTION ON REPORT OF SELECTION BOARDS.—Section 618(b) of such title is amended—

(1) in paragraph (1), by striking ''are serving, or have served, in joint duty assignments'' and inserting ''are serving on, or have served on, the Joint Staff or are joint qualified officers'';

(2) in subparagraphs (A) and (B) of paragraph (2), by striking ''in joint duty assignments of officers who are serving, or have served, in such assignments'' and inserting ''of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers''; and

(3) in paragraph (4), by striking ''in joint duty assignments'' and inserting ''who are serving on, or have served on, the Joint Staff or are joint qualified officers''.

Subtitle D—General Service Authorities

SEC. 531. EXTENSION OF TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

(a) EXTENSION OF AUTHORITY.—Section 688a(f) of title 10, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

(b) REPORT REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an assessment by the Secretary of the need to extend the authority provided by section 688a of title 10, United States Code, beyond December 31, 2012. The report shall include, at a minimum, the following:

(1) A list of the current types of high-demand, low-density capabilities (as defined in such section) for which the authority is being used to address operational requirements.

(2) For each high-demand, low-density capability included in the list under paragraph (1), the number of retired members of the Armed Forces who have served on active duty at any time during each of fiscal years 2007 through 2010 under the authority.

(3) A plan to increase the required active duty strength for the high-demand, low-density capabilities included in the list under paragraph (1) to eliminate the need to use the authority.

SEC. 532. CORRECTION OF MILITARY RECORDS.

(a) IMPROVED DOCUMENTATION OF CORRECTION BOARD DECISIONS.—Section 1552(a)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)''; and

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

''(B) In establishing correction procedures under subparagraph (A), the Secretary of a military department shall require that a board established under subsection (a)(1) present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the claimant (or heir or representative) who requested the correction. This requirement applies to a request for correction received after the date of the enactment of this subparagraph, both during initial consideration of the request and upon subsequent consideration due to appeal or other circumstances.''.

(b) IMPROVED DOCUMENTATION OF REVIEW BOARD DECISIONS REGARDING DISCHARGE OR DISMISSAL.—Section 1553(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) In establishing review procedures for use by a board established under this section, the Secretary of a military department shall require that the board present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the person who requested the review. This requirement applies to a request for review received after the date of the enactment of this paragraph, both during initial consideration of the request and upon subsequent consideration due to appeal or other circumstances.''.

(c) BOARDS REVIEWING RETIREMENT OR SEPARATION WITHOUT PAY FOR PHYSICAL DISABILITY.—

(1) MEMBERS ELIGIBLE TO REQUEST REVIEW.—Subsection (a) of section 1554 of such title is amended—

(A) by striking ''an officer'' and inserting ''a member or former member of the uniformed services''; and

(B) by striking ''his case'' and inserting ''the member's case''.

(2) IMPROVED DOCUMENTATION OF BOARD DECISIONS.—Subsection (b) of such section is amended—

(A) by inserting ''(1)'' after ''(b)''; and

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

''(2) In establishing review procedures for use by a board established under this section, the Secretary of a military department shall require that the board present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the person who requested the review. This requirement applies to a request for review received after the date of the enactment of this paragraph, both during initial consideration of the request and upon subsequent consideration due to appeal or other circumstances.''.

(d) LIMITATION ON REDUCTION IN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCY.—1559(a) of such title is amended by striking ''December 31, 2010'' and inserting ''December 31, 2013''.

SEC. 533. MODIFICATION OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) TO SPECIFICALLY IDENTIFY A SPACE FOR INCLUSION OF EMAIL ADDRESS.

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a new Block, 19c., titled ''**electronic mailing (e-mail) address after separation**'' in order to permit a member of the Armed Forces to include an email address at which the member may be reached after the member's discharge or release.

SEC. 534. RECOGNITION OF ROLE OF FEMALE MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE REVIEW OF MILITARY OCCUPATIONAL SPECIALTIES AVAILABLE TO FEMALE MEMBERS.

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

(1) Women are and have historically been an import part of all United States war efforts, voluntarily serving in every military conflict in United States history, including the Revolutionary War.

(2) Approximately 34,000 women served in the Armed Forces in World War I, approximately 400,000 served in World War II, approximately 120,000 served in the Korean War, over 7,000 served in the Vietnam War, and more than 41,000 served in the first Gulf War.

(3) Over 350,000 women serving in the Armed Forces make up approximate 15 percent of all active duty personnel, 15 percent of Reserves, and 17 percent of the National Guard.

(4) Over 225,349 women have served in Operation Iraqi Freedom or Operation Enduring Freedom as members of the Armed Forces.

(5) At least 120 female members of the Armed Forces have been killed in Iraq or Afghanistan, and, of the women killed, 66 were killed in combat.

(6) The nature of war has changed in Iraq and Afghanistan, and, despite the prohibition on female members of the Armed Forces serving in combat, so has the role of female members of the Armed Forces.

(b) OFFICIAL RECOGNITION.—Congress—

(1) honors women who have served, and women who are currently serving, as members of the Armed Forces; and

(2) encourages all people in the United States to recognize the service and achievements of female members of the Armed Forces and female veterans.

(c) REVIEWS REQUIRED.—

(1) REVIEWS; ELEMENTS.—The Secretary of Defense shall conduct a review of military occupational positions available to female members of the Armed Forces for the purpose of ensuring that female members have the maximum opportunity to compete and excel in the Armed Forces. The Secretary of Defense, in coordination with the Secretaries of the military departments, also shall review the collocation policy and other policies and regulations that restrict the service of female members to determine whether changes are needed, including legislative change, if necessary, to enhance the ability of women to serve in the Armed Forces.

(2) SUBMISSION OF RESULTS.—Not later than February 1, 2011, the Secretary of Defense shall submit to the congressional defense committee a report containing the results of the reviews.

Subtitle E—Military Justice and Legal Matters

SEC. 541. CONTINUATION OF WARRANT OFFICERS ON ACTIVE DUTY TO COMPLETE DISCIPLINARY ACTION.

Section 580 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) A warrant officer subject to discharge or retirement under this section, but against whom any action has been commenced with a view to trying the officer by court-martial, may be continued on active duty, without prejudice to such action, until the completion of such action.''.

SEC. 542. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN MILITARY JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 848. Art. 48. Contempts

''(a) AUTHORITY TO PUNISH CONTEMPT.—A military judge detailed to a court-martial, a court of inquiry, the Court of Appeals for the Armed Forces, a Court of Criminal Appeals, a provost court, or a military commission (other than a military commission established under chapter 47A of this title) may punish for contempt any person who—

''(1) uses any menacing word, sign, or gesture in the presence of the military judge during the proceedings of the court-martial, court, or military commission;

''(2) disturbs the proceedings of the court-martial, court, or military commission by any riot or disorder; or

''(3) willfully disobeys its lawful writ, process, order, rule, decree, or command.

''(b) PUNISHMENT.—A person punished for contempt under this section may be confined for not more than 30 days, fined in an amount of not more than $1,000, or both.''.

(b) EFFECTIVE DATE.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to acts of contempt committed after the date of the enactment of this Act.

SEC. 543. LIMITATIONS ON USE IN PERSONNEL ACTION OF INFORMATION CONTAINED IN CRIMINAL INVESTIGATIVE REPORT OR IN INDEX MAINTAINED FOR LAW ENFORCEMENT RETRIEVAL AND ANALYSIS.

(a) LIMITATIONS.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1034 the following new section:

''§ 1034a. Criminal investigative report or index maintained for law enforcement retrieval and analysis: limitations on use in personnel actions

''(a) PROHIBITION ON USE IN PERSONNEL ACTIONS.—Except as provided in subsection (b), information relating to the titling or indexing of a member of the armed forces contained in any criminal investigative report prepared by any entity of the Department of Defense or index maintained by any entity of the Department of Defense for the purpose of potential retrieval and analysis by Department law enforcement organizations may not be used in connection with any personnel action involving the member.

''(b) AUTHORIZED EXCEPTIONS.—The prohibition in subsection (a) does not preclude the use of information relating to the titling or indexing of a member—

''(1) in connection with law enforcement activities;

''(2) in a judicial or administrative action involving the member regarding the alleged offense referenced in the criminal investigative report or index; or

''(3) in a personnel action if—

''(A) the member has been adjudged guilty of the alleged offense referenced in the criminal investigative report or index by military non-judicial or judicial proceedings or by civilian judicial proceedings;

''(B) a record of the proceedings is presented in connection with the personnel action; and

''(C) the member is provided the opportunity to present additional information in response to the record of the proceedings.

''(c) DEFINITIONS.—In this section:

''(1) INDEXING.—The term 'indexing' refers to the procedure whereby a Department of Defense criminal investigative agency submits identifying information concerning subjects, victims, or incidentals of investigations for addition to the Defense Clearance and Investigations Index.

''(2) TITLING.—The term 'titling' refers to the process by which a Department of Defense criminal investigative agency places the name of a person in the title block of a criminal investigative report at a time when the agency has credible information that the person committed a criminal offense. The titling, however, does not connote any degree of guilt or innocence.

''(3) PERSONNEL ACTION.—The term 'personnel action', with respect to a member, means any recommendation, action, or decision impacting or affecting any aspect of the military service of the member.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1034 the following new item:

''1034a. Criminal investigative report or index maintained for law enforcement retrieval and analysis: limitations on use in personnel actions.''.

SEC. 544. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

''(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

''(f) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SEC. 545. IMPROVEMENTS TO DEPARTMENT OF DEFENSE DOMESTIC VIOLENCE PROGRAMS.

(a) IMMEDIATE ACTIONS REQUIRED.—

(1) ENTRY OF DATA INTO LAW ENFORCEMENT SYSTEMS.—The Secretary of Defense shall ensure that all command actions related to domestic violence incidents involving members of the Army, Navy, Air Force, or Marine Corps are entered into all Department of Defense law enforcement systems.

(2) ISSUANCE OF FAMILY ADVOCACY PROGRAM GUIDANCE.—The Secretary of Defense shall issue Department of Defense Family Advocacy Program guidance.

(b) IMPLEMENTATION OF OUTSTANDING COMPTROLLER GENERAL RECOMMENDATIONS.—Consistent with the recommendations contained in the report of the Comptroller General of the United States titled ''Status of Implementation of GAO's 2006 Recommendations on the Department of Defense's Domestic Violence Program'' (GAO-10-577R), the Secretary of Defense shall complete, not later than one year after the date of enactment of this Act, implementation of actions to address the following recommendations:

(1) DEFENSE INCIDENT-BASED REPORTING SYSTEM.—The Secretary of Defense shall develop a comprehensive management plan to address deficiencies in the data captured in the Defense Incident-Based Reporting System to ensure the system can provide an accurate count of the domestic violence incidents that are reported throughout the Department of Defense.

(2) ADEQUATE PERSONNEL.—The Secretary of Defense shall develop a plan to ensure that adequate personnel are available to implement recommendations made by the Defense Task Force on Domestic Violence.

(3) DOMESTIC VIOLENCE TRAINING DATA FOR CHAPLAINS.—The Secretary of Defense shall develop a plan to collect domestic violence training data for chaplains.

(4) OVERSIGHT FRAMEWORK.—The Secretary of Defense shall develop an oversight framework for Department of Defense domestic violence programs, to include oversight of implementation of recommendations made by the Defense Task Force on Domestic Violence, budgeting, and policy compliance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the planned actions required under subsections (a) and (b).

SEC. 546. PUBLIC RELEASE OF RESTRICTED ANNEX OF DEPARTMENT OF DEFENSE REPORT OF THE INDEPENDENT REVIEW RELATED TO FORT HOOD PERTAINING TO OVERSIGHT OF THE ALLEGED PERPETRATOR OF THE ATTACK.

(a) RELEASE REQUIRED.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Defense shall release publicly the restricted annex, described in subsection (b), that was part of the January 2010 Department of Defense Report of the Independent Review Related to Fort Hood and the attack there on November 5, 2009.

(b) MATERIAL SUBJECT TO RELEASE; EXCEPTION.—The restricted annex referred to in subsection (a) is the document described on page 9 of the January 2010 Department of Defense Report of the Independent Review Related to Fort Hood, which provided the detailed findings, recommendations, and complete supporting discussions of the Independent Review pertaining to the oversight of the alleged perpetrator of the November 2009 attack. No part of the restricted annex shall be exempted from public release, except—

(1) materials that the Secretary of Defense determines may imperil, if disclosed, any criminal investigation or prosecution related to the attack; and

(2) in accordance with section 1102 of title 10, United States Code, the memorandum summarizing the results of the medical quality assurance records relating to the care provided patients by the alleged perpetrator of the attack.

Subtitle F—Member Education and Training Opportunities and Administration

SEC. 551. REPAYMENT OF EDUCATION LOAN REPAYMENT BENEFITS.

(a) ENLISTED MEMBERS ON ACTIVE DUTY IN SPECIFIED MILITARY SPECIALTIES.—Section 2171 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(g) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

''(h) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.''.

(b) MEMBERS OF SELECTED RESERVE.—Section 16301 of such title is amended by adding at the end the following new subsections:

''(h) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 2171 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

''(i) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.''.

SEC. 552. ACTIVE DUTY OBLIGATION FOR GRADUATES OF THE MILITARY SERVICE ACADEMIES PARTICIPATING IN THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) UNITED STATES MILITARY ACADEMY GRADUATES.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty,

regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.''.

(b) UNITED STATES NAVAL ACADEMY GRADUATES.—Section 6959(a) of such title is amended by adding at the end the following new paragraph:

''(4) That if an appointment described in paragraph (2) or (3) is tendered and the midshipman participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the midshipman will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.''.

(c) UNITED STATES AIR FORCE ACADEMY GRADUATES.—Section 9348(a) of such title is amended by adding at the end the following new paragraph:

''(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 553. WAIVER OF MAXIMUM AGE LIMITATION ON ADMISSION TO SERVICE ACADEMIES FOR CERTAIN ENLISTED MEMBERS WHO SERVED DURING OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) WAIVER AUTHORITY.—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of an enlisted member of the Armed Forces to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, if the member, otherwise satisfies the eligibility requirements for admission to that academy, and—

(1) as a result of service on active duty in a theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom, was or is prevented from being admitted to that academy before the member reached the maximum age specified in such sections; or

(2) possesses an exceptional overall record that the Secretary concerned determines sets the candidate apart from all other candidates.

(b) LIMITATION OF WAIVER.—

(1) MAXIMUM AGE.—A waiver may not be granted under subsection (a) to a member of the Armed Forces described in such subsection if the member would pass the member's twenty-sixth birthday by July 1 of the year in which the member would enter the military service academy.

(2) MAXIMUM NUMBER.—No more than five members of the Armed Forces may attend each of the military service academies at any one time pursuant to a waiver granted under subsection (a)(2).

(c) DURATION OF WAIVER AUTHORITY.—The authority to grant a waiver under subsection (a) expires on September 30, 2015.

SEC. 554. REPORT OF FEASIBILITY AND COST OF EXPANDING ENROLLMENT AUTHORITY OF COMMUNITY COLLEGE OF THE AIR FORCE TO INCLUDE ADDITIONAL MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report, prepared in consultation with the Secretary of the Air Force, evaluating the feasibility and cost of authorizing enlisted members of the Army, Navy, Marine Corps and Coast Guard to enroll in Community College of the Air Force programs offered under section 9315 of title 10, United States Code.

Subtitle G—Defense Dependents' Education

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. ENROLLMENT OF DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO RESIDE IN TEMPORARY HOUSING IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary may, at the discretion of the Secretary, permit dependents of members of the armed forces described in subparagraph (B) to enroll in an educational program provided by the Secretary pursuant to this subsection without regard to the requirement in paragraph (1) with respect to residence on a military installation.

''(B) Subparagraph (A) applies only if—

''(i) the dependents reside in temporary housing (regardless of whether the temporary housing is on Federal property) in lieu of permanent living quarters on a military installation; and

''(ii) the Secretary determines that the circumstances of such living arrangements justify extending the enrollment authority to include such dependents.

''(C) The Secretary shall prescribe regulations to ensure consistent application of this paragraph.''.

Subtitle H—Decorations, Awards, and Commemorations

SEC. 571. NOTIFICATION REQUIREMENT FOR DETERMINATION MADE IN RESPONSE TO REVIEW OF PROPOSAL FOR AWARD OF A MEDAL OF HONOR NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

Section 1130(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) If a determination under this section includes a favorable recommendation for the award of the Medal of Honor, submission of the detailed discussion of the rationale supporting the determination shall be made through the Secretary of Defense.''.

SEC. 572. DEPARTMENT OF DEFENSE RECOGNITION OF SPOUSES OF MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT AND PRESENTATION OF LAPEL BUTTONS.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1126 the following new section:

''§ 1126a. Spouse of combat veteran lapel button: eligibility and presentation

''(a) DESIGN AND ELIGIBILITY.—A lapel button, to be known as the spouse-of-a-combat-veteran lapel button, shall be designed, as approved by the Secretary of Defense, to identify and recognize the spouse of a member of the armed forces who is serving or has served in a combat zone for a period of more than 30 days.

''(b) PRESENTATION.—The Secretary concerned may authorize the use of appropriated funds to procure spouse-of-a-combat-veteran lapel buttons and to provide for their presentation to eligible spouses of members.

''(c) EXCEPTION TO TIME PERIOD REQUIREMENT.—The 30-day periods specified in subsections (a) and (b) do not apply if the member is killed or wounded in the combat zone before the expiration the period.

''(d) LICENSE TO MANUFACTURE AND SELL LAPEL BUTTONS.—Section 901(c) of title 36 shall apply with respect to the spouse-of-a-combat-veteran lapel button authorized by this section.

''(e) COMBAT ZONE DEFINED.—In this section, the term 'combat zone' has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

''(f) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section. The Secretary shall ensure that the regulations are uniform for each armed force to the extent practicable.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1126 the following new item:

''1126a. Spouse-of-a-combat-veteran lapel button: eligibility and presentation.''.

(c) IMPLEMENTATION.—It is the sense of Congress that, as soon as practicable once the spouse-of-a-combat-veteran lapel button become available, the Secretary of Defense—

(1) should widely announce the availability of spouse-of-a-combat-veteran lapel buttons through military and public information channels; and

(2) should encourage commanders at all levels to conduct ceremonies recognizing the support provided by spouses of members of the Armed Forces and to use the ceremonies as an opportunity for members to present their spouses with a spouse-of-a-combat-veteran lapel button.

SEC. 573. DEPARTMENT OF DEFENSE RECOGNITION OF CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT AND PRESENTATION OF LAPEL BUTTONS.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1126a, as added by section 572, the following new section:

''§ 1126b. Children of members commemorative lapel button: eligibility and presentation

''(a) DESIGN AND ELIGIBILITY.—A lapel button, to be known as the children of military service members commemorative lapel button, shall be designed, as approved by the Secretary of Defense, to identify and recognize an eligible child dependent of a member of the armed forces who serves on active duty for a period of more than 30 days.

''(b) PRESENTATION.—The Secretary concerned may authorize the use of appropriated funds to

procure children of military service members commemorative lapel buttons and to provide for their presentation to eligible child dependents.

''(c) LICENSE TO MANUFACTURE AND SELL LAPEL BUTTONS.—Section 901(c) of title 36 shall apply with respect to the children of military service members commemorative lapel button authorized by this section.

''(d) ELIGIBLE CHILD DEPENDENT DEFINED.—In this section, the term 'eligible child dependent' means a dependent of a member of the armed forces described in subparagraph (D) or (I) of section 1072(2) of this title.

''(e) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section. The Secretary shall ensure that the regulations are uniform for each armed force to the extent practicable.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1126a the following new item:

''1126b. Children of members commemorative lapel button: eligibility and presentation.''.

(c) IMPLEMENTATION.—It is the sense of Congress that, as soon as practicable once the children of military service members commemorative lapel button become available, the Secretary of Defense—

(1) should widely announce the availability of children of military service members commemorative lapel buttons through military and public information channels; and

(2) should encourage commanders at all levels to conduct ceremonies recognizing the support provided by children of members of the Armed Forces and to use the ceremonies as an opportunity for members to present their children with a children of military service members commemorative lapel button.

SEC. 574. CLARIFICATION OF PERSONS ELIGIBLE FOR AWARD OF BRONZE STAR MEDAL.

(a) LIMITATION ON ELIGIBLE PERSONS.—Section 1133 of title 10, United States Code, is amended to read as follows:

''§ 1133. Bronze Star: limitation on persons eligible to receive

''The decoration known as the 'Bronze Star' may only be awarded to a member of a military force who—

''(1) at the time of the events for which the decoration is to be awarded, was serving in a geographic area in which special pay is authorized under section 310 or paragraph (1) or (3) of section 351(a) of title 37; or

''(2) receives special pay under section 310 or paragraph (1) or (3) of section 351(a) of title 37 as a result of those events.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by striking the item relating to section 1133 and inserting the following new item:

''1133.Bronze Star: limitation on persons eligible to receive.''.

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) applies to the award of the Bronze Star after October 30, 2000.

SEC. 575. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual's participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term ''eligible veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

SEC. 576. AUTHORIZATION FOR AWARD OF MEDAL OF HONOR TO CERTAIN MEMBERS OF THE ARMY FOR ACTS OF VALOR DURING THE CIVIL WAR, KOREAN WAR, OR VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to the following former members of the Army for conspicuous acts of gallantry and intrepidity at the risk of their life and beyond the call of duty, as described in subsection (b):

(1) First Lieutenant Alonzo H. Cushing, Civil War.

(2) Private John A. Sipe, Civil War.

(3) Chaplain (Captain) Emil J. Kapaun, Korean War.

(4) Specialist Four Robert L. Towles, Vietnam War.

(b) ACTS OF VALOR DESCRIBED.—

(1) FIRST LIEUTENANT ALONZO H. CUSHING.—In the case of First Lieutenant Alonzo H. Cushing, the acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

(2) PRIVATE JOHN A. SIPE.—In the case of Private John A. Sipe, the acts of valor referred to in subsection (a) are the actions of then Private John A. Sipe of Company I of the 205th Regiment Pennsylvania Volunteers, part of the 2d Brigade, 3d Division, 9th Corps, Army of the Potomac, on March 25, 1865, during the American Civil War.

(3) CHAPLAIN EMIL J. KAPAUN.—In the case of Chaplain (Captain) Emil J. Kapaun, the acts of valor referred to in subsection (a) are the actions of Chaplain Emil J. Kapaun of 3d Battalion, 8th Cavalry Regiment, 1st Cavalry Division during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1952, during the Korean War.

(4) SPECIALIST FOUR ROBERT L. TOWLES.—In the case of Specialist Four Robert L. Towles, the acts of valor referred to in subsection (a) are the actions of then Specialist Four Robert L. Towles of Company D, 2d Battalion, 7th Cavalry, 1st Cavalry Division on November 17, 1965, during the Vietnam War for which he was originally awarded the Bronze Star with ''V'' Device.

SEC. 577. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JAY C. COPLEY FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Captain Jay C. Copley of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Jay C. Copley on May 5, 1968, as commander of Company C of the 1st Battalion, 50th Infantry, 173d Airborne Brigade during an engagement with a regimental-size enemy force in Bin Dinh Province, South Vietnam.

SEC. 578. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF THE KOREAN WAR.

(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may establish and conduct a program to commemorate the 60th anniversary of the Korean War (in this section referred to as the ''commemorative program''). In conducting the commemorative program, the Secretary shall coordinate and support other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Korean War.

(b) SCHEDULE.—If the Secretary of Defense establishes the commemorative program, the Secretary shall determine the schedule of major events and priority of efforts for the commemorative program to achieve the commemorative objectives specified in subsection (c). The Secretary may establish a committee to assist the Secretary in determining the schedule and conducting the commemorative program.

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of the Korean War, including members of the Armed Forces who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States.

(2) To thank and honor the families of veterans of the Korean War for their sacrifices and contributions, especially families who lost a loved one in the Korean War.

(3) To highlight the service of the Armed Forces during the Korean War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

(4) To pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean War.

(5) To provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War.

(6) To highlight the advances in technology, science, and medicine related to military research conducted during the Korean War.

(7) To recognize the contributions and sacrifices made by the allies of the United States during the Korean War.

(d) USE OF THE UNITED STATES OF AMERICA KOREAN WAR COMMEMORATION AND SYMBOLS.—Subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918), as amended by section 1067 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2134) and section 1052 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 764), shall apply to the commemorative program.

(e) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT OF NEW ACCOUNT.—If the Secretary of Defense establishes the commemorative program, the Secretary the Treasury shall establish in the Treasury of the United States an account to be known as the ''Department of Defense Korean War Commemoration Fund'' (in this section referred to as the ''Fund'').

(2) ADMINISTRATION AND USE OF FUND.—The Fund shall be available to, and administered by, the Secretary of Defense. The Secretary shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

(3) DEPOSITS.—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918).

(C) Donations made in support of the commemorative program by private and corporate donors.

(4) AVAILABILITY.—Subject to paragraph (5), amounts in the Fund shall remain available until expended.

(5) TREATMENT OF UNOBLIGATED FUNDS; TRANSFER.—If unobligated amounts remain in the Fund as of September 30, 2013, the Secretary of the Treasury shall transfer the amounts to the Department of Defense Vietnam War Commemorative Fund established pursuant to section 598(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 113 note). The transferred amounts shall be merged with, and available for the same purposes as, other amounts in the Department of Defense Vietnam War Commemorative Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) COMPENSATION FOR WORK-RELATED INJURY.—A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(3) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) REPORT REQUIRED.—If the Secretary of Defense conducts the commemorative program, the Inspector General of the Department of Defense shall submit to Congress, not later than 60 days after the end of the commemorative program, a report containing an accounting of—

(1) all of the funds deposited into and expended from the Fund;

(2) any other funds expended under this section; and

(3) any unobligated funds remaining in the Fund as of September 30, 2013, that are transferred to the Department of Defense Vietnam War Commemorative Fund pursuant to subsection (e)(5).

(h) LIMITATION ON EXPENDITURES.—Using amounts appropriated to the Department of Defense, the Secretary of Defense may not expend more than $5,000,000 to carry out the commemorative program.

Subtitle I—Military Family Readiness Matters

SEC. 581. APPOINTMENT OF ADDITIONAL MEMBER OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) INCLUSION OF SPOUSE OF GENERAL OR FLAG OFFICER.—Subsection (b) of section 1781a of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) The spouse of a general or flag officer.''; and

(2) in paragraph (2), by striking ''subparagraphs (C) and (D)'' and inserting ''subparagraphs (C), (D), and (E)''.

(b) CLARIFICATION OF APPOINTMENT OPTIONS FOR EXISTING MEMBER.—Subparagraph (F) of subsection (b)(1) of such section, as redesignated by subsection (a)(1)(A), is amended to read as follows:

''(F) In addition to the representatives appointed under subparagraphs (B) and (C), the senior enlisted advisor, or the spouse of a senior enlisted member, from each of the Army, Navy, Marine Corps, and Air Force.''.

(c) APPOINTMENT BY SECRETARY OF DEFENSE.—Subsection (b) of such section is further amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking '', who shall be appointed by the Secretary of Defense''; and

(B) in subparagraph (C), by striking '', who shall be appointed by the Secretary of Defense'' both places it appears; and

(C) in subparagraph (D), by striking ''by the Secretary of Defense''; and

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

''(3) The Secretary of Defense shall appoint the members of the Council required by subparagraphs (B) through (F) of paragraph (1).''.

SEC. 582. DIRECTOR OF THE OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

Subsection (c) of section 1781c of title 10, United States Code, is amended to read as follows:

''(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With Special Needs, who shall be a member of the Senior Executive Service or a general officer or flag officer.

''(2) In the discharge of the responsibilities of the Office, the Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness.''.

SEC. 583. PILOT PROGRAM OF PERSONALIZED CAREER DEVELOPMENT COUNSELING FOR MILITARY SPOUSES.

(a) PILOT PROGRAM REQUIRED.—Section 1784a of title 10, United States Code, is amended—

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

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

''(d) PERSONALIZED CAREER DEVELOPMENT COUNSELING.—

''(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program designed to provide personalized career development counseling to the spouses of members of the armed forces eligible for assistance under this section, including the development of strategies, step-by-step guidelines, and customizable milestones—

''(A) to promote a comprehensive, introspective review of personal skills, experience, goals, and requirements with a view to developing a personalized plan for career development;

''(B) to identify career options that are portable, personally rewarding, and compatible with personal strengths, skills, and experience;

''(C) to instruct and encourage the use of sound personal and professional management practices; and

''(D) to plan career attainment progression objectives and measure progress.

''(2) INCENTIVES TO FILL CRITICAL CIVILIAN SPECIALTIES.—In conducting the pilot program, the Secretary shall consider methods to provide incentives for program participants to fill critical civilian specialties needed in the Department of Defense, including the following:

''(A) Mental health and other health care.

''(B) Social work.

''(C) Family welfare.

''(D) Contract and acquisition management.

''(E) Personal financial management.

''(F) Day care services.

''(G) Education.

''(H) Military resale system.

''(I) Morale, welfare and recreation activities.

''(J) Law enforcement.

''(3) PROCESS REVIEWS.—The Secretary shall include in the pilot program a periodic review, to be conducted by counselors, of progress made by participants to determine if changes to personal career strategies may be necessary.

''(4) NUMBER OF PARTICIPANTS.—The Secretary of Defense shall enroll at least 75 military spouses in the pilot program, but not more than 150 military spouses.

''(5) GEOGRAPHIC COVERAGE OF PILOT PROGRAM.—The pilot program shall be conducted in at least three separate geographic areas, as determined by the Secretary of Defense.

''(6) COUNSELORS.—The Secretary of Defense may enter into contracts with career counselors to provide counseling services under the pilot program. There shall be at least one counselor in each of the geographic areas of the pilot program.

''(7) ANNUAL EVALUATION.—The Secretary of Defense shall conduct an annual evaluation of the pilot program to determine the following:

''(A) The effectiveness of the pilot program in improving the ability of participants to identify, develop, and obtain employment in portable career fields.

''(B) The self-reported levels of professional satisfaction of participants.

''(C) The quality of careers selected and pursued.

''(D) The rates of success—

''(i) as determined and evaluated by participants; and

''(ii) as determined by the Secretary.

''(8) ANNUAL REPORT.—

''(A) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report containing—

''(i) the results of the most-recent annual evaluation conducted under paragraph (7); and

''(ii) the matters required by subparagraph (B).

''(B) CONTENTS.—Each report under this paragraph shall contain, at a minimum, the following:

''(i) The number of participants in the pilot program.

''(ii) Recommendations for adjustments to the pilot program.

''(iii) Recommendations for extending the pilot program or implementing a permanent comprehensive career development for military spouses.

''(C) TIME FOR SUBMISSION.—The first report under this subsection shall be submitted not later than one year after the date of the commencement of counseling services under the pilot program. Subsequent reports shall be submitted for each year of the pilot program, with the final report being submitted not later than 90 days after the termination of the pilot program.

''(9) TERMINATION.—The pilot program shall terminate at the end of the three-year period beginning on the date on which the Secretary of Defense notifies the Committees on Armed Services of the Senate and the House of Representatives of the commencement of counseling services under the pilot program.''.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Committees on Armed Services of the Senate and the House of Representatives a plan to implement the pilot program under subsection (d) of section 1784a of title 10, United States Code, as added by subsection (a).

SEC. 584. MODIFICATION OF YELLOW RIBBON REINTEGRATION PROGRAM.

(a) OFFICE FOR REINTEGRATION PROGRAMS.—Subsection (d)(1) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) by striking ''The Under'' and inserting the following:

''(A) IN GENERAL.—The Under''; and

(2) in the last sentence—

(A) by striking ''The office may also'' and inserting the following:

''(B) PARTNERSHIPS AND ACCESS.—The office may'';

(B) by inserting ''and the Department of Veterans Affairs'' after ''Administration''; and

(C) by adding at the end the following new sentence: ''Service and State-based programs may provide access to curriculum, training, and support for services to members and families from all components.''.

(b) CENTER FOR EXCELLENCE IN REINTEGRATION.—Subsection (d)(2) of such section is amended by adding at the end the following new sentence: ''The Center shall develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g)''.

(c) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—Subsection (f)(3) of such section is amended by inserting ''and community-based organizations'' after ''service providers''.

(d) OPERATION OF PROGRAM DURING DEPLOYMENT AND POST-DEPLOYMENT-RECONSTITUTION PHASES.—Subsection (g) of such section is amended—

(1) in paragraph (3), by inserting ''and to decrease the isolation of families during deployment'' after ''combat zone''; and

(2) in paragraph (5)(A), by inserting '', providing information on employment opportunities,'' after ''communities''.

(e) ADDITIONAL OUTREACH SERVICE.—Subsection (h) of such section, as amended by section 595(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110–84; 123 Stat. 2338), is amended by adding at the end the following new paragraph:

''(15) Resiliency training to promote comprehensive programs for members of the Armed Forces to build mental and emotional resiliency for successfully meeting the demands of the deployment cycle.''.

SEC. 585. IMPORTANCE OF OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Office of Community Support for Military Families with Special Needs, as established pursuant to section 1781c of title 10, United States Code, as added by section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2304), is the best structure—

(1) to determine what medical, educational, and other support services are required by military families with children who have a medical or educational special need; and

(2) to ensure that those services are made available to military families with special needs.

(b) SPECIFIC BUDGETING FOR OFFICE.—Effective with the Program Objective Memorandum to be issued for fiscal year 2012 and thereafter and containing recommended programming and resource allocations for the Department of Defense, the Secretary of Defense shall specifically address the Office of Community Support for Military Families with Special Needs to ensure that a separate line of funding is allocated to the Office.

SEC. 586. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall prepare a report identifying—

(1) the progress made in implementing the Office of Community Support for Military Families with Special Needs, as established pursuant to section 1781c of title 10, United States Code, as added by section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2304);

(2) the policies governing the operation of the Office; and

(3) any gaps that still exist in ensuring that members of the Armed Forces who have dependents with special needs receive the support and services they deserve.

(b) ELEMENTS OF REPORT.—In the report required by subsection (a), the Comptroller General shall specifically address the following:

(1) The implementation of the responsibilities and duties assigned to the Office of Community Support for Military Families With Special Needs pursuant to subsections (d), (e), and (f) of section 1781c of title 10, United States Code.

(2) The manner in which the Department of Defense and the military departments intend to ensure that feedback is provided to the Office of Community Support for Military Families With Special Needs to ensure that the services and policy put in place are appropriate.

(c) RECOMMENDATIONS.—The Comptroller General shall include in the report required by subsection (a) specific recommendations on the establishment, reporting requirements, internal monitoring, and oversight of the Office of Community Support for Military Families With Special Needs by the Under Secretary of Defense for Personnel and Readiness to ensure that the mission of the Office is being accomplished.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit the report required by subsection (a) to the congressional defense committees.

SEC. 587. COMPTROLLER GENERAL REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall conduct an assessment of the Exceptional Family Member Program of the Department of Defense to review the operation of the program in each of the Armed Forces, including program policies, best practices, execution, implementation and strategic planning, to determine program variances and to make recommendations to improve and standardize program effectiveness and support for members of the Armed Forces who have dependents with special needs.

(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 assessment and review under subsection (a).

SEC. 588. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall carry out a review of all Department of Defense spouse employment programs.

(b) ELEMENTS OF REVIEW.—At a minimum, the review shall address the following:

(1) The efficacy and effectiveness of Department of Defense spouse employment programs.

(2) All current Department of Defense programs that are in place to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department of Defense.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to support military spouses of members of the Armed Forces serving in Operation Iraqi Freedom or Operation Enduring Freedom.

(6) The existing feedback mechanisms available for military spouses to express their views on the effectiveness and future direction of relevant Department of Defense programs and policies.

(7) The degree of oversight provided by the Office of Personnel and Management regarding military spouse preferences.

(c) SUBMISSION OF RESULTS.—Not later than March 1, 2011, the Comptroller General shall submit to the congressional defense committees a report containing—

(1) the results of the review;

(2) the assumptions upon which the review was based and the validity and completeness of such assumptions; and

(3) such recommendations as the Comptroller General considers necessary for improving Department of Defense spouse employment programs.

SEC. 589. REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EDUCATION PROGRAMS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of all Department of Defense education programs designed to support spouses of members of the Armed Forces.

(b) ELEMENTS OF REVIEW.—At a minimum, the review shall evaluate the following:

(1) All current Department of Defense programs that are in place to advance military spouse education opportunities.

(2) The efficacy and effectiveness of Department of Defense spouse education programs.

(3) The effect that a lack military spouse education opportunities has on the ability to retain members of the Armed Forces.

(4) A comparison of the costs associated with providing military spouse education opportunities to retain members rather than recruiting or training new members.

(c) SUBMISSION OF RESULTS.—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—

(1) the results of the review; and

(2) such recommendations as the Secretary considers necessary for improving Department of Defense spouse education programs.

Subtitle J—Other Matters

SEC. 591. ESTABLISHMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In addition to units of the Junior Reserve Officers' Training Corps established at public and private secondary educational institutions under subsection (a), the Secretary of each military department may carry out a pilot program to establish and support units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in the Corps who, notwithstanding the limitation in subsection (b)(1), are in a grade above the sixth grade. Under the pilot program, the Secretary may authorize a course of military instruction of not less than two academic years' duration, notwithstanding subsection (b)(3).

''(2) Except as provided in paragraph (1), a unit of the Junior Reserve Officers' Training Corps established and supported under the pilot program must meet the requirements of this section.

''(3) The Secretary of the military department concerned shall conduct a review of the pilot program. The review shall include an evaluation of what impacts, if any, the pilot program may have on the operation of the Junior Reserve Officers' Training Corps in secondary educational institutions.''.

SEC. 592. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking ''20 full-time student positions'' and inserting ''35 full-time student positions''.

SEC. 593. ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO ATTEND UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) ADMISSION AUTHORITY.—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314 the following new section:

''§ 9314a. United States Air Force Institute of Technology: admission of defense industry civilians

''(a) ADMISSION AUTHORIZED.—(1) The Secretary of the Air Force may permit defense industry employees described in subsection (b) to receive instruction at the United States Air Force Institute of Technology in accordance with this section. Any such defense industry employee may be enrolled in, and may be provided instruction in, a program leading to a graduate degree in a defense focused curriculum related to aeronautics and astronautics, electrical and computer engineering, engineering physics, mathematics and statistics, operational sciences, or systems and engineering management.

''(2) No more than 125 defense industry employees may be enrolled at the United States Air Force Institute of Technology at any one time under the authority of paragraph (1).

''(3) Upon successful completion of the course of instruction at the United States Air Force Institute of Technology in which a defense industry employee is enrolled, the defense industry employee may be awarded an appropriate degree under section 9314 of this title.

''(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long at that person remains employed by the same firm.

''(c) ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR FORCE.—Defense industry employees may receive instruction at the United States Air Force Institute of Technology during any academic year only if, before the start of that academic year, the Secretary of the Air Force, or the designee of the Secretary, determines that providing instruction to defense industry employees under this section during that year—

''(1) will further the military mission of the United States Air Force Institute of Technology; and

''(2) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

''(d) PROGRAM REQUIREMENTS.—The Secretary of the Air Force shall ensure that—

''(1) the curriculum in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on the areas of focus specified in subsection (a)(1) that are conducted by military organizations and defense contractors working in close cooperation; and

''(2) the course offerings at the United States Air Force Institute of Technology continue to be determined solely by the needs of the Department of Defense.

''(e) TUITION.—(1) The United States Air Force Institute of Technology shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Air Force.

''(2) Amounts received by the United States Air Force Institute of Technology for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.

''(f) STANDARDS OF CONDUCT.—While receiving instruction at the United States Air Force Institute of Technology, defense industry employees 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 school.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9314 the following new item:

''9314a. United States Air Force Institute of Technology: admission of defense industry civilians.''.

SEC. 594. DATE FOR SUBMISSION OF ANNUAL REPORT ON DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b(g) of title 10, United States Code, is amended by striking ''90 days after the end of each fiscal year'' and inserting ''March 31 of each year''.

SEC. 595. EXTENSION OF DEADLINE FOR SUBMISSION OF FINAL REPORT OF MILITARY LEADERSHIP DIVERSITY COMMISSION.

Section 596(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4478) is amended by striking ''12 months'' and inserting ''18 months''.

SEC. 596. ENHANCED AUTHORITY FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE AND COAST GUARD CIVILIAN EMPLOYEES AND THEIR FAMILIES TO ACCEPT GIFTS FROM NON-FEDERAL ENTITIES.

(a) CODIFICATION AND EXPANSION OF EXISTING AUTHORITY TO COVER ADDITIONAL MEMBERS AND EMPLOYEES.—

(1) CODIFICATION AND EXPANSION.—Chapter 155 of title 10, United States Code, is amended by inserting after section 2601 the following new section:

''§ 2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families

''(a) REGULATIONS GOVERNING ACCEPTANCE OF GIFTS.—(1) The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall issue regulations to provide that, subject to such limitations as may be specified in such regulations, the following individuals may accept gifts from nonprofit organizations, private parties, and other sources outside the Department of Defense or the Department of Homeland Security:

''(A) A member of the armed forces described in subsection (c).

''(B) A civilian employee of the Department of Defense or Coast Guard described in subsection (d).

''(C) The family members of such a member or employee.

''(D) Survivors of such a member or employee who is killed.

''(2) The regulations required by this subsection shall apply uniformly to all elements of the Department of Defense and, to the maximum extent feasible, to the Coast Guard.

''(b) EXCEPTION TO GIFT BAN.—A member of the armed forces described in subsection (c) and a civilian employee described in subsection (d) may accept gifts as provided in the regulations issued under subsection (a) notwithstanding section 7353 of title 5.

''(c) COVERED MEMBERS.—This section applies to a member of the armed forces who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an injury or illness—

''(1) as described in section 1413a(e)(2) of this title;

''(2) in an operation or area designated as a combat operation or a combat zone by the Secretary of Defense in accordance with the regulations issued under subsection (a); or

''(3) under other circumstances determined by the Secretary concerned to warrant treatment analogous to members covered by paragraph (1) or (2).

''(d) COVERED EMPLOYEES.—This section applies to a civilian employee of the Department of Defense or Coast Guard who, while an employee on or after September 11, 2001, incurred an injury or illness under a circumstance described in paragraph (1), (2), or (3) of subsection (c).

''(e) GIFTS FROM CERTAIN SOURCES PROHIBITED.—The regulations issued under subsection (a) may not authorize the acceptance of a gift from a foreign government or international organization or their agents.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2601 the following new item:

''2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.''.

(b) REPEAL OF SUPERCEDED PROVISION.—Section 8127 of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109–148; 119 Stat. 2730; 10 U.S.C. 2601 note prec.) is repealed.

(c) APPLICATION OF EXISTING REGULATIONS.—Pending the issuance of the regulations required by subsection (a) of section 2601a of title 10, United States Code, as added by subsection (a), the regulations prescribed under section 8127 of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109–148; 119 Stat. 2730; 10 U.S.C. 2601 note prec.) shall apply to the acceptance of gifts under such section 2601a.

(d) RETROACTIVE APPLICABILITY OF REGULATIONS.—The regulations issued under subsection (a) of section 2601a of title 10, United States Code, as added by subsection (a), shall, to the extent provided in such regulations, also apply to the acceptance of gifts during the period beginning on September 11, 2001, and ending on the date on which such regulations go into effect.

SEC. 597. REPORT ON PERFORMANCE AND IMPROVEMENTS OF TRANSITION ASSISTANCE PROGRAM.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report on the Transition Assistance Program of the Department of Defense.

(b) ELEMENTS.—The report shall include the following:

(1) A statement and analysis of the rates of post-separation employment rates compared with the general population annually since September 11, 2001.

(2) A chronological summary of the evolution and development of the Transition Assistance Program since September 11, 2001.

(3) A description of efforts to transform the Transition Assistance Program from one of end-of-service transition to a life-cycle model, in which transition is considered throughout the career of a member of the Armed Forces.

(4) An analysis of current and future challenges members continue to face upon entering the civilian work force, including a survey of the following individuals and organizations to identify strengths and shortcomings in the Transition Assistance Program:

(A) A representational population of transitioning or recently separated members.

(B) Employers with a track record of employing retired or separating members.

(C) Veterans service organizations and advocacy groups.

(5) Any recommendations, including recommendations for legislative action, that the Secretary of Defense considers appropriate to improve the organization, policies, consistency

of quality, and efficacy of the Transition Assistance Program.

(c) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretary of Labor.

(d) SUBMISSION OF REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit the report to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 598. SENSE OF CONGRESS REGARDING ASSISTING MEMBERS OF THE ARMED FORCES TO PARTICIPATE IN APPRENTICESHIP PROGRAMS.

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

(1) Some members of the Armed Forces who are separated or released from active duty are having difficulty finding employment after their separation or release.

(2) Some members who have served for long periods on active duty have the additional difficulty of translating their military experience into skill sets for civilian employment.

(3) Apprenticeship programs bring immense value to the American workforce and to individuals who participate in such programs.

(4) Apprenticeship programs assist in the building of résumés and skills of participants and help connect participants with employers and job opportunities.

(5) Military units returning from deployment often operate at a reduced readiness status, which would allow members who are assigned to the unit, but who are in the process of being separated or released from active duty, to be available to participate in apprenticeship programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that commanders of units of the Armed Forces should make every effort to permit members of the Armed Forces who are assigned to the unit, but who are in the process of being separated or released from active duty, to participate in an apprenticeship program that is registered under the Act of Aug. 16, 1937 (commonly known as the National Apprenticeship Act; 29 U.S.C. 50 et seq.).

(c) ARMED FORCES DEFINED.—In this section, the term ''Armed Forces'' means the Army, Navy, Air Force, and Marine Corps.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2011 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2011 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2011, the rates of monthly basic pay for members of the uniformed services are increased by 1.9 percent.

SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEMBER COUPLES WHEN ONE OR BOTH MEMBERS ARE ON SEA DUTY.

(a) IN GENERAL.—Subparagraph (C) of section 403(f)(2) of title 37, United States Code, is amended to read as follows:

''(C) Notwithstanding section 421 of this title, a member of a uniformed service in a pay grade below pay grade E-6 who is assigned to sea duty and is married to another member of a uniformed service is entitled to a basic allowance for housing subject to the limitations of subsection (e).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2011.

SEC. 603. ALLOWANCES FOR PURCHASE OF REQUIRED UNIFORMS AND EQUIPMENT.

(a) INITIAL ALLOWANCE FOR OFFICERS.—Section 415 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by inserting ''ALLOWANCE FOR OFFICERS IN THE ARMED FORCES.—(1)'' after ''(a)'';

(C) by striking ''$400'' and inserting ''$500''; and

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

''(2) The Secretary of a military department, with the approval of the Secretary of Defense, may increase the maximum amount of the allowance specified in paragraph (1) for officers of an armed force under the jurisdiction of the Secretary. The Secretary of Homeland Security, in the case of the Coast Guard when it is not operating as a service in the Navy, may increase the maximum amount of the allowance specified in paragraph (1) for officers of the Coast Guard.'';

(2) in subsection (b), by inserting ''EXCEPTION.—'' after ''(b)''; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''An allowance of $250'' and inserting ''PUBLIC HEALTH SERVICE ALLOWANCE.—(1) An allowance of $300''; and

(C) by inserting ''(2)'' before ''An officer''.

(b) ADDITIONAL ALLOWANCES.—Section 416 of such title is amended—

(1) in subsection (a), by striking ''$200'' and inserting ''$250''; and

(2) in subsection (b)(1), by striking ''$400'' and inserting ''$500''.

SEC. 604. INCREASE IN AMOUNT OF FAMILY SEPARATION ALLOWANCE.

(a) INCREASE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ''$250'' and inserting ''$285''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall take effect on October 1, 2010, and apply with respect to months beginning on or after that date.

SEC. 605. ONE-TIME SPECIAL COMPENSATION FOR TRANSITION OF ASSISTANTS PROVIDING AID AND ATTENDANCE CARE TO MEMBERS OF THE UNIFORMED SERVICES WITH CATASTROPHIC INJURIES OR ILLNESSES.

(a) TRANSITION COMPENSATION AUTHORIZED.—Section 439 of title 37, United States Code, is amended—

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

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

''(e) ONE-TIME TRANSITIONAL COMPENSATION AUTHORIZED.—In addition to monthly special compensation payable under subsection (a), the Secretary concerned may pay to a member eligible for monthly special compensation a one-time payment of not more than $3,500 for the transition of assistants providing aid and attendance care to the member as described in subsection (b)(2).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (c), by inserting ''OF MONTHLY COMPENSATION'' after ''AMOUNT'';

(2) in subsection (d), by inserting ''OF MONTHLY COMPENSATION'' after ''DURATION''; and

(3) in subsection (f), as redesignated by subsection (a)(1), by striking ''Monthly special compensation payable to a member under this section'' and inserting ''Special compensation paid to a member under subsection (a) or (e)''.

SEC. 606. EXPANSION OF DEFINITION OF SENIOR ENLISTED MEMBER TO INCLUDE SENIOR ENLISTED MEMBER SERVING WITHIN A COMBATANT COMMAND.

(a) BASIC PAY.—On and after January 1, 2011, for purposes of establishing the rates of monthly basic pay for members of the uniformed services, the senior enlisted member of the Armed Forces serving within a combatant command (as defined in section 161(c) of title 10, United States Code) shall be treated in the same manner as the Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, and Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff.

(b) RATE OF BASIC PAY USED TO DETERMINE RETIRED PAY BASE.—Section 1406(i)(3)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

''(vii) Senior enlisted member serving within a combatant command (as defined in section 161(c) of this title).''.

(c) PAY DURING TERMINAL LEAVE AND WHILE HOSPITALIZED.—Section 210(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(7) The senior enlisted member serving within a combatant command (as defined in section 161(c) of title 10).''.

SEC. 607. INELIGIBILITY OF CERTAIN FEDERAL CIVILIAN EMPLOYEES FOR RESERVIST INCOME REPLACEMENT PAYMENTS ON ACCOUNT OF AVAILABILITY OF COMPARABLE BENEFITS UNDER ANOTHER PROGRAM.

(a) INELIGIBILITY FOR PAYMENTS.—Section 910(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(3) A member of a reserve component who is otherwise entitled to a payment under this section is not entitled to the payment for any month during which the member is also a civilian employee of the Federal Government entitled to—

''(A) a differential payment under section 5538 of title 5; or

''(B) a comparable benefit under an administratively established program for civilian employees absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services.''.

(b) EFFECTIVE DATE.—Subsection (b)(3) of section 910 of title 37, United States Code, as added by subsection (a), shall apply with respect to payments under such section for months beginning on or after the date of the enactment of this Act.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

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

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

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

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

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

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

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of chapter 5 of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

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

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

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 617. TREATMENT OF OFFICERS TRANSFERRING BETWEEN ARMED FORCES FOR RECEIPT OF AVIATION CAREER SPECIAL PAY.

Section 301b of title 37, United States Code, is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) TREATMENT OF OFFICERS TRANSFERRING FROM ONE ARMED FORCE TO ANOTHER.—(1) An officer who transfers from one armed force to another armed force shall receive the same compensation under this section as other officers in that armed force with the same number of years of aviation service performing similar aviation duties in the same weapon system, notwithstanding any additional active duty service obligation incurred as a result of the transfer.

''(2) Until December 31, 2015, the Secretary concerned shall continue, regardless of the number of years of aviation service of an officer, to pay compensation under this section to an officer who transferred or transfers from one armed force to an armed force under the jurisdiction of the Secretary concerned until the officer receives the same number of years of benefits as officers in that armed force with the same number of years of aviation service performing similar aviation duties in the same weapon system. In calculating the years of benefits received, the Secretary concerned shall include any year during which the officer received compensation under this section before the transfer.

''(3) An officer may not receive compensation under paragraph (2) for any period during which the officer is not qualified for compensation under subsection (b).''.

SEC. 618. INCREASE IN MAXIMUM AMOUNT OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER OR FOR DUTY IN FOREIGN AREA DESIGNATED AS AN IMMINENT DANGER AREA.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310(b)(1) of title 37, United States Code, is amended by striking ''$225 a month'' and inserting ''$260 a month''.

(b) HAZARDOUS DUTY PAY.—Section 351(b)(3) of such title is amended by striking ''$250 per month'' and inserting ''$260 per month''.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall take effect on October 1, 2010, and apply with respect to months beginning on or after that date.

SEC. 619. SPECIAL PAYMENT TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE KILLED OR WOUNDED IN ATTACKS DIRECTED AT MEMBERS OR EMPLOYEES OUTSIDE OF COMBAT ZONE, INCLUDING THOSE KILLED OR WOUNDED IN CERTAIN 2009 ATTACKS.

(a) TREATMENT OF MEMBERS AND CIVILIANS KILLED OR WOUNDED IN CERTAIN 2009 ATTACKS.—

(1) TREATMENT.—For purposes of all applicable Federal laws, regulations, and policies, a member of the Armed Forces or civilian employee of the Department of Defense who was killed or wounded in an attack described in paragraph (2) shall be deemed as follows:

(A) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(B) In the case of a civilian employee of the Department of Defense, to have been killed or wounded as the result of an act of an enemy of the United States while serving with the Armed Forces in a contingency operation.

(2) ATTACKS DESCRIBED.—Paragraph (1) applies to—

(A) the attack that occurred at Fort Hood, Texas, on November 5, 2009; and

(B) the attack that occurred at a recruiting station in Little Rock, Arkansas, on June 1, 2009.

(3) EXCEPTION.—Paragraph (1) shall not apply to a member of the Armed Forces or a civilian employee of the Department of Defense whose death or wound as described in paragraph (1) is the result of the misconduct of the member or employee, as determined by the Secretary of Defense.

(b) NEW SPECIAL PAYMENT.—

(1) IN GENERAL.—Chapter 17 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 911. Special payment to members of the armed forces and civilian employees of the Department of Defense killed or wounded in attacks directed at members or employees outside of combat zone

''(a) SPECIAL PAYMENT REQUIRED.—The Secretary of Defense shall pay to a member of the armed forces or a civilian employee of the Department of Defense who is wounded in an attack under the circumstances described in subsection (b), or to an eligible survivor if the member or employee is killed in the attack or dies from wounds sustained in the attack, an amount of compensation equal to the amount determined in subsection (c) that would have accrued—

''(1) in the case of a member, on behalf of a member killed or wounded in a combat zone; and

''(2) in the case of an employee, on behalf of an employee killed or wounded while serving with the Armed Forces in a contingency operation.

''(b) COVERED ATTACKS.—

''(1) ATTACKS DESCRIBED.—Except as provided in paragraph (2), an attack covered by subsection (a) is any assault or battery resulting in bodily injury or death committed by an individual who the Secretary of Defense determines knowingly targeted—

''(A) a member of the armed forces on account of the military service of the member or the status of member as a member of the Armed Forces; or

''(B) a civilian employee of the Department of Defense on account of the employee's employment with the Department of Defense or affiliation with the Department of Defense.

''(2) GEOGRAPHIC EXCLUSION.—Subsection (a) does not apply to any attack that—

''(A) occurs in a combat zone; or

''(B) in the case of a civilian employee of the Department, occurs while the employee is serving with the armed forces in a contingency operation.

''(c) CALCULATION OF COMPENSATION AMOUNT.—The Secretary of Defense shall identify, in consultation with all relevant Federal agencies, including the Department of Veterans Affairs and the Internal Revenue Service, all Federal benefits provided to members of the armed forces and civilian employees of the Department of Defense killed or wounded in a combat zone, including special pays and the value of Federal tax advantages accruing because certain benefits are not subject to Federal income tax. The Secretary shall exclude from the calculation any Federal benefits provided regardless of the geographic location or circumstances of the death or injuries.

''(d) EXCLUSION OF CERTAIN INDIVIDUALS.—Subsection (a) shall not apply to a member of

the armed forces or civilian employee of the Department of Defense whose death or wound as described in subsection (b) is the result of the misconduct of the member or employee, as determined by the Secretary of Defense.

''(e) DEFINITIONS.—In this section:

''(1) The term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.

''(2) The term 'combat zone' means a combat operation or combat zone designated by the Secretary of Defense.

''(3) The term 'eligible survivor' refers to the persons eligible to receive a death gratuity payment under section 1477 of title 10. In the case of a deceased member or employee, the eligible survivor who will receive the payment under subsection (a) shall be determined as provided in such section.''.

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

''911. Special payment to members of the armed forces and civilian employees of the Department of Defense killed or wounded in attacks directed at members or employees outside of combat zone.''.

(3) RETROACTIVE APPLICATION.—Section 911 of title 37, United States Code, as added by paragraph (1), shall apply to any attack described in subsection (b) of such section occurring on or after November 6, 2009.

(c) PURPLE HEART.—This section and the amendments made by this section shall not be construed to prohibit, authorize, or require the award of the Purple Heart to any member of the Armed Forces.

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES FOR INACTIVE DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCES.

Section 408a(e) of title 37, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR ATTENDANCE OF DESIGNATED PERSONS AT YELLOW RIBBON REINTEGRATION EVENTS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411k the following new section:

''§ 411l. Travel and transportation allowances: attendance of designated persons at Yellow Ribbon Reintegration events

''(a) ALLOWANCE TO FACILITATE ATTENDANCE.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (c) may be provided for a person designated pursuant to subsection (b) to attend an event conducted under the Yellow Ribbon Reintegration Program established pursuant to section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) if the Secretary concerned determines that the presence of the person may contribute to the purposes of the event.

''(b) COVERED PERSONS.—A member of the uniformed services who is eligible to attend a Yellow Ribbon Reintegration Program event may designate one or more persons, including another member of the uniformed services, for purposes of receiving travel and transportation described in subsection (c) to attend a Yellow Ribbon Reintegration Program event. The designation of a person for purposes of this section may be changed at any time.

''(c) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a person designated under subsection (b) is round-trip transportation between the home or place of business of the person and the location of the Yellow Ribbon Reintegration Program event.

''(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(3) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(4) An allowance payable under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411k the following new item:

''411l. Travel and transportation allowances: attendance of designated persons at Yellow Ribbon Reintegration events.''.

(b) APPLICABILITY.—No reimbursement may be provided under section 411l of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before September 30, 2010.

SEC. 633. MILEAGE REIMBURSEMENT FOR USE OF PRIVATELY OWNED VEHICLES.

(a) USE OF SINGLE STANDARD MILEAGE RATE ESTABLISHED BY IRS.—Section 5704(a)(1) of title 5, United States Code, is amended by striking ''shall not exceed'' and inserting ''shall be equal to''.

(b) PRESCRIPTION OF MILEAGE REIMBURSEMENT RATES.—Section 5707(b) of such title is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) The Administrator of General Services shall conduct periodic investigations of the cost of travel and the operation of privately owned airplanes and privately owned motorcycles by employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.''; and

(2) in paragraph (2)(A), by striking clause (i) and inserting the following new clause:

''(i) shall prescribe a mileage reimbursement rate for privately owned automobiles which equals, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. ELIMINATION OF CAP ON RETIRED PAY MULTIPLIER FOR MEMBERS WITH GREATER THAN 30 YEARS OF SERVICE WHO RETIRE FOR DISABILITY.

(a) COMPUTATION OF RETIRED PAY.—The table in section 1401(a) of title 10, United States Code, is amended—

(1) in the column designated ''Column 2'', by inserting '', not to exceed 75%,'' after ''percentage of disability'' both places it appears; and

(2) by striking column 4.

(b) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—The table in section 1402(d) of such title is amended—

(1) in the column designated ''Column 2'', by inserting '', not to exceed 75%,'' after ''percentage of disability''; and

(2) by striking column 4.

(c) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS AFTER SEPTEMBER 7, 1980.—The table in section 1402a(d) of such title is amended—

(1) in the column designated ''Column 2'', by inserting '', not to exceed 75 percent,'' after ''percentage of disability''; and

(2) by striking column 4.

(d) APPLICATION OF AMENDMENTS.—The tables in sections 1401(a), 1402(d), and 1402a(d) of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply to the computation or recomputation of retired or retainer pay for persons who first became entitled to retired or retainer pay under subtitle A of such title on or before the date of the enactment of this Act. The amendments made by this section shall apply only with respect to persons who first become entitled to retired or retainer pay under such subtitle after that date.

SEC. 642. EQUITY IN COMPUTATION OF DISABILITY RETIRED PAY FOR RESERVE COMPONENT MEMBERS WOUNDED IN ACTION.

Section 1208(b) of title 10, United States Code, is amended by adding at the end the following new sentence: ''However, in the case of such a member who is retired under this chapter, or whose name is placed on the temporary disability retired list under this chapter, because of a disability incurred after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, for which the member is awarded the Purple Heart, the member shall be credited, for the purposes of this chapter, with the number of years of service that would be counted if computing the member's years of service under section 12732 of this title.''.

SEC. 643. ELIMINATION OF THE AGE REQUIREMENT FOR HEALTH CARE BENEFITS FOR NON-REGULAR SERVICE RETIREES.

Section 1074(b) of title 10, United States Code, is amended—

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

(2) by striking paragraph (2).

SEC. 644. CLARIFICATION OF EFFECT OF ORDERING RESERVE COMPONENT MEMBER TO ACTIVE DUTY TO RECEIVE AUTHORIZED MEDICAL CARE ON REDUCING ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

''(iii) If a member described in subparagraph (A) is wounded or otherwise injured or becomes ill while serving on active duty pursuant to a call or order to active duty under a provision of law referred to in the first sentence of clause (i) or in clause (ii), and the member is then ordered to active duty under section 12301(h)(1) of this title to receive medical care for the wound injury, or illness, each day of active duty under that order for medical care shall be treated as a continuation of the original call or order to active duty for purposes of reducing the eligibility age of the member under this paragraph.''.

SEC. 645. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR RECIPIENTS OF PRE-SURVIVOR BENEFIT PLAN ANNUITY AFFECTED BY REQUIRED OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

Section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448 note) is amended—

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

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

''(c) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—(1) The Secretary concerned shall pay a monthly special survivor indemnity allowance under this subsection to a qualified surviving spouse described in subsection (a) if—

''(A) the surviving spouse is entitled to dependency and indemnity compensation under

section 1311(a) of title 38, United States Code; and

''(B) the amount of the annuity to which the surviving spouse is entitled under subsection (b) is affected by paragraph (2)(A) of such subsection.

''(2) Subject to paragraph (3), the amount of the special survivor indemnity allowance paid to surviving spouse under paragraph (1) for a month shall be equal to—

''(A) for months during fiscal year 2009, $50;

''(B) for months during fiscal year 2010, $60;

''(C) for months during fiscal year 2011, $70;

''(D) for months during fiscal year 2012, $80;

''(E) for months during fiscal year 2013, $90;

''(F) for months during fiscal year 2014, $150;

''(G) for months during fiscal year 2015, $200;

''(H) for months during fiscal year 2016, $275; and

''(I) for months during fiscal year 2017, $310.

''(3) The amount of the special survivor indemnity allowance paid to an eligible survivor under paragraph (1) for any month may not exceed the amount of the annuity for that month that is subject to offset under subsection (b)(2)(A).

''(4) A special survivor indemnity allowance paid under paragraph (1) does not constitute an annuity, and amounts so paid are not subject to adjustment under any other provision of law.

''(5) The special survivor indemnity allowance shall be paid under paragraph (1) from amounts in the Department of Defense Military Retirement Fund established under section 1461 of title 10, United States Code.

''(6) Subject to paragraph (7), this subsection shall only apply with respect to the month that began on October 1, 2008, and subsequent months through the month ending on September 30, 2017. As soon as practicable after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, the Secretary concerned shall pay, in a lump sum, the total amount of the special survivor indemnity allowances due under paragraph (1) to a qualified surviving spouse for months since October 1, 2008, through the month in which the first allowance is paid under paragraph (1) to the qualified surviving spouse.

''(7) Effective on October 1, 2017, the authority provided by this subsection shall terminate. No special survivor indemnity allowance may be paid to any person by reason of this subsection for any period before October 1, 2008, or beginning on or after October 1, 2017.''.

SEC. 646. PAYMENT DATE FOR RETIRED AND RETAINER PAY.

(a) SETTING PAYMENT DATE.—Section 1412 of title 10, United States Code, is amended—

(1) by striking ''Amounts'' and inserting ''(a) ROUNDING.—Amounts''; and

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

''(b) PAYMENT DATE.—Amounts of retired pay and retainer pay due a retired member of the uniformed services shall be paid on the first day of each month beginning after the month in which the right to such pay accrues.''.

(b) CLERICAL AMENDMENTS.—

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

''§ 1412. Administrative provisions''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 1412 and inserting the following new item:

''1412. Administrative provisions.''.

(c) EFFECTIVE DATE.—Subsection (b) of section 1412 of title 10, United States Code, as added by subsection (a), shall apply beginning with the first month that begins more than 30 days after the date of the enactment of this Act.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. SHARED CONSTRUCTION COSTS FOR SHOPPING MALLS OR SIMILAR FACILITIES CONTAINING A COMMISSARY STORE AND ONE OR MORE NONAPPROPRIATED FUND INSTRUMENTALITY ACTIVITIES.

Section 2484(h)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C) and, in such subparagraph, by striking ''subparagraph (A)'' and inserting ''this paragraph'';

(2) in the first sentence of subparagraph (A), by inserting ''the Defense Commissary Agency or'' after ''may authorize'';

(3) by designating the second sentence of subparagraph (A) as subparagraph (B) and, in such subparagraph, by striking ''The Secretary may'' and inserting the following: ''If the construction contract is entered into by a nonappropriated fund instrumentality, the Secretary of Defense may''; and

(4) by adding at the end of subparagraph (B), as designated by paragraph (3), the following new sentence: ''If the construction contract is entered into by the Defense Commissary Agency, the Secretary may authorize the Defense Commissary Agency accept reimbursement from a nonappropriated fund instrumentality for the portion of the cost of the contract that is attributable to construction for nonappropriated fund instrumentality activities.''.

SEC. 652. ADDITION OF DEFINITION OF MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR USE IN CONTRACTS TO PROVIDE SUCH SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

Section 885 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 265; 10 U.S.C. 2304 note) is amended by adding at the end the following new subsection:

''(c) MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES DEFINED.—In this section, the term 'morale, welfare, and recreation telephone services' means unofficial telephone calling center services supporting calling centers provided by the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other nonappropriated fund instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.''.

SEC. 653. FEASIBILITY STUDY ON ESTABLISHMENT OF FULL EXCHANGE STORE IN THE NORTHERN MARIANA ISLANDS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to determine the feasibility of replacing the ''Shoppette'' of the Army and Air Force Exchange Service in the Northern Mariana Islands with a full-service exchange store. In conducting the study, the Secretary shall consider the welfare of members of the Armed Forces serving in the Northern Mariana Islands and dependents of members residing in the Northern Mariana Islands.

(b) SUBMISSION OF RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

Subtitle F—Alternative Career Track Pilot Program

SEC. 661. PILOT PROGRAM TO EVALUATE ALTERNATIVE CAREER TRACK FOR COMMISSIONED OFFICERS TO FACILITATE AN INCREASED COMMITMENT TO ACADEMIC AND PROFESSIONAL EDUCATION AND CAREER-BROADENING ASSIGNMENTS.

(a) PROGRAM AUTHORIZED.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

''§ 673. Alternative career track for commissioned officers pilot program

''(a) PROGRAM AUTHORIZED.—(1) Under regulations prescribed pursuant to subsection (g) and approved by the Secretary of Defense, the Secretary of a military department may establish a pilot program for an armed force under the jurisdiction of the Secretary under which an eligible commissioned officer, while on active duty—

''(A) participates in a separate career track characterized by expanded career opportunities extending over a longer career;

''(B) agrees to an additional active duty service obligation of at least five years to be served concurrently with other active duty service obligations; and

''(C) would be required to accept further active duty service obligations, as determined by the Secretary, to be served concurrently with other active duty service obligations, including the active duty service obligation accepted under subparagraph (B), in connection with the officer's entry into education programs, selection for career broadening assignments, acceptance of additional special and incentive pays, or selection for promotion.

''(2) The Secretary of the military department concerned may waive an active duty service obligation accepted under subparagraph (B) or (C) of paragraph (1) to facilitate the separation or retirement of a participant in the program.

''(3) The program shall be known as the 'Alternative Career Track Pilot Program' (in this section referred to as the 'program').

''(b) ELIGIBLE OFFICERS.—Commissioned officers with between 13 and 18 years of service are eligible to volunteer to participate in the program.

''(c) NUMBER OF PARTICIPANTS.—No more than 50 officers of each armed force may be selected per year to participate in the program.

''(d) ALTERNATIVE CAREER ELEMENTS OF PROGRAM.—(1) The Secretaries of the military departments may establish separate basic pay and special and incentive pay and promotion systems unique to the officers participating in the program, without regard to the requirements of this title or title 37.

''(2) The Secretaries of the military departments may establish separation and retirement policies for officers participating in the program without regard to grade and years of service requirements established under this title.

''(3) Participants serving in a grade below brigadier general or rear admiral (lower half) may serve in the grade without regard to the limits on the number of officers in the grade established under this title.

''(e) TREATMENT OF GENERAL AND FLAG OFFICER PARTICIPANTS.—(1) A participant serving in a grade above colonel, or captain in the Navy, but below lieutenant general or vice admiral, shall be—

''(A) counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position requiring the assignment of a military officer; but

''(B) excluded from limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position not typically occupied by a military officer.

''(2) A participant serving in the grade of lieutenant general, vice admiral, general, or admiral shall be counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers.

''(f) RETURN TO STANDARD CAREER PATH; EFFECT.—(1) The Secretaries of the military departments retain the authority to involuntarily return an officer to the standard career path.

''(2) The Secretary of the military department concerned may return an officer to the standard career path at the request of the officer.

''(3) If the program is terminated pursuant to paragraph (4) or (5) of subsection (i), officers participating in the program at the time of the termination shall be returned to the standard career path.

''(4) An officer returned to the standard career path under paragraph (1), (2), or (3) shall retain the grade, date-of-rank, and basic pay level earned while a participant in the program but shall revert to the special and incentive pay authorities established in title 37 upon the expiration of the agreement between the Secretary and the officer providing any special and incentive pays under the program. Subsequent increases in the officer's rate of monthly basic pay shall conform to the annual percentage increases in basic pay rates provided in the basic pay table.

''(g) ANNUAL REPORT.—(1) The Secretaries of the military departments, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing the findings and recommendations of the Secretary of Defense and the Secretaries of the military departments concerning the progress of the program for each armed force.

''(2) The Secretary of a military department, with the consent of the Secretary of Defense, may include in the report for a year a recommendation that the program be made permanent for an armed force under the jurisdiction of that Secretary.

''(h) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out the program. The regulations shall be subject to the approval of the Secretary of Defense.

''(i) COMMENCEMENT; DURATION.—(1) Before authorizing the commencement of the program for an armed force, the Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed program structure of the alternative career track, associated personnel and compensation policies, implementing instructions and regulations, and a summary of the specific provisions of this title and title 37 to be waived under the program. The authority to conduct the program for that armed force commences 120 days after the date of the submission of the report.

''(2) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may authorize revision of the program structure, associated personnel and compensation policies, implementing instructions and regulations, or laws waived, as submitted by the Secretary under paragraph (1). The Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit the proposed revisions to the Committees on Armed Services of the Senate and House of Representatives. The revisions shall take effect 120 days after the date of their submission.

''(3) If the program for an armed force has not commenced before December 31, 2015, as provided in paragraph (1), the authority to commence the program for that armed force terminates.

''(4) No officer may be accepted to participate in the program after December 31, 2026.

''(5) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may terminate the pilot program for an armed force before the date specified in paragraph (4). Not later than 90 days after terminating the pilot program, the Secretary of the military department concerned, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the reasons for the termination.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

''673. Alternative career track for commissioned officers pilot program.''.

Subtitle G—Other Matters

SEC. 671. PARTICIPATION OF MEMBERS OF THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM IN ACTIVE DUTY HEALTH PROFESSION LOAN REPAYMENT PROGRAM.

Section 2173(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The person is enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title for a number of years less than the number of years required to complete the normal length of the course of study required for the specific health profession.''.

SEC. 672. RETENTION OF ENLISTMENT, REENLISTMENT, AND STUDENT LOAN BENEFITS RECEIVED BY MILITARY TECHNICIANS (DUAL STATUS).

(a) TREATMENT OF ENLISTMENT, REENLISTMENT, AND STUDENT LOAN BENEFITS.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) RETENTION OF BONUSES AND OTHER BENEFITS.—If an individual is first employed as a military technician (dual status) while the individual is already a member of a reserve component, the Secretary concerned may not—

''(1) require the individual to repay any enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment; or

''(2) terminate the individual's participation in an educational loan repayment program under chapter 1609 of this title if the individual began such participation before such employment.''.

(b) EFFECTIVE DATE.—Subsection (h) of section 10216 of title 10, United States Code, as added by subsection (a), shall apply only with respect to individuals who are first employed as a military technician (dual status), as described in subsection (a)(1) of such section 10216, more than 180 days after the date of the enactment of this Act.

SEC. 673. CANCELLATION OF LOANS OF MEMBERS OF THE ARMED FORCES MADE FROM STUDENT LOAN FUNDS.

Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:

''(8) For the purpose of this subsection, the term 'year of service' where applied to service by a member of the Armed Forces described in paragraph (2)(D) means a qualified tour of duty that—

''(A) is for 6 months or longer; or

''(B) was less than 6 months because the member was discharged or released from active duty in the Armed Forces for an injury or disability incurred in or aggravated by service in the Armed Forces.''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

SEC. 702. EXTENSION OF DEPENDENT COVERAGE UNDER TRICARE.

(a) DEPENDENT COVERAGE.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1110b. TRICARE program: extension of dependent coverage

''(a) IN GENERAL.—In accordance with subsection (c), an individual described in subsection (b) shall be deemed to be a dependent (as described in section 1072(2)(D) of this title) for purposes of TRICARE coverage.

''(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

''(1) with respect to a member or former member of a uniformed service, is—

''(A) a child who has not attained the age of 26 and is not eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986); or

''(B) a person who—

''(i) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or possession of the United States) for a period of at least 12 consecutive months;

''(ii) has not attained the age of 26;

''(iii) is not eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986);

''(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary may by regulation prescribe;

''(v) is not otherwise a dependent of a member or a former member under any subparagraph of section 1072(2) of this title; and

''(vi) is not the child of a dependent who is described in subparagraph (D) or (I) of section 1072(2) and is a covered beneficiary; and

''(2) meets other criteria specified in regulations prescribed by the Secretary.

''(c) PREMIUM.—(1) The Secretary shall prescribe by regulation a premium for TRICARE coverage provided pursuant to this section to an individual described in subsection (b).

''(2) The monthly amount of the premium in effect for a month for TRICARE coverage pursuant to this section shall be an amount not to exceed the cost of coverage that the Secretary determines on an appropriate actuarial basis.

''(3) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(4) Amounts collected as premiums under this paragraph shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(d) TRICARE COVERAGE DEFINED.—In this section, the term 'TRICARE coverage' means health care to which a dependent described in section 1072(2)(D) of this title is entitled under section 1076d, 1076e, 1079, 1086, or 1097 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1110a the following new item:

''1110b. TRICARE program: extension of dependent coverage.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 1086(c) of title 10, United States Code, is amended by inserting after ''of this title'' the following: ''(or an individual described in section 1110b(b) who meets the requirements for a dependent under paragraph (1) or (2) of such section 1076(b))''.

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

SEC. 703. SURVIVOR DENTAL BENEFITS.

Paragraph (2) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(2) Such term includes any such dependent of a member who dies—

''(A) while on active duty for a period of more than 30 days; or

''(B) while such member is a member of the Ready Reserve.''.

SEC. 704. AURAL SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Paragraph (2) of section 1074f(b) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) An aural screening, including an assessment of tinnitus.''.

(b) EFFECTIVE DATE.—Section 1074f(b)(2) of title 10, United States Code, as added by subsection (a) of this section, shall apply to members of the Armed Forces who are deployed or return from deployment on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 705. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2010, and ending on September 30, 2011, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

Subtitle B—Health Care Administration

SEC. 711. ADMINISTRATION OF TRICARE.

Subsection (a) of section 1073 of title 10, United States Code, is amended—

(1) by striking ''Except'' and inserting ''(1) Except''; and

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

''(2) Except as otherwise provided in this chapter, the Secretary of Defense shall have sole responsibility for administering the TRICARE program and making any decision affecting such program.''.

SEC. 712. UPDATED TERMINOLOGY FOR THE ARMY MEDICAL SERVICE CORPS.

Paragraph (5) of section 3068 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''Pharmacy, Supply, and Administration'' and inserting ''Administrative Health Services'';

(2) in subparagraph (C), by striking ''Sanitary Engineering'' and inserting ''Preventive Medicine Sciences''; and

(3) in subparagraph (D), by striking ''Optometry'' and inserting ''Clinical Health Sciences''.

SEC. 713. CLARIFICATION OF LICENSURE REQUIREMENTS APPLICABLE TO MILITARY HEALTH-CARE PROFESSIONALS WHO ARE MEMBERS OF THE NATIONAL GUARD PERFORMING DUTY WHILE IN TITLE 32 STATUS.

Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or (3)'' after ''paragraph (2)'';

(2) in paragraph (2), by inserting ''as being described in this paragraph'' after ''paragraph (1)''; and

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

''(3) A health-care professional referred to in paragraph (1) as being described in this paragraph is a member of the National Guard who—

''(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

''(B) is performing training or duty under title 32 in response to an actual or potential disaster.''.

SEC. 714. ANNUAL REPORT ON JOINT HEALTH CARE FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ANNUAL REPORTS.—Section 1073b of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON JOINT HEALTH CARE FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.—(1) At the same time that the budget of the President is submitted under section 1105(a) of title 31 for each fiscal year, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate congressional committees a report on joint facilities.

''(2) Each report under paragraph (1) shall include the following:

''(A) A list of each military medical treatment facility of the Department of Defense that the Secretary of Defense is considering as a potential joint facility.

''(B) A list of each medical facility of the Department of Veterans Affairs that the Secretary of Veterans Affairs is considering as a potential joint facility.

''(C) A list of each military medical treatment facility of the Department of Defense and medical facility of the Department of Veterans Affairs that has been established as a joint facility.

''(3)(A) Except as provided in subparagraph (B), no funds authorized to be appropriated or otherwise made available for fiscal year 2012 or any fiscal year thereafter for military medical treatment facilities of the Department of Defense may be obligated or expended to establish a joint facility unless both the military medical treatment facility of the Department of Defense and the medical facility of the Department of Veterans Affairs were included in a report under paragraph (1).

''(B) The Secretary of Defense may waive the limitation in subparagraph (A) with respect to establishing a joint facility not included in a report under paragraph (1) if—

''(i) the Secretary and the Secretary of Veterans Affairs jointly submit to the appropriate congressional committees—

''(I) written certification that the Secretaries began considering such joint facility after the most recent report under subsection (a) was submitted to the appropriate congressional committees; and

''(II) a report on such joint facility, including the location and the estimated cost; and

''(ii) a period of 30 days has elapsed after the date on which the certification and report under clause (i) are submitted to the appropriate congressional committees.

''(4) In this subsection:

''(A) The term 'appropriate congressional committees' means—

''(i) the congressional defense committees;

''(ii) the Committee on Veterans' Affairs of the House of Representatives; and

''(iii) the Committee on Veterans' Affairs of the Senate.

''(B) The term 'joint facility' means a military medical treatment facility of the Department of Defense and a medical facility of the Department of Veterans Affairs that are combined, operated jointly, or otherwise operated in such a manner that a facility of one department is operating in or with a facility of the other department.

''(C) The term 'medical facility', with respect to a facility of the Department of Veterans Affairs, has the meaning given that term in section 8101(3) of title 38.''.

(b) TITLE 38.—

(1) IN GENERAL.—Subchapter IV of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 8159. Limitation on establishment of joint facilities of the Department of Veterans Affairs and the Department of Defense

''(a) LIMITATION.—Except as provided in subsection (b), no funds authorized to be appropriated or otherwise made available for fiscal year 2012 or any fiscal year thereafter for medical facilities of the Department of Veterans Affairs may be obligated or expended to establish a joint facility unless both the medical facility of the Department of Veterans Affairs and the military medical treatment facility of the Department of Defense were included in a report submitted by the Secretary of Veterans Affairs and the Secretary of Defense to the appropriate congressional committees under section 1073b(c) of title 10.

''(b) WAIVER.—The Secretary of Veterans Affairs may waive the limitation in subsection (a) with respect to establishing a joint facility not included in a report under section 1073b(c) of title 10 if—

''(1) the Secretary and the Secretary of Defense jointly submit to the appropriate congressional committees—

''(A) written certification that the Secretaries began considering such joint facility after the most recent report under section 1073b(c) of title 10 was submitted to the appropriate congressional committees; and

''(B) a report on such joint facility, including the location and the estimated cost; and

''(2) a period of 30 days has elapsed after the date on which the certification and report under paragraph (1) are submitted to the appropriate congressional committees.

''(c) DEFINITIONS.—In this section:

''(1) The term 'appropriate congressional committees' means—

''(A) the congressional defense committees (as defined in section 101(a)(16) of title 10);

''(B) the Committee on Veterans' Affairs of the House of Representatives; and

''(C) the Committee on Veterans' Affairs of the Senate.

''(2) The term 'joint facility' means a military medical treatment facility of the Department of Defense and a medical facility of the Department of Veterans Affairs that are combined, operated jointly, or otherwise operated in such a manner that a facility of one department is operating in or with a facility of the other department.

''(3) The term 'medical facility' has the meaning given that term in section 8101(3) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8158 the following new item:

''8159. Limitation on establishment of joint facilities of the Department of Veterans Affairs and the Department of Defense.''.

SEC. 715. IMPROVEMENTS TO OVERSIGHT OF MEDICAL TRAINING FOR MEDICAL CORPS OFFICERS.

(a) REVIEW OF TRAINING PROGRAMS FOR MEDICAL OFFICERS.—The Secretary of Defense shall conduct a review of training programs for medical officers (as defined in section 101(b)(14) of title 10, United States Code) to ensure that the academic and military performance of such officers has been completely documented in military personnel records. The programs reviewed shall include, at a minimum, the following:

(1) Programs at the Uniformed Services University of the Health Sciences that award a medical doctor degree.

(2) Selected residency programs at military medical treatment facilities, as determined by the Secretary, to include at least one program in each of the specialties of—

(A) anesthesiology;

(B) emergency medicine;

(C) family medicine;

(D) general surgery;

(E) obstetrics/gynecology;

(F) pathology;

(G) pediatrics; and

(H) psychiatry.

(b) 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 on the findings of the review under subsection (a).

SEC. 716. STUDY ON REIMBURSEMENT FOR COSTS OF HEALTH CARE PROVIDED TO INELIGIBLE INDIVIDUALS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the costs incurred by the United States on behalf of individuals—

(1) who are not covered beneficiaries; and

(2) who receive health care services from a health care provider under the TRICARE program.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study under subsection (a), including recommendations for legislative action that the Secretary considers appropriate to—

(1) prevent individuals who are not covered beneficiaries from receiving health care services from a health care provider under the TRICARE program; and

(2) recoup the costs of such health care from such individuals.

(c) DEFINITIONS.—In this section:

(1) The term ''covered beneficiary'' has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of such title.

SEC. 717. LIMITATION ON TRANSFER OF FUNDS TO DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT.

The Secretary of Defense may not transfer any funds authorized to be appropriated by this Act for fiscal year 2011 to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established in section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571) unless, before any such transfer—

(1) the Secretary submits to the congressional defense committees, the Committee on Veterans' Affairs of the House of Representatives, and the Committee on Veterans' Affairs of the Senate a report providing—

(A) notice of the proposed transfer; and

(B) the exact amount and source of funds to be transferred; and

(2) a period of 30 days has elapsed (excluding days of which either House of Congress is not in session) after the report is submitted under paragraph (1).

SEC. 718. ENTERPRISE RISK ASSESSMENT OF HEALTH INFORMATION TECHNOLOGY PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct an enterprise risk assessment methodology study of all health information technology programs of the Department of Defense.

(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 containing the results of the study required under subsection (a).

Subtitle C—Other Matters

SEC. 721. IMPROVING AURAL PROTECTION FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—In accordance with section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506), the Secretary of Defense shall examine methods to improve the aural protection for members of the Armed Forces in combat.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the methods to improve aural protection examined under subsection (a).

SEC. 722. COMPREHENSIVE POLICY ON NEUROCOGNITIVE ASSESSMENT BY THE MILITARY HEALTH CARE SYSTEM.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than September 30, 2011, the Secretary of Defense shall develop and implement a comprehensive policy on pre- and post-deployment neurocognitive assessment.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) Require the administration of the same pre-deployment and post-deployment neurocognitive assessments to all members of the military who are preparing to deploy or have returned from deployment.

(2) Require the standardization of testing procedures for neurocognitive assessments.

(3) Provide for follow-up neurocognitive assessments as needed to create a longitudinal neurocognitive assessment record for the ongoing care of members of the Armed Forces.

(4) Ensure the neurocognitive assessment results and reports be made available to members of the Armed Forces and veterans for their personal use in health management.

(c) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and on September 30 of each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the policy required by subsection (a).

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

(A) A description of the policy implemented under subsection (b), and any revisions to such policy under subsection (d).

(B) A description of the performance measures used to determine the effectiveness of the policy in improving the use of neurocognitive assessments throughout the Department of Defense.

SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) DESIGNATION.—Not later than October 1, 2011, the Secretary of Defense may designate a center to be known as the ''National Casualty Care Research Center'' (in this section referred to as the ''Center''), which shall consist of the program known as the combat casualty care research program of the Army Medical Research and Materiel Command.

(b) DIRECTOR.—The Secretary, in consultation with the commanding general of the Army Medical Research and Materiel Command, shall appoint a director of the Center.

(c) ACTIVITIES OF THE CENTER.—In addition to other functions performed by the combat casualty care research program, the Center shall—

(1) provide a public-private partnership for funding clinical and experimental studies in combat injury;

(2) integrate laboratory and clinical research to hasten improvements in care to members of the Armed Forces who are injured;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research agendas and measure improvements in outcomes;

(4) fund the full range of injury research and evaluation, including—

(A) laboratory, translational, and clinical research;

(B) point of wounding and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care; and

(E) rehabilitation and reintegration into society; and

(5) coordinate the collaboration of civilian and military institutions conducting trauma research.

SEC. 724. REPORT ON FEASIBILITY OF STUDY ON BREAST CANCER AMONG FEMALE MEMBERS OF THE ARMED FORCES.

(a) REPORT.—Not later than March 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of conducting a case-control study described in subsection (b).

(b) CASE-CONTROL STUDY.—A case-control study described in this subsection is a case-control study on the incidence of breast cancer among covered members in order to determine whether covered members were at an elevated risk of having breast cancer, including the following:

(1) A determination of the number of covered members who have been diagnosed with breast cancer.

(2) A sample of covered members who have not been diagnosed with breast cancer who could serve as an appropriate comparison group.

(3) A determination of demographic information and potential breast cancer risk factors regarding covered members who are included in the study, including—

(A) race;

(B) ethnicity;

(C) age;

(D) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

(E) known breast cancer risk factors, including familial, reproductive, and anthropometric parameters;

(F) the locations of duty stations that such member was assigned;

(G) the locations in which such member was deployed; and

(H) the geographic area of residence prior to deployment.

(4) An analysis of the clinical characteristics of breast cancer diagnosed in covered members (including the stage, grade, and other details of the cancer).

(5) Other information the Secretary considers appropriate.

(c) COVERED MEMBERS DEFINED.—In this section, the term ''covered members'' means female members of the Armed Forces (including members of the National Guard and reserve components) who served in Operation Enduring Freedom or Operation Iraqi Freedom.

SEC. 725. ASSESSMENT OF POST-TRAUMATIC STRESS DISORDER BY MILITARY OCCUPATION.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of post-traumatic stress disorder incidence by military occupation, including identification of military occupations with a high incidence of such disorder.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment under subsection (a).

SEC. 726. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

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

(1) the Defense Advanced Research Projects Agency; and

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

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

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

(2) provide a partnership between the National Institutes of Health and the Defense Center of Excellence for Psychological Health and

Traumatic Brain Injury that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

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

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

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

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

Subtitle A—Acquisition Policy and Management

SEC. 801. DISCLOSURE TO LITIGATION SUPPORT CONTRACTORS.

(a) IN GENERAL.—Section 2320 of title 10, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by inserting ''or covered litigation support contractor'' after ''covered Government support contractor''; and

(B) by inserting after ''oversight of'' the following: '', or preparation for litigation relating to,''; and

(2) by inserting after subsection (f) the following:

''(g) In this section, the term 'covered litigation support contractor' means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support, which contractor executes a contract with the Government agreeing to and acknowledging—

''(1) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

''(2) that the covered litigation support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered litigation support contractor; and

''(3) that such technical data provided to the covered litigation support contractor under the authority of this section shall not be used by the covered litigation support contractor to compete against the third party for Government or non-Government contracts.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 120 days after the date of the enactment of this Act.

SEC. 802. DESIGNATION OF F135 AND F136 ENGINE DEVELOPMENT AND PROCUREMENT PROGRAMS AS MAJOR SUBPROGRAMS.

(a) DESIGNATION AS MAJOR SUBPROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate each of the engine development and procurement programs described in subsection (b) as a major subprogram of the F–35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) DESCRIPTION.—For purposes of subsection (a), the engine development and procurement programs are the following:

(1) The F135 engine development and procurement program.

(2) The F136 engine development and procurement program.

(c) ORIGINAL BASELINE.—For purposes of reporting requirements referred to in section 2430a(b) of title 10, United States Code, for the major subprograms designated under subsection (a), the Secretary shall use the Milestone B decision for each subprogram as the original baseline for the subprogram.

(d) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the F–35 Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to the F135 and F136 engine development and procurement programs (including related reporting based on the original baseline as defined in subsection (c)), the requirements of section 2433a of such title with respect to a major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect to a major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

SEC. 803. CONFORMING AMENDMENTS RELATING TO INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER VARIOUS ACQUISITION-RELATED REQUIREMENTS.

(a) CONFORMING AMENDMENTS TO SECTION 2366a.—Section 2366a of such title is amended—

(1) in subsections (a), (b)(1), and (b)(2)—

(A) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(B) by inserting ''or subprogram'' after ''program'' each place it appears (other than after ''major defense acquisition program'', after ''space program'' , before ''requirements'', and before ''manager''); and

(2) in subsection (c)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The term 'designated major subprogram' means a major subprogram of a major defense acquisition program as designated under section 2430a(a)(1) of this title.''.

(b) CONFORMING AMENDMENTS TO SECTION 2366b.—Section 2366b of such title is amended—

(1) in subsections (a), (b)(1), and (c)(1)—

(A) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(B) by inserting ''or subprogram'' after ''program'' each place it appears (other than after ''major defense acquisition program'', after ''future-years defense program'', and after ''space program''); and

(2) in subsection (g)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The term 'designated major subprogram' means a major subprogram of a major defense acquisition program as designated under section 2430a(a)(1) of this title.''.

(c) CONFORMING AMENDMENTS TO SECTION 2399.—Subsection (a) of section 2399 of such title is amended to read as follows:

''(a) CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The Secretary of Defense shall provide that a covered major defense acquisition program or a covered designated major subprogram may not proceed beyond low-rate initial production until initial operational test and evaluation of the program or subprogram is completed.

''(2) In this subsection:

''(A) The term 'covered major defense acquisition program' means a major defense acquisition program that involves the acquisition of a weapon system that is a major system within the meaning of that term in section 2302(5) of this title.

''(B) The term 'covered designated major subprogram' means a major subprogram designated under section 2430a(a)(1) of this title that is a major subprogram of a covered major defense acquisition program.''.

(d) CONFORMING AMENDMENTS TO SECTION 2434.—Section 2434(a) of such title is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

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

''(2) The provisions of this section shall apply to any major subprogram of a major defense acquisition program (as designated under section 2430a(a)(1) of this title) in the same manner as those provisions apply to a major defense acquisition program, and any reference in this section to a program shall be treated as including such a subprogram.''.

SEC. 804. ENHANCEMENT OF DEPARTMENT OF DEFENSE AUTHORITY TO RESPOND TO COMBAT AND SAFETY EMERGENCIES THROUGH RAPID ACQUISITION AND DEPLOYMENT OF URGENTLY NEEDED SUPPLIES.

(a) REQUIREMENT TO ESTABLISH PROCEDURES.—Subsection (a) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking ''items that are—'' and inserting ''supplies that are—''.

(b) ISSUES TO BE ADDRESSED.—Subsection (b) of such section is amended—

(1) in paragraph (1)(B), by striking ''items'' and inserting ''supplies''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''items'' and inserting ''supplies'';

(B) in subparagraph (A), by striking ''an item'' and inserting ''the supplies'';

(C) in subparagraph (B), by striking ''an item'' and inserting ''the supplies''; and

(D) in subparagraph (C), by inserting ''and utilization'' after ''deployment''.

(c) RESPONSE TO COMBAT EMERGENCIES.—Subsection (c) of such section is amended—

(1) by striking ''equipment'' each place it appears and inserting ''supplies'';

(2) by striking ''combat capability'' each place it appears;

(3) by inserting '', or could result,'' after ''that has resulted'' each place it appears;

(4) by striking ''fatalities'' each place it appears and inserting ''casualties'';

(5) in paragraphs (1) and (2)(A), by striking ''is'' each place it appears and inserting ''are'';

(6) in paragraph (3)—

(A) by striking ''The authority of this section may not be used to acquire equipment in an amount aggregating more than $100,000,000 during any fiscal year.''; and

(B) by inserting ''in an amount aggregating no more than $200,000,000'' after ''for that fiscal year'';

(7) in paragraph (4), by striking ''Each such notice'' and inserting ''For each such determination, the notice under the preceding sentence''; and

(8) in paragraph (5), by striking ''that equipment'' and inserting ''those supplies''.

(d) WAIVER OF CERTAIN STATUES AND REGULATIONS.—Subsection (d)(1) of such section is amended by striking ''equipment'' in subparagraphs (A), (B), and (C) and inserting ''supplies''.

(e) TESTING REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''an item'' in the matter preceding subparagraph (A) and inserting ''the supplies''; and

(B) in subparagraph (B), by striking ''of the item'' and all that follows through ''requirements document'' and inserting ''of the supplies in meeting the original requirements for the supplies (as stated in a statement of the urgent operational need'';

(2) in paragraph (2)—

(A) by striking ''an item'' and inserting ''supplies''; and

(B) by striking ''the item'' and inserting ''the supplies''; and

(3) in paragraph (3)—

(A) by striking ''If items'' and inserting ''If the supplies''; and

(B) by striking ''items'' each place it appears and inserting ''supplies''.

(f) LIMITATION.—Subsection (f) of such section is amended to read as follows:

''(f) LIMITATION.—In the case of supplies that are part of a major system for which a low-rate initial production quantity determination has been made pursuant to section 2400 of title 10, United States Code, the quantity of such supplies acquired using the procedures prescribed pursuant to this section may not exceed an amount consistent with complying with limitations on the quantity of articles approved for low-rate initial production for such system. Any such supplies shall be included in any relevant calculation of quantities for low-rate initial production for the system concerned.''.

SEC. 805. PROHIBITION ON CONTRACTS WITH ENTITIES ENGAGING IN COMMERCIAL ACTIVITY IN THE ENERGY SECTOR OF IRAN.

(a) PROHIBITION ON CONTRACTS.—

(1) PROHIBITION.—The Secretary of Defense may not enter into any contract with—

(A) an entity that engages in commercial activity in the energy sector of Iran; or

(B) a successor entity to the entity described in subparagraph (A).

(2) DEFINITION.—For purposes of this subsection, an entity engages in commercial activity in the energy sector of Iran if the entity, with actual knowledge, engages in an activity for which sanctions have been imposed under section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note).

(b) DURATION OF PROHIBITION.—The prohibition under subsection (a) shall apply with respect to an entity (or successor entity)—

(1) for a period of not less than 2 years beginning on the date on which the prohibition is imposed; or

(2) until such time as the Secretary of Defense determines and certifies to the congressional defense committees that—

(A) the entity whose activities were the basis for imposing the prohibition is no longer engaging in such activities; and

(B) the Secretary has received reliable assurances that such entity (or successor entity) will not knowingly engage in such activities in the future, except that such prohibition shall remain in effect for a period of at least 1 year.

(c) WAIVER.—

(1) AUTHORITY.—The Secretary of Defense may waive the prohibition under subsection (a) with respect to a contract if the Secretary determines that the contract is in the interest of national security.

(2) NOTIFICATION.—Upon issuing a waiver under paragraph (1) with respect to a contract, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification that identifies the entity involved, the nature of the contract, and the rationale for issuing the waiver.

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

SEC. 811. EXTENSION OF AUTHORITY TO PROCURE CERTAIN FIBERS; LIMITATION ON SPECIFICATION.

(a) EXTENSION.—Section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is amended in subsection (f) by striking ''on the date that is five years after the date of the enactment of this Act'' and inserting ''on January 1, 2021''.

(b) PROHIBITION ON SPECIFICATION IN SOLICITATIONS.—No solicitation issued before January 1, 2021, by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of fire resistant rayon fiber.

SEC. 812. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

Section 2473 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''subsection (d)'' and inserting ''subsection (c)'';

(2) by striking subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) by adding at the end the following new subsection (e):

''(e) COMPETITIVE PROCEDURES.—If the Secretary determines under subsection (a) that the requirement to procure property or services described in subsection (b) for the Department of Defense from a firm in the small arms production industrial base is not necessary to preserve such industrial base, any such procurement shall be awarded through the use of competitive procedures that afford such industrial base a fair opportunity to be considered for such procurement.''.

SEC. 813. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(11) The term 'produced', as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.''.

Subtitle C—Studies and Reports

SEC. 821. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) STUDIES REQUIRED.—

(1) INDEPENDENT STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2011 for operation and maintenance for Defense-wide activities.

(2) JOINT CHIEFS OF STAFF STUDY.—The Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a system for understanding the various foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination of information.

(2) Determining how acquisition and funding programs that are in place as of the date of the enactment of this Act relate to the system developed under paragraph (1).

(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established to manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential benefits in—

(A) collecting, processing, and disseminating information;

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost-effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model.

(c) REPORT REQUIRED.—Not later than September 30, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ''network-centric operations'' refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decisionmaking, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

SEC. 822. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended by adding at the end of subtitle F of title VIII the following new section (and conforming the table of sections for such subtitle at the beginning of title VIII and at the beginning of such Act accordingly):

''SEC. 865. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

''(a) JOINT REPORT REQUIRED.—

''(1) IN GENERAL.—Every 12 months, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall submit to the relevant committees of Congress a joint report on contracts in Iraq or Afghanistan.

''(2) MATTERS COVERED.—A report under this subsection shall, at a minimum, cover—

''(A) any significant developments or issues with respect to contracts in Iraq and Afghanistan during the reporting period; and

''(B) the plans of the departments and agency for strengthening interagency coordination of contracts in Iraq and Afghanistan or in future contingency operations, including plans related to the common databases identified under section 861(b)(4).

''(3) REPORTING PERIOD.—A report under this subsection shall cover a period of not less than 12 months.

''(4) SUBMISSION OF REPORTS.—The Secretaries and the Administrator shall submit an initial report under this subsection not later than February 1, 2011, and shall submit an updated report by February 1 of every year thereafter until February 1, 2013. If the total annual amount of obligations for contracts in Iraq and Afghanistan combined is less than $250 million for the reporting period, for the departments and agency combined, the Secretaries and the Administrator may submit a letter documenting this in place of a report.

''(b) COMPTROLLER GENERAL REVIEW AND REPORT.—

''(1) IN GENERAL.—Within 180 days after submission of each annual joint report required under subsection (a), but in no case later than August 5 of each year until 2013, the Comptroller General shall review the joint report and interagency coordination of contracting in Iraq and Afghanistan and submit to the relevant committees of Congress a report on such review.

''(2) MATTERS COVERED.—A report under this subsection shall, at minimum—

''(A) review how the Department of Defense, the Department of State, and the United States Agency for International Development are using the data contained in the common databases identified under section 861(b)(4) in managing, overseeing, and coordinating contracting in Iraq and Afghanistan; and

''(B) assess the plans of the departments and agency for strengthening interagency coordination of contracts in Iraq and Afghanistan or in future contingency operations, particularly any plans related to the common databases identified under section 861(b)(4).

''(3) ACCESS TO DATABASES AND OTHER INFORMATION.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall provide to the Comptroller General full access to information on contracts in Iraq and Afghanistan for the purposes of the review carried out under this subsection, including the common databases identified under section 861(b)(4).''.

SEC. 823. EXTENSION OF COMPTROLLER GENERAL REVIEW AND REPORT ON CONTRACTING IN IRAQ AND AFGHANISTAN.

Section 863 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 by striking ''2010'' in subsection (a)(3) and inserting ''2011''.

SEC. 824. INTERIM REPORT ON REVIEW OF IMPACT OF COVERED SUBSIDIES ON ACQUISITION OF KC–45 AIRCRAFT.

(a) INTERIM REPORT.—The Secretary of Defense shall submit to the congressional defense committees an interim report on any review of a covered subsidy initiated pursuant to subsection (a) of section 886 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4561) not later than 60 days after the date of the initiation of the review.

(b) REPORT CONTENTS.—The report required by subsection (a) shall contain detailed findings relating to the impact of the covered subsidy that led to the initiation of the review on the source selection process for the KC–45 Aerial Refueling Aircraft Program or any successor to such program and whether the covered subsidy would provide an unfair competitive advantage to any bidder in the source selection process.

SEC. 825. REPORTS ON JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.

(a) INDEPENDENT ANALYSES.—

(1) IN GENERAL.—A comprehensive analysis of the Joint Capabilities Integration and Development System shall be independently performed by each of the following:

(A) The Secretary of Defense.

(B) A federally funded research and development center selected by the Secretary of Defense.

(2) MATTERS COVERED.—Each such analysis shall—

(A) evaluate the entire Joint Capabilities Integration and Development System and the problems associated with it, with particular emphasis on the problems relating to the length of time and the costs involved in identifying, assessing, and validating joint military capability needs; and

(B) identify the best solutions to the problems evaluated under subparagraph (A) and develop recommendations to carry out those solutions.

(3) REPORTS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) a report by the Secretary on the analysis performed by the Secretary under paragraph (1), with particular emphasis on continuous process improvement; and

(B) a report by the federally funded research and development center selected under paragraph (1)(B) on the analysis performed by the center under paragraph (1), together with such comments as the Secretary considers necessary on the report.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense—

(A) shall develop and begin implementing a plan to address the problems with the Joint Capabilities Integration and Development System, taking into account the recommendations developed in the analyses required under subsection (a) and as part of a program to manage performance in establishing joint military requirements; and

(B) shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan, including, at a minimum, a timeline, objectives, milestones, and projected resource requirements.

(2) REPORT FORMAT.—The report required under paragraph (1)(B) may be included as part of any report relating to a program to manage performance in establishing joint military requirements.

Subtitle D—Other Matters

SEC. 831. EXTENSION OF AUTHORITY FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359b(k) of title 10, United States Code, is amended by striking ''2012'' and inserting ''2017''.

SEC. 832. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COMPETITION REQUIREMENTS FOR TASK OR DELIVERY ORDERS UNDER ENERGY SAVINGS PERFORMANCE CONTRACTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by adding at the end the following:

''(c) TASK OR DELIVERY ORDERS.—(1) The head of a Federal agency may issue a task or delivery order under an energy savings performance contract by—

''(A) notifying all contractors that have received an award under such contract that the agency proposes to discuss energy savings performance services for some or all of its facilities and, following a reasonable period of time to provide a proposal in response to the notice, soliciting from such contractors the submission of expressions of interest in, and contractor qualifications for, performing site surveys or investigations and feasibility designs and studies, and including in the notice summary information concerning energy use for any facilities that the agency has specific interest in including in such task or delivery order;

''(B) reviewing all expressions of interest and qualifications submitted pursuant to the notice under subparagraph (A);

''(C) selecting two or more contractors (from among those reviewed under subparagraph (B)) to conduct discussions concerning the contractors' respective qualifications to implement potential energy conservation measures, including—

''(i) requesting references and specific detailed examples with respect to similar efforts and the resulting energy savings of such similar efforts; and

''(ii) requesting an explanation of how such similar efforts relate to the scope and content of the task or delivery order concerned;

''(D) selecting and authorizing—

''(i) more than one contractor (from among those selected under subparagraph (C)) to conduct site surveys, investigations, feasibility designs and studies or similar assessments for the energy savings performance contract services (or for discrete portions of such services), for the purpose of allowing each such contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures; or

''(ii) one contractor (from among those selected under subparagraph (C)) to conduct a site survey, investigation, a feasibility design and study or similar assessment for the purpose of allowing the contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures;

''(E) providing a debriefing to any contractor not selected under subparagraph (D);

''(F) negotiating a task or delivery order for energy savings performance contracting services with the contractor or contractors selected under subparagraph (D) based on the energy conservation measures identified; and

''(G) issuing a task or delivery order for energy savings performance contracting services to such contractor or contractors.

''(2) The issuance of a task or delivery order for energy savings performance contracting services pursuant to paragraph (1) is deemed to satisfy the task and delivery order competition requirements in section 2304c(d) of title 10, United States Code, and section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)).

''(3) The Secretary may issue guidance as necessary to agencies issuing task or delivery orders pursuant to paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is inapplicable to task or delivery orders issued before the date of enactment of this Act.

SEC. 833. CONSIDERATION OF SUSTAINABLE PRACTICES IN PROCUREMENT OF PRODUCTS AND SERVICES.

(a) CONSIDERATION OF SUSTAINABLE PRACTICES.—

(1) IN GENERAL.—The Secretary of Defense shall develop and issue guidance directing the Secretary of each military department and the head of each defense agency to consider sustainable practices in the procurement of products and services. Such guidance shall ensure that strategies for acquiring products or services to meet departmental or agency performance requirements favor products or services described in paragraph (2) if such products or services can be acquired on a life cycle cost-neutral basis.

(2) PRODUCTS OR SERVICES.—A product or service described in this paragraph is a product or service that is energy-efficient, water-efficient, biobased, environmentally preferable, non-ozone-depleting, contains recycled content, is non-toxic, or is less toxic than alternative products or services.

(b) EXCEPTION.—Subsection (a) does not apply to the acquisition of weapon systems or components of weapon systems.

SEC. 834. DEFINITION OF MATERIALS CRITICAL TO NATIONAL SECURITY.

Section 187 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) DEFINITIONS.—In this section:

''(1) The term 'materials critical to national security' means materials—

''(A) upon which the production or sustainment of military equipment is dependent; and

''(B) the supply of which could be restricted by actions or events outside the control of the Government of the United States.

''(2) The term 'military equipment' means equipment used directly by the armed forces to carry out military operations.''.

SEC. 835. DETERMINATION OF STRATEGIC OR CRITICAL RARE EARTH MATERIALS FOR DEFENSE APPLICATIONS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall undertake an assessment of the supply chain for rare earth materials and determine which, if any, rare earth materials are strategic materials and which rare earth materials are materials critical to national security. For the purposes of the assessment—

(1) the Secretary may consider the views of other Federal agencies, as appropriate;

(2) any study conducted by the Director, Industrial Policy during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section;

(3) any study conducted by the Comptroller General of the United States during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section; and

(4) the Secretary shall consider the sources of rare earth materials (both in terms of source nations and number of vendors) including rare earth elements, rare earth metals, rare earth magnets, and other components containing rare earths.

(b) PLAN.—In the event that the Secretary determines that a rare earth material is a strategic material or a material critical to national security, the Secretary shall develop a plan to ensure the long-term availability of such rare earth material, with a goal of establishing domestic sources of such material by December 31, 2015. In developing the plan, the Secretary shall consider all relevant components of the value-chain, including mining, processing, refining, and manufacturing. The plan shall include consideration of numerous options with respect to the material, including—

(1) an assessment of including the material in the National Defense Stockpile;

(2) in consultation with the United States Trade Representative, the identification of any trade practices known to the Secretary that limit the Secretary's ability to ensure the long-term availability of such material or the ability to meet the goal of establishing domestic sources of such material by December 31, 2015;

(3) an assessment of the availability of financing to industry, academic institutions, or not-for-profit entities to provide the capacity required to ensure the availability of the material and potential mechanisms to increase the availability of such financing;

(4) the benefits, if any, of Defense Production Act funding to support the establishment of a domestic rare earth manufacturing capability for military components;

(5) funding for research and development of any aspect of the rare earth supply-chain;

(6) any other risk mitigation method determined appropriate by the Secretary that is consistent with the goal of establishing domestic sources by December 31, 2015; and

(7) for components of the rare earth material supply-chain for which no other risk mitigation method, in accordance with paragraphs (1) through (6), will ensure the establishment of a domestic source by December 31, 2015, a specific plan to eliminate supply-chain vulnerability by the earliest date practicable.

(c) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees described in paragraph (2) a report containing the findings of the assessment under subsection (a) and the plan (if any) developed under subsection (b).

(2) CONGRESSIONAL COMMITTEES.—The congressional committees described in this paragraph are as follows:

(A) The congressional defense committees.

(B) The Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(C) The Committee on Finance and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(d) DEFINITIONS.—In this section:

(1) STRATEGIC MATERIAL.—The term ''strategic material'' means a material—

(A) which is essential for military equipment;

(B) which is unique in the function it performs; and

(C) for which there are no viable alternatives.

(2) MATERIALS CRITICAL TO NATIONAL SECURITY.—The term ''materials critical to national security'' has the meaning provided by section 187(e) of title 10, United States Code, as amended by section 827 of this Act.

SEC. 836. REVIEW OF NATIONAL SECURITY EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review the implementation by the Department of Defense of the national security exception to full and open competition provided in section 2304(c)(6) of title 10, United States Code.

(b) MATTERS REVIEWED.—The review of the implementation of the national security exception required by subsection (a) shall include—

(1) the pattern of usage of such exception by acquisition organizations within the Department to determine which organizations are commonly using the exception and the frequency of such usage;

(2) the range of items or services being acquired through the use of such exception;

(3) the process for reviewing and approving justifications involving such exception;

(4) whether the justifications for use of such exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of such exception;

(5) issues associated with follow-on procurements for items or services acquired using such exception; and

(6) potential additional instances where such exception could be applied and any authorities available to the Department of Defense other than such exception that could be applied in such instances.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Secretary considers appropriate. The report shall be submitted in unclassified form but may include a classified annex.

(d) REGULATIONS.—

(1) REQUIREMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees described in paragraph (2) draft regulations on the implementation of the national security exception to full and open competition provided in section 2304(c)(6) of title 10, United States Code, taking into account the results of the review required by subsection (a).

(2) CONGRESSIONAL COMMITTEES.—The congressional committees described in this paragraph are the following:

(A) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 837. INCLUSION OF BRIBERY IN DISCLOSURE REQUIREMENTS OF THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.

(a) INCLUSION OF BRIBERY IN DISCLOSURE REQUIREMENTS.—Section 872(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4556) is amended by adding at the end the following new paragraph:

''(8) To the maximum extent practical, information similar to the information covered by paragraph (1) in connection with any law relating to bribery of a country which is a signatory of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, signed at Paris on December 17, 1997.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect not later than 90 days after the date of the enactment of this Act.

SEC. 838. REQUIREMENT FOR ENTITIES WITH FACILITY CLEARANCES THAT ARE NOT UNDER FOREIGN OWNERSHIP CONTROL OR INFLUENCE MITIGATION.

(a) REQUIREMENT.—The Secretary of Defense shall require the directors of a covered entity to establish a government security committee that shall ensure that the covered entity employs and maintains policies and procedures that meet requirements under the national industrial security program.

(b) COVERED ENTITY.—A covered entity under this section is an entity—

(1) to which the Department of Defense has granted a facility clearance;

(2) that is not subject to foreign ownership control or influence mitigation measures; and

(3) that is a corporation.

(c) DISCRETIONARY REQUIREMENT.—The Secretary of Defense may require that the requirement in subsection (a) apply to an entity that meets the elements described in paragraphs (1) and (2) of subsection (b) and is a limited liability company, sole proprietorship, nonprofit corporation, partnership, academic institution, or any other entity holding a facility clearance.

(d) GUIDANCE.—The Secretary of Defense shall develop implementing guidance for the requirement in subsection (a).

(e) GOVERNMENT SECURITY COMMITTEE.—For the purposes of this section, a government security committee is a subcommittee of a covered entity's board of directors, made up of resident United States citizens, that is responsible for ensuring that the covered entity complies with the requirements of the national industrial security program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

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

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

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy

are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 902. REALIGNMENT OF THE ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE SECRETARY OF DEFENSE TO CARRY OUT THE REDUCTION REQUIRED BY LAW IN THE NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.

(a) REDESIGNATION OF CERTAIN POSITIONS IN THE OFFICE OF THE SECRETARY OF DEFENSE.—Positions in the Office of the Secretary of Defense of the Department of Defense are hereby redesignated as Assistant Secretaries of Defense as follows:

(1) The Director of Defense Research and Engineering is redesignated as the Assistant Secretary of Defense for Research and Engineering.

(2) The Director of Operational Energy Plans and Programs is redesignated as the Assistant Secretary of Defense for Operational Energy Plans and Programs.

(3) The Director of Cost Assessment and Program Evaluation is redesignated as the Assistant Secretary of Defense for Cost Assessment and Program Evaluation.

(4) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is redesignated as the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

(b) AMENDMENTS TO CHAPTER 4 OF TITLE 10 RELATING TO REALIGNMENT.—Chapter 4 of title 10, United States Code, is amended as follows:

(1) REPEAL OF SEPARATE DEPUTY UNDER SECRETARY PROVISIONS.—The following sections are repealed: section 133a, 134a, and 136a.

(2) COMPONENTS OF OSD.—Section 131(b) is amended to read as follows:

''(b) The Office of the Secretary of Defense is composed of the following:

''(1) The Deputy Secretary of Defense.

''(2) The Under Secretaries of Defense, as follows:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(B) The Under Secretary of Defense for Policy.

''(C) The Under Secretary of Defense (Comptroller).

''(D) The Under Secretary of Defense for Personnel and Readiness.

''(E) The Under Secretary of Defense for Intelligence.

''(3) The Deputy Chief Management Officer of the Department of Defense.

''(4) The Principal Deputy Under Secretaries of Defense.

''(5) The Assistant Secretaries of Defense.

''(6) Other officers who are appointed by the President, by and with the advice and consent of the Senate, as follows:

''(A) The Director of Operational Test and Evaluation.

''(B) The General Counsel of the Department of Defense.

''(C) The Inspector General of the Department of Defense.

''(7) Other officials provided for by law, as follows:

''(A) The official designated under section 1501(a) of this title to have responsibility for Department of Defense matters relating to missing persons as set forth in section 1501 of this title.

''(B) The official designated under section 2228(a)(2) of this title to have responsibility for Department of Defense policy related to the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense and for directing the activities of the Office of Corrosion Policy and Oversight.

''(C) The officials designated under subsections (a) and (b) of section 2438(a) of this title to have responsibility, respectively, for developmental test and evaluation and for systems engineering.

''(D) The official designated under section 2438a(a) of this title to have responsibility for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

''(E) The Director of Small Business Programs, provided for under section 2508 of this title.

''(8) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.''.

(3) PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE.—Section 137a is amended—

(A) in subsections (a)(1), (b), and (d), by striking ''Deputy Under'' each place it appears and inserting ''Principal Deputy Under'';

(B) in subsection (a)(2), by striking ''(A) The'' and all that follows through ''(5) of subsection (c)'' and inserting ''The Principal Deputy Under Secretaries of Defense'';

(C) in subsection (c)—

(i) by striking ''One of the Deputy'' in paragraphs (1), (2), (3), (4), and (5) and inserting ''One of the Principal Deputy'';

(ii) by striking ''appointed'' and all that follows through ''this title'' in paragraphs (1), (2), and (3);

(iii) by striking ''shall be'' in paragraphs (4) and (5) and inserting ''is''; and

(iv) by adding at the end of paragraph (5) the following new sentence: ''Any individual nominated for appointment as the Principal Deputy Under Secretary of Defense for Intelligence shall have extensive intelligence expertise.''; and

(D) by adding at the end of subsection (d) the following new sentence: ''The Principal Deputy Under Secretaries take precedence among themselves in the order prescribed by the Secretary of Defense.''.

(4) ASSISTANT SECRETARIES OF DEFENSE.—Section 138 is amended—

(A) in subsection (a)—

(i) by striking ''12'' and inserting ''17''; and

(ii) by striking ''(A) The'' and all that follows through ''The other'' and inserting ''The'';

(B) in subsection (b)—

(i) by striking ''shall be'' in paragraphs (2), (3), (4), (5), and (6) and inserting ''is'';

(ii) by striking ''appointed pursuant to section 138a of this title'' in paragraph (7); and

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

''(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Research and Engineering. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Research and Engineering shall have the duties specified in section 138b of this title.

''(9) One of the Assistant Secretaries is the Assistant Secretary of Defense for Operational Energy Plans and Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Operational Energy Plans and Programs shall have the duties specified in section 138c of this title.

''(10) One of the Assistant Secretaries is the Assistant Secretary of Defense for Cost Assessment and Program Evaluation. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Cost Assessment and Program Evaluation shall have the duties specified in section 138d of this title.

''(11) One of the Assistant Secretaries is the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall have the duties specified in section 138e of this title.''; and

(C) in subsection (d), by striking ''and the Director of Defense Research and Engineering'' and inserting ''the Deputy Chief Management Officer of the Department of Defense, and the Principal Deputy Under Secretaries of Defense''.

(5) ASSISTANT SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—Section 138a(a) is amended—

(A) by striking ''There is a'' and inserting ''The''; and

(B) by striking '', appointed from civilian life by the President, by and with the advice and consent of the Senate. The Assistant Secretary''.

(6) ASSISTANT SECRETARY FOR RESEARCH AND ENGINEERING.—Section 139a is transferred so as to appear after section 138a, redesignated as section 138b, and amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(C) in subsection (a), as so redesignated, by striking ''Director of Defense'' and inserting ''Assistant Secretary of Defense for''; and

(D) in subsection (b), as so redesignated—

(i) in paragraph (1), by striking ''Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation'' and inserting ''Assistant Secretary of Defense for Research and Engineering, in consultation with the official designated under section 2438(a) of this title to have responsibility for developmental test and evaluation functions''; and

(ii) in paragraph (2), by striking ''Director'' and inserting ''Assistant Secretary''.

(7) ASSISTANT SECRETARY FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—Section 139b is transferred so as to appear after section 138b (as transferred and redesignated by paragraph (6)), redesignated as section 138c, and amended—

(A) in subsection (a), by striking ''There is a'' and all that follows through ''The Director'' and inserting ''The Assistant Secretary of Defense for Operational Energy Plans and Programs'';

(B) by striking ''Director'' each place it appears and inserting ''Assistant Secretary'';

(C) in subsection (d)(2)—

(i) by striking ''Not later than'' and all that follows through ''military departments'' and inserting ''The Secretary of each military department'';

(ii) by striking ''who will'' and inserting ''who shall''; and

(iii) by inserting ''so designated'' after ''The officials''; and

(D) in subsection (d)(4), by striking ''The initial'' and all that follows through ''updates to the strategy'' and inserting ''Updates to the strategy required by paragraph (1)''.

(8) ASSISTANT SECRETARY FOR COST ASSESSMENT AND PROGRAM EVALUATION.—Section 139c is transferred so as to appear after section 138c (as transferred and redesignated by paragraph (7)), redesignated as section 138d, and amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a) and in that subsection—

(i) striking ''Director of'' in paragraph (1) and inserting ''Assistant Secretary of Defense for''; and

(ii) striking ''Director'' each place it appears in paragraphs (1)(A), (1)(B), and (2) and inserting ''Assistant Secretary'';

(C) by striking subsection (c) and inserting the following:

''(b) RESPONSIBILITY FOR SPECIFIED FUNCTIONS.—There shall be within the office of the Assistant Secretary the following:

''(1) An official with primary responsibility for cost assessment.

''(2) An official with primary responsibility for program evaluation.''; and

(D) by redesignating subsection (d) as subsection (c) and in that subsection striking ''Director of'' in the matter preceding paragraph (1) and inserting ''Assistant Secretary of Defense for''.

(9) ASSISTANT SECRETARY FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 is transferred so as to appear after section 138d (as redesignated and transferred by paragraph (8)), redesignated as section 138e, and amended—

(A) by striking subsection (a);

(B) by striking ''(b) The Assistant to the Secretary'' and inserting ''The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''; and

(C) by striking subsection (c).

(c) OTHER AMENDMENTS TO CHAPTER 4 OF TITLE 10.—Chapter 4 of title 10, United States Code, is further amended as follows:

(1) OFFICE OF THE SECRETARY OF DEFENSE.—Section 131(a) is amended by striking ''his'' and inserting ''the Secretary's''.

(2) DEPUTY SECRETARY.—Section 132 is amended by striking the second sentence of subsection (c).

(3) DEPUTY CHIEF MANAGEMENT OFFICER.—Such chapter is further amended by inserting after section 132 the following new section:

''§ 132a. Deputy Chief Management Officer

''(a) There is a Deputy Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) The Deputy Chief Management Officer assists the Deputy Secretary of Defense in the Deputy Secretary's capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title.

''(c) The Deputy Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.''.

(4) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—Section 135(c) is amended by striking ''clauses'' and inserting ''paragraphs''.

(d) REPEAL OF POSITION TITLES SPECIFIED BY LAW FOR STATUTORY POSITIONS RELATING TO DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING.—

(1) TRANSFER OF SECTION FROM CHAPTER 4 TO PROGRAMMATIC CHAPTER.—Section 139d of title 10, United States Code, is transferred to chapter 144, inserted after section 2437, and redesignated as section 2438.

(2) DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—Subsection (a) of such section is amended—

(A) by striking ''(a) DIRECTOR OF'' and all that follows through paragraph (3) and inserting the following:

''(a) DEVELOPMENTAL TEST AND EVALUATION.—

''(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official to be responsible to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

''(2) SUPERVISION.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.'';

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;

(C) in paragraph (3), as so redesignated, by striking DIRECTOR OF SYSTEMS ENGINEERING'' and all that follows through ''Director of Systems Engineering'' and inserting ''SYSTEMS ENGINEERING.—The official designated under paragraph (1) shall closely coordinate with the official designated under subsection (b)'';

(D) in paragraph (4), as so redesignated, by striking ''Director'' in the matter preceding subparagraph (A) and inserting ''official designated under paragraph (1)'';

(E) in paragraph (5), as so redesignated—

(i) by striking ''Director has'' and inserting ''official designated under paragraph (1) has'';

(ii) by striking ''Director considers'' and inserting ''designated official considers''; and

(iii) by striking ''the Director's duties'' and inserting ''that official's duties''; and

(F) in paragraph (6), as so redesignated, by striking ''serving as the Director of Developmental Test and Evaluation'' and inserting ''official designated under paragraph (1)''.

(3) DIRECTOR OF SYSTEMS ENGINEERING.—Subsection (b) of such section is amended—

(A) by striking ''(b) DIRECTOR OF'' and all that follows through paragraph (3) and inserting the following:

''(b) SYSTEMS ENGINEERING.—

''(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate, from among individuals with expertise in systems engineering, an official to be responsible to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics for systems engineering and development planning in the Department of Defense.

''(2) SUPERVISION.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.'';

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(C) in paragraph (3), as so redesignated, by striking ''DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION'' and all that follows through ''Director of Developmental Test And Evaluation'' and inserting ''DEVELOPMENTAL TEST AND EVALUATION.—The official designated under paragraph (1) shall closely coordinate with the official designated under subsection (a)'';

(D) in paragraph (4), as so redesignated, by striking ''Director'' in the matter preceding subparagraph (A) and inserting ''official designated under paragraph (1)''; and

(E) in paragraph (5), as so redesignated—

(i) by striking ''Director shall'' and inserting ''official designated under paragraph (1) shall'';

(ii) by striking ''Director considers'' and inserting ''designated official considers''; and

(iii) by striking ''the Director's duties'' and inserting ''that official's duties''.

(4) JOINT ANNUAL REPORT.—Subsection (c) of such section is amended in the matter preceding paragraph (1)—

(A) by striking ''beginning in 2010,'';

(B) by striking ''Director of Developmental Test and Evaluation and the Director of Systems Engineering'' and inserting ''officials designated under subsections (a) and (b)'';

(C) by striking ''subsections (a) and (b)'' and inserting ''those subsections''; and

(D) by inserting ''such'' after ''Each''.

(5) JOINT GUIDANCE.—Subsection (d) of such section is amended in the matter preceding paragraph (1)—

(A) by striking ''Director of Developmental Test and Evaluation and the Director of Systems Engineering'' and inserting ''officials designated under subsections (a) and (b)''; and

(B) by striking ''section 103 of the Weapon Systems Acquisition Reform Act of 2009'' and inserting ''section 2438a of this title''.

(6) REPEAL OF REDUNDANT DEFINITION.—Subsection (e) of such section is repealed.

(e) CODIFICATION OF SECTION 103 OF WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.—

(1) CODIFICATION.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2438 (as transferred and redesignated by subsection (d)), a new section 2438a consisting of—

(A) a section heading as follows:

''§ 2438a. Performance assessments and root cause analyses''; and

(B) a text consisting of the text of section 103 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1715; 10 U.S.C. 2430 note), modified as specified in paragraph (2).

(2) TECHNICAL AMENDMENTS DUE TO CODIFICATION.—The modifications referred to in paragraph (1)(B) to the text specified in that paragraph are—

(A) in subsection (b)(2), by striking ''section 2433a(a)(1) of title 10, United States Code (as

added by section 206(a) of this Act)'' and inserting ''section 2433a(a)(1) of this title'';

(B) in subsection (b)(5)—

(i) by striking ''section 2433a of title 10, United States Code (as so added)'' and inserting ''section 2433a of this title''; and

(ii) by striking ''prior to'' both places it appears and inserting ''before'';

(C) in subsection (d), by striking ''section 2433a of title 10, United States Code (as so added)'' and inserting ''section 2433a of this title''; and

(D) in subsection (f), by striking ''beginning in 2010,''.

(f) TRANSFER OF SECTION PROVIDING FOR DIRECTOR OF SMALL BUSINESS PROGRAMS.—Section 144 of title 10, United States Code, is transferred to chapter 148, inserted after section 2507, and redesignated as section 2508.

(g) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE FOR MISSING PERSONNEL IN OSD.—Section 1501(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: ''RESPONSIBILITY FOR MISSING PERSONNEL .—'';

(2) in paragraph (1)—

(A) by striking ''establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy'' in the first sentence and inserting ''designate within the Office of the Secretary of Defense an official as the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to have responsibility for Department of Defense matters'';

(B) by striking the second sentence;

(C) by striking ''of the office'' and inserting ''of the official designated under this paragraph'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by redesignating subparagraph (B) as subparagraph (C); and

(F) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) policy, control, and oversight of the program established under section 1509 of this title, as well as the accounting for missing persons (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased); and'';

(3) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively;

(4) by inserting after paragraph (1) the following new paragraph (2):

''(2) The official designated under paragraph (1) shall also serve as the Director, Defense Prisoner of War/Missing Personnel Office, as established under paragraph (6)(A), exercising authority, direction, and control over that activity.'';

(5) in paragraph (3), as so redesignated—

(A) by striking ''of the office'' the first place it appears; and

(B) by striking ''head of the office'' and inserting ''official designated under paragraph (1) and (2)'';

(6) in paragraph (4), as so redesignated—

(A) by striking ''office'' and inserting ''designated official''; and

(B) by inserting after ''evasion)'' the following: ''and for personnel accounting (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased)'';

(7) in paragraph (5), as so redesignated, by striking ''office'' and inserting ''designated official''; and

(8) in paragraph (6), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting after ''(A)'' the following: ''The Secretary of Defense shall establish an activity to account for personnel who are missing or whose remains have not been recovered from the conflict in which they were lost. This activity shall be known as the Defense Prisoner of War/Missing Personnel Office.''; and

(ii) by striking ''office'' both places it appears and inserting ''activity'';

(B) in subparagraph (B)(i), by striking ''to the office'' and inserting ''activity'';

(C) in subparagraph (B)(ii)—

(i) by striking ''to the office'' and inserting ''activity''; and

(ii) by striking ''of the office'' and inserting ''of the activity''; and

(D) in subparagraph (C), by striking ''office'' and inserting ''activity''.

(h) REPEAL OF STATUTORY REQUIREMENT FOR DIRECTOR OF OFFICE FOR CORROSION POLICY AND OVERSIGHT IN OSD.—Section 2228 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the subsection heading and inserting the following: ''OFFICE OF CORROSION POLICY AND OVERSIGHT AND DESIGNATION OF RESPONSIBLE OFFICIAL'';

(B) by amending paragraph (2) to read as follows:

''(2) The Secretary of Defense shall designate, from among civilian employees of the Department of Defense with the qualifications described in paragraph (4), an official to be responsible to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense and for directing the activities of the Office of Corrosion Policy and Oversight.'';

(C) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(D) by inserting after paragraph (2) the following new paragraph (3):

''(3) The official designated under paragraph (2) shall report directly to the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.'';

(E) in paragraph (4), as so redesignated, by striking ''assigned to the position of Director'' and inserting ''designated under paragraph (2)''; and

(F) in paragraph (5), as so redesignated, by striking ''of Director'' and inserting ''held by the official designated under paragraph (2)'';

(2) in subsection (b)—

(A) by striking ''Director of Corrosion Policy and Oversight (in this section referred to as the 'Director')'' in paragraph (1) and inserting ''official designated under subsection (a)(2)''; and

(B) by striking ''Director'' in paragraphs (2), (3), (4), and (5) and inserting ''designated official'';

(3) in subsection (c), by striking ''ADDITIONAL AUTHORITIES'' and all that follows through ''authorized to—'' and inserting ''ADDITIONAL DUTIES.—The official designated under subsection (a) shall —''; and

(4) in subsection (e), by striking ''beginning with the budget for fiscal year 2009,''.

(i) REPEAL OF STATUTORY LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Section 906(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2426; 10 U.S.C. 137a note) is repealed.

(j) CONFORMING AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1) The following sections are amended by striking ''Director of Cost Assessment and Program Evaluation'' and inserting ''Assistant Secretary of Defense for Cost Assessment and Program Evaluation'': sections 181(d), 2306b(i)(1)(B), 2366a(a)(4), 2366a(a)(5), 2366b(a)(1)(C), 2433a(a)(2), 2433a(b)(2)(C), 2434(b)(1)(A), and 2445c(f)(3).

(2) Section 179(c) is amended—

(A) by striking ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' in paragraphs (2) and (3) and inserting ''Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''; and

(B) by striking ''to the'' in paragraph (3).

(3) Section 2272 is amended by striking ''Director of Defense Research and Engineering'' each place it appears and inserting ''Assistant Secretary of Defense for Research and Engineering''.

(4) Section 2334 is amended—

(A) by striking ''Director of Cost Assessment and Program Evaluation'' each place it appears and inserting ''Assistant Secretary of Defense for Cost Assessment and Program Evaluation''; and

(B) by striking ''Director'' each place it appears (other than as specified in subparagraph (A)) and inserting ''Assistant Secretary''.

(5) Section 2365 is amended—

(A) in subsection (a), by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering'';

(B) in subsection (d)(1), by striking ''Director'' and inserting ''Assistant Secretary'';

(C) in subsection (d)(2)—

(i) by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''; and

(ii) by striking ''Director may'' and inserting ''Assistant Secretary may''; and

(D) in subsection (e), by striking ''Director'' and inserting ''Assistant Secretary''.

(6) Sections 2350a(g)(3), 2366b(a)(3)(D), 2374a(a), and 2517(a) are amended by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''.

(7) Section 2902(b) is amended—

(A) in paragraph (1), by striking ''Deputy Under Secretary of Defense for Science and Technology'' and inserting ''official within the Office of the Assistant Secretary of Defense for Research and Engineering who is responsible for science and technology''; and

(B) in paragraph (3), by striking ''Deputy Under Secretary of Defense'' and inserting ''official within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics who is''.

(k) OTHER CONFORMING AMENDMENTS.—

(1) Section 214 of the National Defense Authorization Act of Fiscal Year 2008 (10 U.S.C. 2521 note) is amended by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''.

(2) Section 201(d) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 181 note) is amended—

(A) by striking ''The Director of Cost Assessment and Program Evaluation'' and inserting ''The Assistant Secretary of Defense for Cost Assessment and Program Evaluation''; and

(B) by striking ''the Director'' and inserting ''the Assistant Secretary''.

(l) SECTION HEADING AND CLERICAL AMENDMENTS.—

(1) SECTION HEADING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(A) The heading of section 137a is amended to read as follows:

''§ 137a. Principal Deputy Under Secretaries of Defense''.

(B) The heading of section 138b, as transferred and redesignated by subsection (b)(6), is amended to read as follows:

''§ 138b. Assistant Secretary of Defense for Research and Engineering''.

(C) The heading of section 138c, as transferred and redesignated by subsection (b)(7), is amended to read as follows:

''§ 138c. Assistant Secretary of Defense for Operational Energy Plans and Programs''.

(D) The heading of section 138d, as transferred and redesignated by subsection (b)(8), is amended to read as follows:

''§ 138d. Assistant Secretary of Defense for Cost Assessment and Program Evaluation''.

(E) The heading of section 138e, as transferred and redesignated by subsection (b)(9), is amended to read as follows:

''§ 138e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''.

(F) The heading of section 2228 is amended to read as follows:

''§ 2228. Military equipment and infrastructure: prevention and mitigation of corrosion''.

(G) The heading of section 2438 is amended to read as follows:

''§ 2438. Developmental test and evaluation; systems engineering: designation of responsible officials; joint guidance''.

(2) CLERICAL AMENDMENTS.—Title 10, United States Code, is further amended as follows:

(A) The table of sections at the beginning of chapter 4 is amended—

(i) by inserting after the item relating to section 132 the following new item:

''132a. Deputy Chief Management Officer.'';

(ii) by striking the items relating to sections 133a, 134a, and 136a;

(iii) by amending the item relating to section 137a to read as follows:

''137a. Principal Deputy Under Secretaries of Defense.'';

(iv) by inserting after the item relating to section 138a the following new items:

''138b. Assistant Secretary of Defense for Research and Engineering.

''138c. Assistant Secretary of Defense for Operational Energy Plans and Programs.

''138d. Assistant Secretary of Defense for Cost Assessment and Program Evaluation.

''138e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.''; and

(v) by striking the items relating to sections 139a, 139b, 139c, 139d, 142, and 144.

(B) The item relating to section 2228 in the table of sections at the beginning of chapter 131 is amended to read as follows:

''2228. Military equipment and infrastructure: prevention and mitigation of corrosion.''.

(C) The table of sections at the beginning of chapter 144 is amended by inserting after the item relating to section 2437 the following new items:

''2438. Developmental test and evaluation; systems engineering: designation of responsible officials; joint guidance.

''2438a. Performance assessments and root cause analyses.''.

(D) The table of sections at the beginning of subchapter II of chapter 148 is amended by inserting after the item relating to section 2507 the following new item:

''2508. Director of Small Business Programs.''.

(m) EXECUTIVE SCHEDULE AMENDMENTS.—Chapter 53 of title 5, United States Code, is amended as follows:

(1) NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—Section 5315 is amended by striking ''Assistant Secretaries of Defense (12)'' and inserting ''Assistant Secretaries of Defense (17)''.

(2) POSITIONS REDESIGNATED AS ASSISTANT SECRETARY POSITIONS.—

(A) Section 5315 is further amended—

(i) by striking ''Director of Cost Assessment and Program Evaluation, Department of Defense.''; and

(ii) by striking ''Director of Defense Research and Engineering.''.

(B) Section 5316 is amended by striking ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.''.

(3) AMENDMENTS TO DELETE REFERENCES TO POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section 5316 is further amended—

(A) by striking ''Director, Defense Advanced Research Projects Agency, Department of Defense.'';

(B) by striking ''Deputy General Counsel, Department of Defense.'';

(C) by striking ''Deputy Under Secretaries of Defense for Research and Engineering, Department of Defense (4).''; and

(D) by striking ''Special Assistant to the Secretary of Defense.''.

(n) REFERENCES IN OTHER LAWS, ETC.—Any reference in any provision or law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States, to any of the offices of the Department of Defense redesignated by subsection (a) shall be treated as referring to that office as so redesignated.

(o) EFFECTIVE DATE.—The provisions of this section and the amendments made by this section shall take effect on January 1, 2011, or on such earlier date for any of such provisions as may be prescribed by the Secretary of Defense. If the Secretary prescribes an earlier date for any of those provisions or amendments, the Secretary shall notify Congress in writing in advance of such date.

SEC. 903. UNIFIED MEDICAL COMMAND.

(a) ASSISTANT SECRETARY OF DEFENSE.—Section 138(b) of title 10, United States Code, as amended by section 902, is further amended by adding at the end the following new paragraph:

''(12) One of the Assistant Secretaries is the Assistant Secretary of Defense for Health Affairs. In addition to any duties and powers prescribed under paragraph (1), the principal duty of the Assistant Secretary of Defense for Health Affairs is the overall supervision (including oversight of policy and resources) of all health affairs and medical activities of the Department of Defense. The Assistant Secretary of Defense for Health Affairs is the principal civilian adviser to the Secretary of Defense on health affairs and medical matters and, after the Secretary and Deputy Secretary, is the principal health affairs and medical official within the senior management of the Department of Defense.''.

(b) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of such title is amended by inserting after section 167a the following new section:

''§ 167b. Unified combatant command for medical operations

''(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, may establish under section 161 of this title a unified command for medical operations (hereinafter in this section referred to as the 'unified medical command'). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

''(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

''(c) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

''(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

''(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

''(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

''(C) The Defense Health Agency established under subsection (f).

''(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

''(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

''(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

''(A) Developing programs and doctrine.

''(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

''(C) Exercising authority, direction, and control over the expenditure of funds—

''(i) for forces assigned to the unified medical command;

''(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

''(iii) for military construction funds of the Defense Health Program.

''(D) Training assigned forces.

''(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

''(F) Validating requirements.

''(G) Establishing priorities for requirements.

''(H) Ensuring the interoperability of equipment and forces.

''(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

''(f) DEFENSE HEALTH AGENCY.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the 'Defense Health Agency'), and shall transfer to

such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(7)).

''(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(g) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

''167b. Unified combatant command for medical operations.''.

(c) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than March 31, 2011, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (b), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

Subtitle B—Space Activities

SEC. 911. INTEGRATED SPACE ARCHITECTURES.

The Secretary of Defense and the Director of National Intelligence shall jointly establish the capability to conduct integrated national security space architecture planning, development, coordination, and analysis that—

(1) encompasses defense and intelligence space plans, programs, budgets, and organizations;

(2) provides mid-term to long-term recommendations to guide space-related defense and intelligence acquisitions, requirements, and investment decisions;

(3) is independent of the space architecture planning, development, coordination, and analysis activities of each military department and each element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(4) makes use of, to the maximum extent practicable, joint duty assignment positions (as defined in section 668).

Subtitle C—Intelligence-Related Matters

SEC. 921. 5-YEAR EXTENSION OF AUTHORITY FOR SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

The second sentence of section 431(a) of title 10, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2015''.

SEC. 922. SPACE AND COUNTERSPACE INTELLIGENCE ANALYSIS.

(a) DESIGNATION OF LEAD INTEGRATOR.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Director of the Defense Intelligence Agency shall designate a lead integrator for foreign space and counterspace defense intelligence analysis.

(B) INITIAL DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall designate an initial lead integrator under subparagraph (A).

(2) NOTICE.—Not later than 30 days after the date on which the Director of the Defense Intelligence Agency designates a lead integrator under paragraph (1)(A), or removes the designation of lead integrator from an individual or organization previously designated under paragraph (1)(A), the Director shall notify the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate of the designation of such lead integrator or the removal of such designation.

(b) AUTHORITY TO CONDUCT ORIGINAL ANALYSIS.—The Director of the Defense Intelligence Agency shall authorize a lead integrator designated under subsection (a)(1)(A) to conduct original intelligence analysis and production within the areas of responsibility of such lead integrator.

(c) DEFINITIONS.—In this section:

(1) LEAD INTEGRATOR.—The term ''lead integrator'' means, with respect to a particular subject matter, an individual or organization with primary responsibility for the review, coordination, and integration of defense intelligence analysis and production related to such subject matter to—

(A) ensure the development of coherent assessments and intelligence products; and

(B) manage and consolidate defense intelligence tasking.

(2) ORIGINAL INTELLIGENCE ANALYSIS.—The term ''original intelligence analysis'' means the development of knowledge and creation of intelligence materials based on raw data and intelligence reporting.

Subtitle D—Other Matters

SEC. 931. REVISIONS TO THE BOARD OF REGENTS FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Subsection (b) of section 2113a of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

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

''(2) four persons, of which the chairmen and ranking members of the Committees on Armed Services of the Senate and House of Representatives may each appoint one person, respectively;''.

SEC. 932. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) IN GENERAL.—Section 166a(e)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) not more than $10,000,000 may be used for research, development, test and evaluation activities.''.

(b) APPLICABILITY.—The amendments made by this section shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2011.

SEC. 933. TWO-YEAR EXTENSION OF AUTHORITIES RELATING TO TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) EXTENSION OF WAIVER.—Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by striking ''fiscal years 2009 and 2010'' and inserting ''fiscal years 2009 through 2012''.

(b) ANNUAL REPORT.—Paragraph (3) of such section is amended by striking ''in 2010 and 2011'' and inserting ''in each year through 2013''.

SEC. 934. ADDITIONAL REQUIREMENTS FOR QUADRENNIAL ROLES AND MISSIONS REVIEW IN 2011.

(a) ADDITIONAL ACTIVITIES CONSIDERED.—As part of the quadrennial roles and missions review conducted in 2011 pursuant to section 118b of title 10, United States Code, the Secretary of Defense shall give consideration to the following activities, giving particular attention to their role in counter-terrorism operations:

(1) Information operations.

(2) Strategic communications.

(3) Detention and interrogation.

(b) ADDITIONAL REPORT REQUIREMENT.—In the report required by section 118b(d) of such title for such review in 2011, the Secretary of Defense shall—

(1) provide clear guidance on the nature and extent of which core competencies are associated with the activities listed in subsection (a); and

(2) identify the elements of the Department of Defense that are responsible or should be responsible for providing such core competencies.

SEC. 935. CODIFICATION OF CONGRESSIONAL NOTIFICATION REQUIREMENT BEFORE PERMANENT RELOCATION OF ANY UNITED STATES MILITARY UNIT STATIONED OUTSIDE THE UNITED STATES.

(a) CODIFICATION AND RELATED REPORT.—Chapter 6 of title 10, United States Code, is amended by inserting after section 162 the following new section:

''§ 162a. Congressional notification before permanent relocation of military units stationed outside the United States

''(a) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States.

''(b) ELEMENTS OF NOTIFICATION.—The notification required by subsection (a) shall include a description of the following:

''(1) How relocation of the unit supports the United States national security strategy.

''(2) Whether the relocation of the unit will have an impact on any security commitments undertaken by the United States pursuant to any international security treaty, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

''(3) How relocation of the unit addresses the current security environment in the affected geographic combatant command's area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

''(4) How relocation of the unit impacts the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

''(c) EXCEPTIONS.—Subsection (a) does not apply in the case of—

''(1) the relocation of a unit deployed to a combat zone; or

''(2) the relocation of a unit as the result of closure of an overseas installation at the request of the government of the host nation in the manner provided in the agreement between the United States and the host nation regarding the installation.

''(d) DEFINITIONS.—In this section:

''(1) COMBAT ZONE.—The term 'combat zone' has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

''(2) GEOGRAPHIC COMBATANT COMMAND.—The term 'geographic combatant command' means a combatant command with a geographic area of responsibility that does not include North America.

''(3) UNIT.—The term 'unit' has the meaning determined by the Secretary of Defense for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 162 the following new item:

''162a. Congressional notification before permanent relocation of military units stationed outside the United States.''.

(c) REPEAL OF SUPERCEDED NOTIFICATION REQUIREMENT.—Section 1063 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2469; 10 U.S.C. 113 note) is repealed.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN, IRAQ, AND HAITI FOR FISCAL YEAR 2010.

In addition to the amounts otherwise authorized to be appropriated by this division, the amounts authorized to be appropriated for fiscal year 2010 in title XV of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) are hereby increased, with respect to any such authorized amount, as follows:

(1) The amounts provided in sections 1502 through 1507 of such Act for the following procurement accounts are increased as follows:

(A) For aircraft procurement, Army, by $182,170,000.

(B) For weapons and tracked combat vehicles procurement, Army, by $3,000,000.

(C) For ammunition procurement, Army, by $17,055,000.

(D) For other procurement, Army, by $1,997,918,000.

(E) For the Joint Improvised Explosive Device Defeat Fund, by $400,000,000.

(F) For aircraft procurement, Navy, by $104,693,000.

(G) For other procurement, Navy, by $15,000,000.

(H) For procurement, Marine Corps, by $18,927,000.

(I) For aircraft procurement, Air Force, by $209,766,000.

(J) For ammunition procurement, Air Force, by $5,000,000.

(K) For other procurement, Air Force, by $576,895,000.

(L) For the Mine Resistant Ambush Protected Vehicle Fund, by $1,123,000,000.

(M) For defense-wide activities, by $189,276,000.

(2) The amounts provided in section 1508 of such Act for research, development, test, and evaluation are increased as follows:

(A) For the Army, by $61,962,000.

(B) For the Navy, by $5,360,000.

(C) For the Air Force, by $187,651,000.

(D) For defense-wide activities, by $22,138,000.

(3) The amounts provided in sections 1509, 1511, 1513, 1514, and 1515 of such Act for operation and maintenance are increased as follows:

(A) For the Army, by $11,700,965,000.

(B) For the Navy, by $2,428,702,000.

(C) For the Marine Corps, by $1,090,873,000.

(D) For the Air Force, by $3,845,047,000.

(E) For defense-wide activities, by $1,188,421,000.

(F) For the Army Reserve, by $67,399,000.

(G) For the Navy Reserve, by $61,842,000.

(H) For the Marine Corps Reserve, by $674,000.

(I) For the Air Force Reserve, by $95,819,000.

(J) For the Army National Guard, by $171,834,000.

(K) For the Air National Guard, by $161,281,000.

(L) For the Defense Health Program, by $33,367,000.

(M) For Drug Interdiction and Counterdrug Activities, Defense-wide, by $94,000,000.

(N) For the Afghanistan Security Forces Fund, by $2,604,000,000.

(O) For the Iraq Security Forces Fund, by $1,000,000,000.

(P) For Overseas Humanitarian, Disaster and Civic Aid, by $255,000,000.

(Q) For Overseas Contingency Operations Transfer Fund, by $350,000,000.

(R) For Working Capital Funds, by $974,967,000.

(4) The amount provided in section 1512 of such Act for military personnel accounts is increased by $1,895,761,000.

SEC. 1003. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

Subtitle B—Counter-Drug Activities

SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), is further amended—

(1) in subsection (a), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (c), by striking ''2010'' and inserting ''2011''.

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as most recently amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), is further amended by striking ''2010'' and inserting ''2011''.

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1013 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), is further amended by striking ''February 15, 2010'' and inserting ''February 15, 2011''.

SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1014(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), is further amended by striking ''2010'' and inserting ''2011''.

(b) MAXIMUM AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking ''fiscal years 2009 and 2010'' and inserting ''fiscal years 2010 and 2011''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. REQUIREMENTS FOR LONG-RANGE PLAN FOR CONSTRUCTION OF NAVAL VESSELS.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended to read as follows:

''§231. Long-range plan for construction of naval vessels

''(a) QUADRENNIAL NAVAL VESSEL CONSTRUCTION PLAN.—At the same time that the budget of the President is submitted under section 1105(a) of title 31 during each year in which the Secretary of Defense submits a quadrennial defense review, the Secretary of the Navy shall submit to the congressional defense committees a long-range plan for the construction of combatant and support vessels for the Navy that supports the force structure recommendations of the quadrennial defense review.

''(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

''(1) A detailed construction schedule of naval vessels for the ten-year period beginning on the date on which the plan is submitted, including a certification by the Secretary that the budget for the fiscal year in which the plan is submitted and the budget for the future-years defense program submitted under section 221 of this title are sufficient for funding such schedule.

''(2) A probable construction schedule for the ten-year period beginning on the date that is 10 years after the date on which the plan is submitted.

''(3) A notional construction schedule for the ten-year period beginning on the date that is 20 years after the date on which the plan is submitted.

''(4) The estimated levels of annual funding necessary to carry out the construction schedules under paragraphs (1), (2), and (3).

''(5) For the construction schedules under paragraphs (1) and (2)—

''(A) a determination by the Director of Cost Assessment and Program Evaluation of the level of funding necessary to execute such schedules; and

''(B) an evaluation by the Director of the potential risk associated with such schedules, including detailed effects on operational plans,

missions, deployment schedules, and fulfillment of the requirements of the combatant commanders.

''(c) NAVAL COMPOSITION.—In submitting the plan under subsection (a), the Secretary shall ensure that such plan—

''(1) is in accordance with section 5062(b) of this title; and

''(2) phases the construction of new aircraft carriers during the periods covered by such plan in a manner that minimizes the total cost for procurement for such vessels.

''(d) ASSESSMENT WHEN BUDGET IS INSUFFICIENT.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is less than the level determined necessary by the Director of Cost Assessment and Program Evaluation under subsection (b)(5), the Secretary of the Navy shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the budget, including the risk associated with a reduced force structure that may result from funding naval vessel construction at such a level.

''(e) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the construction schedules and the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

''(f) CHANGES TO THE CONSTRUCTION PLAN.—In any year in which a quadrennial defense review is not submitted, the Secretary of the Navy may not modify the construction schedules submitted in the plan under subsection (a) unless—

''(1) the modification is an increase in planned ship construction;

''(2) the modification is a realignment of less than one year of construction start dates in the future-years defense plan submitted under section 221 of this title and the Secretary submits to the congressional defense committees a report on such modification, including—

''(A) the reasons for realignment;

''(B) any increased cost that will be incurred by the Navy because of the realignment; and

''(C) an assessment of the effects that the realignment will have on the shipbuilding industrial base, including the secondary supply base; or

''(3) the modification is a decrease in the number or type of combatant and support vessels of the Navy and the Secretary submits to the congressional defense committees a report on such modification, including—

''(A) an addendum to the most recent quadrennial defense review that fully explains and justifies the decrease with respect to the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a); and

''(B) a description of the additional reviews and analyses considered by the Secretary after the previous quadrennial defense review was submitted that justify the decrease.

''(g) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) 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 this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

''231. Long-range plan for construction of naval vessels.''.

SEC. 1022. REQUIREMENTS FOR THE DECOMMISSIONING OF NAVAL VESSELS.

(a) NOTICE OF DECOMMISSIONING.—The Secretary of the Navy may not decommission any battle force vessel of the active fleet of the Navy unless the Secretary provides to the congressional defense committees written notification of such decommissioning in accordance with established procedures.

(b) CONTENT OF NOTIFICATION.—Any notification provided under subsection (a) shall include each of the following:

(1) The reasons for the proposed decommissioning of the vessel.

(2) An analysis of the effect the decommissioning would be likely to have on the deployment schedules of other vessels in the same class as the vessel proposed to be decommissioned.

(3) A certification from the Chairman of the Joint Chiefs of Staff that the decommissioning of the vessel will not adversely affect the requirements of the combatant commanders to fulfill missions critical to national security.

(4) Any budgetary implications associated with retaining the vessel in commission, expressed for each applicable appropriation account.

SEC. 1023. REQUIREMENTS FOR THE SIZE OF THE NAVY BATTLE FORCE FLEET.

(a) LIMITATION ON DECOMMISSIONING.—Until the number of vessels in the battle force fleet of the Navy reaches 313 vessels, the Secretary of the Navy shall not decommission, in fiscal year 2011 or any subsequent fiscal year, more than two-thirds of the number of vessels slated for commissioning into the battle force fleet for that fiscal year.

(b) TREATMENT OF SUBMARINES.—For purposes of subsection (a), submarines of the battle force fleet slated for decommissioning for any fiscal year shall not count against the number of vessels the Secretary of the Navy is required to maintain for that fiscal year.

SEC. 1024. RETENTION AND STATUS OF CERTAIN NAVAL VESSELS.

The Secretary of the Navy shall retain the vessels the U.S.S. Nassau (LHA 4) and the U.S.S. Peleliu (LHA 5), in a commissioned and operational status, until the delivery to the Navy of the vessels the U.S.S. America (LHA 6) and the vessel designated as LHA 7, respectively.

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''2010'' and inserting ''2011''.

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) RELEASES.—During the period beginning on October 1, 2010, and ending on December 31, 2011, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to release into the United States, its territories, or possessions, any individual described in subsection (d).

(b) TRANSFERS.—During the period beginning on October 1, 2010, and ending on December 31, 2011, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in section 1041(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2454).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in section 1041(c)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-81; 123 Stat. 2454) includes transfer to that State, District of Columbia, or territory or possession.

(d) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1033. CERTIFICATION REQUIREMENTS RELATING TO THE TRANSFER OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) LIMITATION.—The Secretary of Defense may not use any of the amounts authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, to any other foreign country, or to any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(b) CERTIFICATION.—The certification described in this subsection is a written certification made by the Secretary of Defense, with concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c) PROHIBITION AND WAIVER IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—The Secretary of Defense may not use any amount authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody of the individual's country of origin, to any other foreign country, or to any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) WAIVER.—The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term ''individual detained at Guantanamo'' means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba

(2) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1034. PROHIBITION ON THE USE OF FUNDS TO MODIFY OR CONSTRUCT FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual who, as of October 1, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(d) REPORT ON USE OF FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM GUANTANAMO.—

(1) REPORT REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report, in classified or unclassified form, on the merits, costs, and risks of using any proposed facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(2) ELEMENTS OF THE REPORT.—The report required in paragraph (1) shall include each of the following:

(A) A discussion of the merits associated with any such proposed facility that would justify—

(i) using the facility instead of the facility at United States Naval Station, Guantanamo Bay, Cuba; and

(ii) the proposed facility's contribution to effecting a comprehensive policy for continuing military detention operations.

(B) The rationale for selecting the specific site for any such proposed facility, including details for the processes and criteria used for identifying the merits described in subparagraph (A) and for selecting the proposed site over reasonable alternative sites.

(C) A discussion of any potential risks to any community in the vicinity of any such proposed facility, the measures that could be taken to mitigate such risks, and the likely cost to the Department of Defense of implementing such measures.

(D) A discussion of any necessary modifications to any such proposed facility to ensure that any detainee transferred from Guantanamo Bay to such facility could not come into contact with any other individual, including any other person detained at such facility, that is not approved for such contact by the Department of Defense, and an assessment of the likely costs of such modifications.

(E) A discussion of any support at the site of any such proposed facility that would likely be provided by the Department of Defense, including the types of support, the number of personnel required for each such type, and an estimate of the cost of such support.

(F) A discussion of any support, other than support provided at a proposed facility, that would likely be provided by the Department of Defense for the operation of any such proposed facility, including the types of possible support, the number of personnel required for each such type, and an estimate of the cost of such support.

(G) A discussion of the legal issues, in the judgment of the Secretary of Defense, that could be raised as a result of detaining or imprisoning any individual described in subsection (c) at any such proposed facility that could not be raised while such individual is detained or imprisoned at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1035. COMPREHENSIVE REVIEW OF FORCE PROTECTION POLICIES.

(a) COMPREHENSIVE REVIEW REQUIRED.—The Secretary of Defense shall conduct a comprehensive review of Department of Defense policies, regulations, instructions, and directives pertaining to force protection within the Department.

(b) MATTERS COVERED.—The review required under subsection (a) shall include an assessment of each of the following:

(1) Information sharing practices across the Department of Defense, and among the State, local, and Federal partners of the Department of Defense.

(2) Antiterrorism and force protection standards relating to standoff distances for buildings.

(3) Protective standards relating to chemical, biological, radiological, nuclear, and high explosives threats.

(4) Standards relating to access to Department bases.

(5) Standards for identity management within the Department, including such standards for identity cards and biometric identifications systems.

(6) Procedures for validating and approving individuals with regular or episodic access to military installations, including military personnel, civilian employees, contractors, family members of personnel, and other types of visitors.

(7) Procedures for sharing with appropriate Department of Defense officials—

(A) information from the intelligence or law enforcement community regarding possible contacts with terrorists or terrorist groups, criminal organizations, or other state and non-state foreign entities actively working to undermine the security interests of the United States; and

(B) personnel records or other derogatory information regarding potentially suspicious activities.

(8) Any legislative changes recommended for implementing the recommendations contained in the review.

(c) INTERIM REPORT.—Not later than March 1, 2011, the Secretary of Defense shall submit an interim report on the comprehensive report required under subsection (a).

(d) FINAL REPORT.—Not later than June 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the comprehensive review required under subsection (a). The final report shall include such findings and recommendations as the Secretary considers appropriate based on the review, including recommended actions to be taken to implement the specific recommendations in the final report. The final report shall be submitted in an unclassified format, but may include a classified annex.

SEC. 1036. FORT HOOD FOLLOW-ON REVIEW IMPLEMENTATION FUND.

(a) ESTABLISHMENT OF FUND.—Of the amounts authorized to be appropriated under section 301(5), the Secretary of Defense shall deposit $100,000,000 into a fund to be known as the ''Fort Hood Follow-on Review Implementation Fund''. Amounts deposited in the Fund shall be available to the Secretary to address the recommendations contained in the review known as the ''Fort Hood Follow-on Review''.

(b) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Amounts in the Fort Hood Follow-on Review Implementation Fund may be transferred to any of the following accounts and funds of the Department of Defense for the purpose of addressing any of the recommendations contained the Fort Hood Follow-on Review:

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Defense Health Program accounts.

(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon the Secretary's determination that all or part of the funds transferred from the Fort Hood Follow-on Review Implementation Fund under paragraph (1) are not necessary for the purpose for which such funds were transferred, such funds may be transferred back to the Fund.

(4) PRIOR NOTICE TO CONGRESSIONAL COMMITTEES.—

(A) OBLIGATIONS.—No amount may be obligated from the Fort Hood Follow-on Review Implementation Fund until 30 days after the date on which the Secretary of Defense notifies the congressional defense committees, in writing, of the details of the proposed obligation.

(B) TRANSFERS.—No amount may be transferred under paragraph (1) until 45 days after the date on which the Secretary of Defense notifies the congressional defense committees, in writing, of the details of the proposed transfer.

(5) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer to any account under paragraph (1) shall be deemed to increase the amount authorized to be appropriated for such account for fiscal year 2011 by an amount equal to the amount so transferred.

(c) QUARTERLY OBLIGATION AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each fiscal quarter of fiscal year 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the Fort Hood Follow-on Review Implementation Fund. Such reports shall include explanations of the monthly commitments, obligations, and expenditures of such Fund, expressed by line of action, for the fiscal quarter covered by the report.

SEC. 1037. INSPECTOR GENERAL INVESTIGATION OF THE CONDUCT AND PRACTICES OF LAWYERS REPRESENTING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Inspector General of the Department of Defense shall conduct an investigation of the conduct and practices of lawyers described in subsection (c). In conducting such investigation, the Inspector General shall—

(1) identify any conduct or practice of such a lawyer that has—

(A) interfered with the operations of the Department of Defense at Naval Station, Guantanamo Bay, Cuba, relating to individuals described in subsection (d);

(B) violated any applicable policy of the Department;

(C) violated any law within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense; or

(D) generated any material risk to a member of the Armed Forces of the United States;

(2) identify any actions taken by the Department to address any conduct or practice identified in paragraph (1); and

(3) determine whether any such conduct or practice undermines the operations of the Department relating to such individuals.

(b) LIMITATION.—The Inspector General of the Department of Defense shall initiate the investigation described in subsection (a) 30 days or later after the date of the enactment of this Act, unless—

(1) the Secretary of Defense and the Attorney General determine that the investigation described in subsection (a) cannot be performed without interfering with, or otherwise compromising, any related criminal investigation, prosecution, or other legal proceeding; and

(2) the Secretary of Defense and the Attorney General submit such determination to Congress.

(c) LAWYERS DESCRIBED.—The lawyers described in this subsection are military and nonmilitary lawyers—

(1) who represent individuals described in subsection (d) in proceedings relating to petitions for habeas corpus or in military commissions; and

(2) for whom there is reasonable suspicion that they have engaged in conduct or practices described in subsection (a)(1).

(d) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual who is located, or who has been located at any time on or after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is or was—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

(e) REPORT.—Not later than 90 days after the date of the completion of an investigation under subsection (a), the Inspector General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the results of such investigation.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing—

(1) the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive Order to be protected from disclosure in the interest of national defense or national security; or

(C) a part of an ongoing criminal investigation; or

(2) the Inspector General of the Department of Defense to investigate any matter that is solely within the investigative jurisdiction of another Federal official or entity.

Subtitle E—Studies and Reports

SEC. 1041. DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP SAFETY INVESTIGATION REPORTS.

(a) PROVISION OF BRIEFINGS.—Not later than 30 days after the submittal of a written request by the chairman and ranking member of any of the congressional defense committees, the Secretary of a military department shall provide to that committee a briefing on the privileged findings, causal factors, and recommendations contained in a specific Department of Defense aerospace-related mishap safety investigation report.

(b) BRIEFING ATTENDANCE.—A briefing provided under subsection (a) may be attended only by the following individuals:

(1) The chairman of the congressional defense committee for which the briefing is provided.

(2) The ranking member of that committee.

(3) The chairmen and ranking members of any subcommittees of that committee that the committee chairman and ranking member jointly designate as having jurisdiction over information contained in the briefing.

(4) Not more than four professional staff members designated jointly by the chairman and ranking member of the committee.

(c) AVAILABILITY OF REPORTS.—During a briefing provided under subsection (a), two copies of the privileged version of the mishap safety investigation report that is the subject of the briefing shall be made available for review by each of the individuals who attend the briefing pursuant to subsection (b). Each copy of the report shall be returned to the Department of Defense at the conclusion of the briefing.

(d) DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP REPORTING REQUIREMENT.—The chairperson who is appointed by the Secretary of a military department for the purpose of conducting an aerospace-related mishap safety board investigation, shall include as an addendum in the privileged safety report a discussion—

(1) comparing and contrasting all of the findings, causal factors, and recommendations contained in the non-privileged, publicly-released version of the aerospace-related mishap investigation report;

(2) describing how such findings, causal factors, and recommendations differ from the findings, causal factors, and recommendations contained in the privileged version of the safety report; and

(3) the rationale that justifies any such differences.

SEC. 1042. INTERAGENCY NATIONAL SECURITY KNOWLEDGE AND SKILLS.

(a) STUDY REQUIRED.—

(1) SELECTION OF INDEPENDENT STUDY ORGANIZATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall select and enter into an agreement with an appropriate independent, nonprofit organization to conduct a study of the matters described in subsection (b).

(2) QUALIFICATIONS OF ORGANIZATION SELECTED.—The organization selected shall be qualified on the basis of having performed related prior work in the fields of national security and human capital development, and on the basis of such other criteria as the Secretary of Defense may determine.

(b) MATTERS TO BE COVERED.—The study required by subsection (a) shall assess the current state of interagency national security knowledge and skills in Department of Defense civilian and military personnel, and make recommendations for strengthening such knowledge and skills. At minimum, the study shall include assessments and recommendations on—

(1) interagency national security training, education, and rotational assignment opportunities available to civilians and military personnel;

(2) integration of interagency national security education into the professional military education system;

(3) level of interagency national security knowledge and skills possessed by personnel currently serving in civilian executive and general or flag officer positions, as represented by the interagency education, training, and professional experiences they have undertaken;

(4) incentives that enable and encourage military and civilian personnel to undertake interagency assignment, education, and training opportunities, as well as disincentives and obstacles that discourage undertaking such opportunities; and

(5) any plans or current efforts to improve the interagency national security knowledge and skills of civilian and military personnel.

(c) REPORT.—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings and recommendations from the study required by subsection (a).

(d) DEFINITION.—In this section, the term ''interagency national security knowledge and skills'' means an understanding of, and the ability to efficiently and expeditiously work within, the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, budgets, expertise, and activities to accomplish such missions.

SEC. 1043. REPORT ON ESTABLISHING A NORTHEAST REGIONAL JOINT TRAINING CENTER.

(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 need for the establishment of a Northeast Regional Joint Training Center.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) A list of facilities in the Northeastern United States at which, as of the date of the enactment of this Act, the Department of Defense has deployed or has committed to deploying a joint training experimentation network.

(2) The extent to which such facilities have sufficient unused capacity and expertise to accommodate and fully utilize a permanent joint training experimentation node.

(3) A list of potential locations for the regional center discussed in the report.

(c) CONSIDERATIONS WITH RESPECT TO LOCATION.—In determining potential locations for the regional center of excellence to be discussed in the report required under subsection (a), the Secretary of Defense shall take into consideration Department of Defense facilities that have—

(1) a workforce of skilled personnel;

(2) live, virtual, and constructive training capabilities, and the ability to digitally connect them and the associated battle command structure at the tactical and operational levels;

(3) an extensive deployment history in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) a location in the Northeastern United States;

(5) an existing and permanent joint training and experimentation network node;

(6) the capacity or potential capacity to accommodate a target training audience of up to 4000 additional personnel; and

(7) the capability to accommodate the training of current and future Army and Air Force unmanned aircraft systems.

SEC. 1044. COMPTROLLER GENERAL REPORT ON PREVIOUSLY REQUESTED REPORTS.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report evaluating the sufficiency, adequacy, and conclusions of following reports:

(1) The report on Air Force fighter force shortfalls, as required by the report of the House of Representatives numbered 111–166, which accompanied the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(2) The report on procurement of 4.5 generation fighters, as required by section 131 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2218).

(3) The report on combat air forces restructuring, as required by the report of the House of Representatives numbered 111–288, which accompanied the conference report for the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(b) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall examine the potential costs and benefits of each of the following:

(1) The service life extension program costs to sustain the legacy fighter fleet to meet inventory requirements with an emphasis on the service life extension program compared to other options such as procurement of 4.5 generation fighters.

(2) The Falcon Structural Augmentation Roadmap of F–16s, with emphasis on the cost-benefit of such effort and the effect of such efforts on the service life of the airframes.

(3) Any additional programs designed to extend the service life of legacy fighter aircraft.

(c) PROHIBITION.—No fighter aircraft may be retired from the Air Force or the Air National Guard inventory in fiscal year 2011 until 180 days after the receipt by the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the report required under subsection (a).

SEC. 1045. REPORT ON NUCLEAR TRIAD.

(a) REPORT.—Not later than March 1, 2011, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall submit to the congressional defense committees a report on the nuclear triad.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A detailed discussion of the modernization and sustainment plans for each component of the nuclear triad over the 20-year period beginning on the date of the report.

(2) The funding required for each platform of the nuclear triad with respect to operations and maintenance, modernization, and replacement.

(3) Any industrial capacities that the Secretary considers vital to ensure the viability of the nuclear triad.

(c) NUCLEAR TRIAD DEFINED.—In this section, the term ''nuclear triad'' means the nuclear deterrent capabilities of the United States composed of ballistic missile submarines, land-based missiles, and strategic bombers.

SEC. 1046. CYBERSECURITY STUDY AND REPORT.

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

(1) cybersecurity is one of the most serious national security challenges facing the United States; and

(2) it is critical that the Department of Defense develop technological solutions that ensure the security and freedom of action of the Department while operating in the cyber domain.

(b) STUDY.—The Secretary of Defense shall conduct a study assessing—

(1) the current use of, and potential applications of, modeling and simulation tools to identify likely cybersecurity methodologies and vulnerabilities within the Department of Defense.

(2) the application of modeling and simulation technology to develop strategies and programs to deter hostile or malicious activity intended to compromise Department of Defense information systems.

(c) REPORT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (b), including recommendations on possible options for increasing the use of simulation tools to further strengthen the cybersecurity environment of the Department of Defense.

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

Subtitle F—Other Matters

SEC. 1051. NATIONAL DEFENSE PANEL.

Subsection (f) of section 118 of title 10, United States Code, is amended to read as follows:

''(f) NATIONAL DEFENSE PANEL.—

''(1) ESTABLISHMENT.—Not later than February 1 of a year in which a quadrennial defense review is conducted under this section, there shall be 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 subsection.

''(2) MEMBERSHIP.—The Panel shall be composed of ten members who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

''(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

''(B) Two by the chairman of the Committee on Armed Services of the Senate.

''(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

''(D) Two by the ranking member of the Committee on Armed Services of the Senate.

''(3) CO-CHAIRS OF THE PANEL.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members, one from each of the major political parties, to serve as co-chairs of the panel.

''(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

''(5) DUTIES.—The Panel shall have the following duties with respect to a quadrennial defense review:

''(A) Not later than March 1 of a year in which the review is conducted, the Panel shall submit to the Secretary of Defense a report that sets the parameters and provide guidance to the Secretary on the conduct of the review. The report of the Panel under this subparagraph shall, at a minimum, include such guidance as is necessary to ensure that the review is conducted in a manner that provides for adequately addressing all elements listed in subsection (d).

''(B) While the review is being conducted, the Panel shall review the updates from the Secretary of Defense required under paragraph (8) on the conduct of the review.

''(C) The Panel shall—

''(i) review the Secretary of Defense's terms of reference and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the quadrennial defense review;

''(ii) conduct an assessment of the assumptions, strategy, findings, and risks of the report on the quadrennial defense review required in subsection (d), with particular attention paid to the risks described in that report;

''(iii) conduct an independent assessment of a variety of possible force structures of the armed forces, including the force structure identified in the report on the quadrennial defense review required in subsection (d);

''(iv) review the resource requirements identified pursuant to subsection (b)(3) and, to the extent practicable, make a general comparison to the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C); and

''(v) provide to Congress and the Secretary of Defense, through the report under paragraph (7), any recommendations it considers appropriate for their consideration.

''(6) FIRST MEETING.—If the Secretary of Defense has not made the Secretary's appointments to the Panel under paragraph (3) by February 1 of a year in which a quadrennial defense review is conducted under this section, the Panel shall convene for its first meeting with the remaining members.

''(7) REPORT.—Not later than three months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional committees named in that subsection, the Panel established under paragraph (1) shall submit to those committees an assessment of the quadrennial defense review, including a description of the items addressed under paragraph (5) with respect to that quadrennial defense review.

''(8) UPDATES FROM SECRETARY OF DEFENSE.—The Secretary of Defense shall periodically, but not less often than every 30 days, brief the Panel on the progress of the conduct of a quadrennial defense review under subsection (a).

''(9) ADMINISTRATIVE PROVISIONS.—

''(A) 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 subsection. The head of the department or agency concerned shall ensure that information requested by the Panel under this paragraph is promptly provided.

''(B) Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

''(C) The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

''(D) Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

''(10) TERMINATION.—The Panel for a quadrennial defense review shall terminate 45 days after the date on which the Panel submits its final report on the quadrennial defense review under paragraph (7).''.

SEC. 1052. QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a critical strategic document and should be based upon a process unconstrained by budgetary influences so that such influences do not determine or limit its outcome.

(b) RELATIONSHIP OF QUADRENNIAL DEFENSE REVIEW TO DEFENSE BUDGET.—Paragraph (4) of section 118(b) of title 10, United States Code, is amended to read as follows:

''(4) to make recommendations that will not be influenced, constrained, or informed by the budget submitted to Congress by the President pursuant to section 1105 of title 31.''.

SEC. 1053. SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCIES.

(a) STATE AND LOCAL AGENCIES TO WHICH SALES MAY BE MADE.—Section 2576 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''local law enforcement and firefighting'' and inserting ''local law enforcement, firefighting, homeland security, and emergency management''; and

(B) by striking ''carrying out law enforcement and firefighting activities'' and inserting ''carrying out law enforcement, firefighting, homeland security, and emergency management activities''; and

(2) in subsection (b), by striking ''law enforcement or firefighting'' both places it appears and inserting ''law enforcement, firefighting, homeland security, or emergency management''.

(b) TYPES OF EQUIPMENT THAT MAY BE SOLD.—Subsection (a) of such section, as amended by subsection (a) of this section, is further amended by striking ''and protective body armor'' and inserting ''personal protective equipment, and other appropriate equipment''.

(c) CLERICAL AMENDMENTS.—

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

''§2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 153 of such title is amended to read as follows:

''2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies.''.

SEC. 1054. DEPARTMENT OF DEFENSE RAPID INNOVATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Defense shall establish a program to accelerate the fielding of innovative technologies developed using Department of Defense research funding and the commercialization of such technologies. Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue guidelines for the operation of the program, including—

(1) criteria for an application for funding by a military department, defense agency, or the unified combatant command for special operations forces;

(2) the purposes for which such a department, agency, or command may apply for funds and appropriate requirements for technology development or commercialization to be supported using program funds;

(3) the priorities, if any, to be provided to field or commercialize technologies developed by certain types of Department of Defense research funding; and

(4) criteria for evaluation of an application for funding by a department, agency, or command.

(b) APPLICATIONS FOR FUNDING.—

(1) IN GENERAL.—Under the program, the Secretary shall, not less often than annually, solicit from the heads of the military departments, the defense agencies, and the unified combatant command for special operations forces applications for funding to be used to enter into contracts, cooperative agreements, or other transaction agreements entered into pursuant to section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1721; 10 U.S.C. 2371 note) with appropriate entities for the fielding or commercialization of technologies.

(2) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require any official of the Department of Defense to provide funding under this section to any earmark as defined pursuant to House Rule XXI, clause 9, or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

(c) FUNDING.—Subject to the availability of appropriations for such purpose, of the amounts authorized to be appropriated for research, development, test, and evaluation, defense-wide for each of fiscal years 2011 through 2015, not more than $500,000,000 may be used for any such fiscal year for the program established under subsection (a).

(d) TRANSFER AUTHORITY.—The Secretary may transfer funds available for the program to the research, development, test, and evaluation accounts of a military department, defense agency, or the unified combatant command for special operations forces pursuant to an application, or any part of an application, that the Secretary determines would support the purposes of the program. The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(e) DELEGATION OF MANAGEMENT OF PROGRAM.—The Secretary may delegate the management and operation of the program established under subsection (a) to the Assistant Secretary of Defense for Research and Engineering.

(f) REPORT.—Not later than 60 days after the last day of a fiscal year during which the Secretary carries out a program under this section, the Secretary shall submit a report to the congressional defense committees providing a detailed description of the operation of the program during such fiscal year.

(g) TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2015. Any amounts made available for the program that remain available for obligation on the date the program terminates may be transferred under subsection (d) during the 180-day period beginning on the date of the termination of the program.

SEC. 1055. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Subsection (l)(2)(B) of section 8344 of title 5, United States Code, as added by section 1122(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2505), is amended by striking ''5201 et seq.'' and inserting ''5211 et seq.''.

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 127d(d)(1) is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(2) Section 132 is amended—

(A) by redesignating subsection (d), as added by section 2831(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2669), as subsection (e); and

(B) in such subsection, by striking ''Guam Executive Council'' and inserting ''Guam Oversight Council''.

(3)(A) Section 382 is amended by striking ''section 175 or 2332c'' in subsections (a), (b)(2)(C), and (d)(2)(A)(ii) and inserting ''section 175, 229, or 2332a''.

(B) The heading of such section is amended by striking ''***chemical or biological***''.

(C) The table of sections at the beginning of chapter 18 is amended by striking the item relating to section 382 and inserting the following new item:

''382. Emergency situations involving weapons of mass destruction.''.

(4) Section 1175a(j)(3) is amended by striking ''title 10'' and inserting ''this title''.

(5) Section 1781b(d) is amended by striking ''March 1, 2008, and each year thereafter'' and inserting ''March 1 each year''.

(6) Section 1781c(h)(1) is amended by striking ''180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter'' and inserting ''April 30 each year''.

(7) Section 2130a(b)(1) is amended by striking ''Training Program'' both places it appears and inserting ''Training Corps program''.

(8) Section 2222(a) is amended by striking ''Effective October 1, 2005, funds'' and inserting ''Funds''.

(9) The table of sections at the beginning of subchapter I of chapter 134, as amended by section 1031(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2448), is amended by transferring the item relating to section 2241a from the end of the table of sections to appear after the item relating to section 2241.

(10) Section 2362(e)(1) is amended by striking ''IV'' and inserting ''V''.

(11) Section 2533a(d) is amended in paragraphs (1) and (4) by striking ''(b)(1)(A), (b)(2), or (b)(3)'' and inserting ''(b)(1)(A) or (b)(2)''.

(12) Section 2642(a)(3) is amended by striking ''During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010'' and inserting ''During the period beginning on October 28, 2009, and ending on October 28, 2014''.

(13) Section 2667(e)(1)(A)(ii) is amended by striking ''sections 2668 and 2669'' and inserting ''section 2668''.

(14) Section 2684a(g)(1) is amended by striking ''March 1, 2007, and annually thereafter'' and inserting ''March 1 each year''.

(15) Section 2687a(a) is amended by striking ''31for'' and inserting ''31 for''.

(16) Section 2922d is amended by striking ''1 or more'' each place it appears and inserting ''one or more''.

(17) Section 10216 is amended by striking ''section 115(c)'' in subsections (b)(1), (c)(1), and (c)(2)(A) and inserting ''section 115(d)''.

(18) Section 10217(c)(1) is amended—

(A) by striking ''Effective October 1, 2007, the'' and inserting ''The''; and

(B) by striking ''after the preceding sentence takes effect''.

(19) Section 12203(a) is amended by striking ''above'' in the first sentence and inserting ''of''.

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Effective as of October 28, 2009, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended as follows:

(1) Section 325(d)(4) (123 Stat. 2254) is amended by striking ''section 236'' and inserting ''section 235''.

(2) Section 581(a)(1)(C) (123 Stat. 2326) is amended by striking ''subsection (f)'' and inserting ''subsection (g), as redesignated by section 582(b)(1)''.

(3) Section 584(a) (123 Stat. 2330) is amended by striking ''such Act'' and inserting ''the Uniformed and Overseas Citizens Absentee Voting Act''.

(4) Section 585(b)(1) (123 Stat. 2331) is amended by striking subparagraphs (A) and (B), and inserting the following new subparagraphs:

''(A) in paragraph (2), by striking 'section 102(4)' and inserting 'section 102(a)(4)'; and

''(B) by striking paragraph (4) and inserting the following new paragraph:

'' '(4) prescribe a suggested design for absentee ballot mailing envelopes;'; and

(5) Section 589 (123 Stat. 2334; 42 U.S.C. 1973ff–7) is amended—

(A) in subsection (a)(1)—

(i) by striking ''section 107(a)'' and inserting ''section 107(1)''; and

(ii) by striking ''1973ff et seq.'' and inserting ''1973ff–6(1)''; and

(B) in subsection (e)(1), by striking ''1977ff note'' and inserting ''1973ff note''.

(6) The undesignated section immediately following section 603 (123 Stat. 2350) is designated as section 604.

(7) Section 714(c) (123 Stat. 2382; 10 U.S.C. 1071 note) is amended—

(A) by striking ''feasability'' both places it appears and inserting ''feasibility''; and

(B) by striking ''specialities'' both places it appears and inserting ''specialties''.

(8) Section 813(a)(3) is amended by inserting ''order'' after ''task'' in the matter proposed to be struck.

(9) Section 921(b)(2) (123 Stat. 2432) is amended by inserting ''subchapter I of'' before ''chapter 21''.

(10) Section 1014(c) (123 Stat. 2442) is amended by striking ''in which the support'' and inserting ''in which support''.

(11) Section 1043(d) (123 Stat. 2457; 10 U.S.C. 2353 note) is amended by striking ''et 13 seq.'' and inserting ''et seq.''.

(12) Section 1055(f) (123 Stat. 2462) is amended by striking ''Combating'' and inserting ''Combatting''.

(13) Section 1063(d)(2) (123 Stat. 2470) is amended by striking ''For purposes of this section, the'' and inserting ''The''.

(14) Section 1080(b) (123 Stat. 2479; 10 U.S.C. 801 note) is amended—

(A) by striking ''title 14'' and inserting ''title XIV'';

(B) by striking ''title 10'' and inserting ''title X''; and

(C) by striking ''the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366)'' and inserting ''chapter 47A of title 10, United States Code''.

(15) Section 1111(b) (123 Stat. 2495; 10 U.S.C. 1580 note prec.) is amended by striking ''the Secretary'' in the first sentence and inserting ''the Secretary of Defense''.

(16) Section 1113(g)(1) (123 Stat. 2502; 5 U.S.C. 9902 note) is amended by inserting ''United States Code,'' after ''title 5,'' the first place it appears.

(17) Section 1121 (123 Stat. 2505) is amended—

(A) in subsection (a)—

(i) by striking ''Section 9902(h)'' and inserting ''Section 9902(g)''; and

(ii) by inserting ''as redesignated by section 1113(b)(1)(B),'' after ''Code,''; and

(B) in subsection (b), by striking ''section 9902(h)'' and inserting ''section 9902(g)''.

(18) Section 1261 (123 Stat. 2553; 22 U.S.C. 6201 note) is amended by inserting a space between the first short title and ''or''.

(19) Section 1306(b) (123 Stat. 2560) is amended by striking ''fiscal year'' and inserting ''Fiscal Year''.

(20) Subsection (b) of section 1803 (123 Stat. 2612) is amended to read as follows:

''(b) APPELLATE REVIEW UNDER DETAINEE TREATMENT ACT OF 2005.—

''(1) DEPARTMENT OF DEFENSE, EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO, AND PANDEMIC INFLUENZA ACT, 2006.—Section 1005(e) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 10 U.S.C. 801 note) is amended by striking paragraph (3).

''(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Section 1405(e) of the Detainee Treatment Act of 2005 (Public Law 109-163; 10 U.S.C. 801 note) is amended by striking paragraph (3).''.

(21) Section 1916(b)(1)(B) (123 Stat. 2624) is amended by striking the comma after ''5941''.

(22) Section 2804(d)(2) (123 Stat. 2662) is amended by inserting ''subchapter III of'' before ''chapter 169''.

(23) Section 2835(f)(1) (123 Stat. 2677) is amended by striking ''publically-available'' and inserting ''publicly available''.

(24) Section 3503(b)(1) (123 Stat. 2719) is amended by striking the extra quotation marks.

(25) Section 3508(1) (123 Stat. 2721) is amended by striking ''headline'' and inserting ''heading''.

(d) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—

(1) Section 596(b)(1)(D) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 1071 note), as amended by section 594 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2337), is amended by striking ''or flag'' the second place it appears.

(2) Section 1111(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 143 note), as amended by section 1109 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2492), is amended—

(A) in the matter preceding paragraph (1), by striking ''secretary of a military department'' and inserting ''Secretary of a military department'';

(B) in paragraph (1)—

(i) by striking ''the the requirements'' and inserting ''the requirements''; and

(ii) by striking ''this title'' and inserting ''such title''; and

(C) in paragraph (2), by striking ''any any of the following'' and inserting ''any of the following''.

(e) WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.—Effective as of May 22, 2009, and as if included therein as enacted, the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23) is amended as follows:

(1) Section 205(a)(1)(B) (123 Stat. 1724) is amended in the matter proposed to be inserted by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1), (2), and (3)''.

(2) Section 205(c) (124 Stat. 1725) is amended by striking ''2433a(c)(3)'' and inserting ''2433a(c)(1)(C)''.

(f) TECHNICAL CORRECTION REGARDING SBIR EXTENSION.—Section 9(m)(2) of the Small Business Act (15 U.S.C. 638(m)(2)), as added by section 847(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2420), is amended by striking ''is authorized'' and inserting ''are authorized''.

(g) TECHNICAL CORRECTION REGARDING PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.—Section 9902(a)(2) of title 5, United States Code, as added by section 1113(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2499), is amended by striking ''chapters'' both places it appears and inserting ''chapter''.

(h) TECHNICAL CORRECTION REGARDING SMALL SHIPYARDS AND MARITIME COMMUNITIES ASSISTANCE PROGRAM.—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006, as reinstated by the amendment made by section 1073(c)(14) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2475), is repealed.

(i) TECHNICAL CORRECTION REGARDING DOT MARITIME HERITAGE PROPERTY.—Section 6(a)(1)(C) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)(C)), as amended by section 3509 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2721), is amended by striking ''the date of enactment of the Maritime Administration Authorization Act of 2010'' and inserting ''October 28, 2009''.

(j) TECHNICAL CORRECTION REGARDING DOE NATIONAL SECURITY PROGRAMS.—The table of contents at the beginning of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2401 et seq.) is amended by striking the item relating to section 3255 and inserting the following new item:

''Sec. 3255. Biennial plan and budget assessment on the modernization and refurbishment of the nuclear security complex.''.

SEC. 1056. LIMITATION ON AIR FORCE FISCAL YEAR 2011 FORCE STRUCTURE ANNOUNCEMENT IMPLEMENTATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 may be obligated or expended for the purpose of implementing the Air Force fiscal year 2011 Force Structure Announcement until 45 days after—

(1) the Secretary of the Air Force provides a detailed report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the follow-on missions for bases affected by the 2010 Combat Air Forces restructure; and

(2) the Secretary of the Air Force certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that the Air Sovereignty Alert Mission will be fully resourced with required funding, personnel, and aircraft.

SEC. 1057. BUDGETING FOR THE SUSTAINMENT AND MODERNIZATION OF NUCLEAR DELIVERY SYSTEMS.

Consistent with the plan contained in the report submitted to Congress under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), 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 2012, and each subsequent fiscal year, the Secretary shall ensure that a separate budget (including separate, dedicated line items and program elements) is included with respect to programs and platforms regarding the sustainment and modernization of nuclear delivery systems.

SEC. 1058. LIMITATION ON NUCLEAR FORCE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) As of September 30, 2009, the stockpile of nuclear weapons of the United States has been reduced by 84 percent from its maximum level in 1967 and by more than 75 percent from its level when the Berlin Wall fell in November, 1989.

(2) The number of non-strategic nuclear weapons of the United States has declined by approximately 90 percent from September 30, 1991, to September 30, 2009.

(3) In 2002, the United States announced plans to reduce its number of operationally deployed strategic nuclear warheads to between 1,700 and 2,200 by December 31, 2012.

(4) The United States plans to further reduce its stockpile of deployed strategic nuclear warheads to 1,550 during the next seven years.

(5) The United States plans to further reduce its deployed ballistic missiles and heavy bombers to 700 and its deployed and non-deployed launchers and heavy bombers to 800 during the next seven years.

(6) Beyond these plans for reductions, the Nuclear Posture Review of April 2010 stated that, ''the President has directed a review of potential future reductions in U.S. nuclear weapons below New START levels. Several factors will influence the magnitude and pace of such reductions.''.

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

(1) any reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy and the technical and operational implications of such reductions; and

(2) specific criteria are necessary to guide future decisions regarding further reductions in the nuclear forces of the United States.

(c) LIMITATION.—No action may be taken to implement the reduction of nuclear forces of the United States below the levels described in paragraphs (4) and (5) of subsection (a), unless—

(1) the Secretary of Defense and the Administrator for Nuclear Security jointly submit to the congressional defense committees a report on such reduction, including—

(A) the justification for such reduction;

(B) an assessment of the strategic environment, threat, and policy and the technical and operational implications of such reduction;

(C) written certification by the Secretary of Defense that—

(i) either—

(I) the strategic environment or the assessment of the threat has changed to allow for such reduction; or

(II) technical measures to provide a commensurate or better level of safety, security, and reliability as before such reduction have been implemented for the remaining nuclear forces of the United States;

(ii) such reduction preserves the nuclear deterrent capabilities of the ''nuclear triad'' (intercontinental ballistic missiles, ballistic missile submarines, and heavy bombers and dual-capable aircraft);

(iii) such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting;

(iv) the remaining nuclear forces of the United States provide a sufficient means of protection against unforeseen technical challenges and geopolitical events; and

(v) such reduction is compensated by other measures (such as nuclear modernization, conventional forces, and missile defense) that together provide a commensurate or better deterrence capability and level of credibility as before such reduction; and

(D) written certification by the Administrator for Nuclear Security that—

(i) technical measures to provide a commensurate or better level of safety, security, and reliability as before such reduction have been implemented for the remaining nuclear forces of the United States;

(ii) the remaining nuclear forces of the United States provide a sufficient means of protection against unforeseen technical challenges and geopolitical events; and

(iii) measures to modernize the nuclear weapons complex have been implemented to provide a sufficiently responsive infrastructure to support

the remaining nuclear forces of the United States; and

(2) a period of 180 days has elapsed after the date on which the report under paragraph (1) is submitted.

(d) DEFINITION.—In this section, the term ''nuclear forces of the United States'' includes—

(1) both active and inactive nuclear warheads in the nuclear weapons stockpile; and

(2) deployed and non-deployed delivery vehicles.

SEC. 1059. SENSE OF CONGRESS ON THE NUCLEAR POSTURE REVIEW.

It is the sense of Congress that the Nuclear Posture Review, released in April 2010 by the Secretary of Defense, weakens the national security of the United States by eliminating options to defend against a catastrophic nuclear, biological, chemical, or conventional attack against the United States.

SEC. 1060. STRATEGIC ASSESSMENT OF STRATEGIC CHALLENGES POSED BY POTENTIAL COMPETITORS.

The Secretary of Defense shall, in consultation with the Joint Chiefs of Staff and the commanders of the regional combatant commands, submit to the congressional defense committees, not later than March 15, 2011, a comprehensive strategic assessment of the current and future strategic challenges posed to the United States by potential competitors out through 2021, with particular attention paid to those challenges posed by the military modernization of the People's Republic of China, Iran, North Korea, and Russia.

SEC. 1061. ELECTRONIC ACCESS TO CERTAIN CLASSIFIED INFORMATION.

The Secretary of Defense shall provide to each committee of Congress an electronic communications link to classified information in the possession of the Department of Defense pertaining to a subject matter that is in the jurisdiction of such committee under the Rules of the House of Representatives or the Standing Rules of the Senate. Such electronic communications link shall be capable of supporting appropriate classified communications between the Department of Defense and each committee of Congress authorized to carry out such communications.

SEC. 1062. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

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

(1) The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) expressed the sense of Congress (in section 1083(d)(4)) that the Secretary of State ''should work with the Government of Iraq on a state-to-state basis to ensure compensation for any meritorious claims based on terrorist acts committed by the Saddam Hussein regime against individuals who were United States nationals or members of the United States Armed Forces at the time of those terrorist acts and whose claims cannot be addressed in courts in the United States due to the exercise of the waiver authority'' provided to the President under section 1083(d) of that Act.

(2) The House of Representatives in the 110th Congress unanimously adopted H.R. 5167, the Justice for Victims of Torture and Terrorism Act, which set forth an appropriate compromise of the claims described in paragraph (1).

(3) The National Defense Authorization Act for Fiscal Year 2010 (in section 1079) further expressed the sense of Congress that these claims of American victims of torture and hostage taking by Iraq ''should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United States, taking note of the provisions of H.R. 5167 of the 110th Congress, which was adopted by the United States House of Representatives''.

(4) Pursuant to these congressional actions, the Secretary of State has diligently pursued these negotiations with the Government of Iraq. To date, however, more than three years after the enactment of the National Defense Authorization Act for Fiscal Year 2008, and nearly a year after the enactment of the National Defense Authorization Act for Fiscal Year 2010, there has been no resolution of these claims of injured Americans, despite the resolution by Iraq of claims of foreign corporations against the Saddam Hussein regime.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the claims of American victims of torture and hostage taking by the Government of Iraq during the regime of Saddam Hussein that are subject to Presidential Determination Number 2008-9 of January 28, 2008, which waived application of section 1083 of the National Defense Authorization Act for Fiscal Year 2008, should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United States.

SEC. 1063. POLICY REGARDING APPROPRIATE USE OF DEPARTMENT OF DEFENSE RESOURCES.

(a) POLICY.—

(1) IN GENERAL.—Chapter 2 of Title 10, United States Code, is amended by inserting after section 113a the following new section:

''§ 113b. Use of Department of Defense resources

''(a) POLICY.—The Secretary of Defense shall ensure that all resources of the Department of Defense are used only for activities that—

''(1) fulfill a legitimate Government purpose;

''(2) comply with all applicable laws, regulations, and policies of the Department of Defense; and

''(3) contribute to the mission of the Department of Defense.

''(b) GUIDANCE.—The Secretary shall prescribe such guidance as is necessary to ensure compliance with the policy required under subsection (a) and to address any violations of the policy, including, as appropriate, any applicable legal remedies.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113a the following new item:

''113b. Use of Department of Defense resources.''.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds authorized to be appropriated in this Act or otherwise available to the Department of Defense may be used—

(1) for any activity that does not comply with the policy established under section 113b of title 10, United States Code, as added by subsection (a), including any improper activity involving—

(A) transportation or travel (including use of Government vehicles); or

(B) Department of Defense information technology resources; or

(2) to pay the salary of any employee who engages in an intentional violation of the policy established under such section.

SEC. 1064. EXECUTIVE AGENT FOR PREVENTING THE INTRODUCTION OF COUNTERFEIT MICROELECTRONICS INTO THE DEFENSE SUPPLY CHAIN.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to serve as the executive agent for preventing the introduction of counterfeit microelectronics into the defense supply chain.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

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

(A) Development and maintenance of a strategy and implementation plan that ensures that the Department of Defense has the ability to identify, mitigate, prevent, and eliminate counterfeit microelectronics from the defense supply chain.

(B) Development of recommendations for funding strategies necessary to meet the requirements of the strategy and implementation plan developed under subparagraph (A).

(C) Assessments of trends in counterfeit microelectronics, including—

(i) an analysis of recent incidents of discovery of counterfeit microelectronics in the defense supply chain, including incidents involving material and service providers;

(ii) a projection of future trends in counterfeit microelectronics;

(iii) the sufficiency of reporting mechanisms and metrics within the Department of Defense and each component of the Department of Defense;

(iv) the economic impact of identifying and remediating counterfeit microelectronics in the defense supply chain; and

(v) the impact of counterfeit microelectronics in the defense supply chain on defense readiness.

(D) Coordination of planning and activities with interagency and international partners.

(E) Development and participation in public-private partnerships to prevent the introduction of counterfeit microelectronics into the supply chain.

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

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each component of the Department of Defense provides 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) REQUIRED ACTIONS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) not later than 180 days after the date of the enactment of this Act, a description of the roles, responsibilities, and authorities of the executive agent prescribed in accordance with subsection (b)(1);

(2) not later than one year after the date of the enactment of this Act, a strategy for how the Department of Defense will identify, mitigate, prevent, and eliminate counterfeit microelectronics within the defense supply chain; and

(3) not later than 18 months after the date of the enactment of this Act, an implementation plan for how the Department of Defense will execute the strategy submitted in accordance with paragraph (2).

(e) DEFINITIONS.—In this section:

(1) COUNTERFEIT MICROELECTRONIC.—The term ''counterfeit microelectronic'' means any type of integrated circuit or other microelectronic component that consists of—

(A) a substitute or unauthorized copy of a valid product from an original manufacturer;

(B) a product in which the materials used or the performance of the product has been changed without notice by a person other than the original manufacturer of the product; or

(C) a substandard component misrepresented by the supplier of such component.

(2) EXECUTIVE AGENT.—The term ''executive agent'' has the meaning given the term ''DoD Executive Agent'' in Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO APPROVE AN ALTERNATE METHOD OF PROCESSING EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS WITHIN ONE OR MORE COMPONENT ORGANIZATIONS UNDER SPECIFIED CIRCUMSTANCES.

(a) AUTHORITY.—The Secretary of Defense may implement within one or more of the component organizations of the Department of Defense an alternate program for processing equal employment opportunity complaints.

(1) Complaints processed under the alternate program shall be subject to the procedural requirements established for the alternate program and shall not be subject to the procedural requirements of part 1614 of title 29 of the Code of Federal Regulations or other regulations, directives, or regulatory restrictions prescribed by the Equal Employment Opportunity Commission.

(2) The alternate program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may carry out the alternate program during a 5-year period beginning on the date of the enactment of this Act. Not later than 180 days before the expiration of such period, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate, a recommendation regarding whether the program should be extended for an additional period.

(4)(A) Participation in the alternate program shall be voluntary on the part of the complainant. Complainants who participate in the alternate program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission.

(B) Subparagraph (A) shall apply to all cases filed with the Commission after the date of the enactment of this Act and under the alternate program established under this subsection.

(C) The Secretary shall consult with the Equal Employment Commission in the development of the alternate program.

(b) EVALUATION PLAN.—The Secretary of Defense shall develop an evaluation plan to accurately and reliably assess the results of each alternate program implemented under subsection (a), identifying the key features of the program, including—

(1) well-defined, clear, and measurable objectives;

(2) measures that are directly linked to the program objectives;

(3) criteria for determining the program performance;

(4) a way to isolate the effects of the alternate program;

(5) a data analysis plan for the evaluation design; and

(6) a detailed plan to ensure that data collection, entry, and storage are reliable and error-free.

(c) REPORTS.—The Comptroller General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, two reports on the alternate program.

(1) CONTENTS OF REPORTS.—Each report shall contain the following:

(A) A description of the processes tested by the alternate program.

(B) The results of the testing of such processes.

(C) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of the alternate program.

(D) A comparison of the processes used, and results obtained, under the alternate program to traditional and alternative dispute resolution processes used in the Government or private industry.

(2) DATES OF SUBMISSION.—The first of such reports shall be submitted at the end of the 2-year period beginning on the date of the enactment of this Act. The second of such reports shall be submitted at the end of the 4-year period beginning on the date of the enactment of this Act.

SEC. 1102. CLARIFICATION OF AUTHORITIES AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) CLARIFICATION OF APPLICABILITY OF DIRECT HIRE AUTHORITY.—Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4618; 10 U.S.C. 1580 note) is amended—

(1) in subsection (b), by striking ''identified'' and all that follows and inserting ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486) as a Department of Defense science and technology reinvention laboratory.''; and

(2) in subsection (c), by striking ''2 percent'' and inserting ''4 percent''.

(b) CLARIFICATION OF APPLICABILITY OF FULL IMPLEMENTATION REQUIREMENT.—Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 357; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a), by striking ''that are exempted by'' and all that follows and inserting ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486) as Department of Defense science and technology reinvention laboratories.''; and

(2) in subsection (c), by striking ''as enumerated in'' and all that follows and inserting ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat 2486) as a Department of Defense science and technology reinvention laboratory.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 28, 2009.

SEC. 1103. SPECIAL RULE RELATING TO CERTAIN OVERTIME PAY.

(a) IN GENERAL.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

''(6)(A) Notwithstanding paragraphs (1) and (2), for an employee who is described in subparagraph (B), and whose rate of basic pay exceeds the minimum rate for GS–10, the overtime hourly rate of pay is an amount equal to one and one–half times the hourly rate of basic pay of the employee, and all that amount is premium pay.

''(B) This paragraph applies in the case of an employee of the Department of the Navy—

''(i) who is performing work aboard or in support of the U.S.S. GEORGE WASHINGTON while that vessel is forward deployed in Japan; and

''(ii) as to whom the application of this paragraph is necessary (as determined under regulations prescribed by the Secretary of the Navy)—

''(I) in order to ensure equal treatment with employees performing similar work in the United States;

''(II) in order to secure the services of qualified employees; or

''(III) for such other reasons as may be set forth in such regulations.''.

(b) REPORTING REQUIREMENT.—Within 1 year after date of enactment of this Act, the Secretary of the Navy shall submit to the Secretary of Defense and the Director of the Office of Personnel Management a report that addresses the use of paragraph (6) of section 5542(a) of title 5, United States Code, as added by subsection (a), including associated costs.

SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2011, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as amended by section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2487), is amended by striking ''calendar years 2009 and 2010'' and inserting ''calendar years 2011 and 2012''.

SEC. 1105. WAIVER OF CERTAIN PAY LIMITATIONS.

Section 9903(d) of title 5, United States Code, is amended—

(1) by amending paragraph (2) to read as follows:

''(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service, except for—

''(A) payments authorized under this section; and

''(B) in the case of an employee who is assigned in support of a contingency operation (as defined in section 101(a)(13) of title 10), allowances and any other payments authorized under chapter 59.''; and

(2) in paragraph (3), by adding at the end the following: ''In computing an employee's total annual compensation for purposes of the preceding sentence, any payment referred to in paragraph (2)(B) shall be excluded.''.

SEC. 1106. SERVICES OF POST-COMBAT CASE COORDINATORS.

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

''§ 7906. Services of post-combat case coordinators

''(a) DEFINITIONS.—For purposes of this section—

''(1) the terms 'employee', 'agency', 'injury', 'war-risk hazard', and 'hostile force or individual' have the meanings given those terms in section 8101; and

''(2) the term 'qualified employee' means an employee as described in subsection (b).

''(b) REQUIREMENT.—The head of each agency shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator in the case of any employee of such agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of such employee's duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

''(c) GUIDELINES.—The Office of Personnel Management shall, after such consultation as the Office considers appropriate, prescribe guidelines for the operation of this section. Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

''(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

''(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

''(3) assisting qualified employees in connection with the receipt of prescribed medical care and the coordination of benefits under chapter 81 or 89;

''(4) resolving problems relating to the receipt of benefits under chapter 81 or 89; and

''(5) ensuring that qualified employees are properly screened and receive appropriate treatment—

''(A) for post-traumatic stress disorder or other similar disorder stemming from combat trauma; or

''(B) for suicidal or homicidal thoughts or behaviors.

''(d) DURATION.—The services of a post-combat case coordinator shall remain available to a qualified employee until—

''(1) such employee accepts or declines a reasonable offer of employment in a position in the employee's agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level) before the occurrence or onset of the injury, disability, or illness (as referred to in subsection (a)), and which is within the employee's commuting area; or

''(2) such employee gives written notice, in such manner as the employing agency prescribes, that those services are no longer desired or necessary.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 of title 5, United States Code, is amended by adding after the item relating to section 7905 the following:

''7906. Services of post-combat case coordinators.''.

SEC. 1107. AUTHORITY TO WAIVE MAXIMUM AGE LIMIT FOR CERTAIN APPOINTMENTS.

Section 3307(e) of title 5, United States Code, is amended—

(1) by striking ''(e) The'' and inserting ''(e)(1) Except as provided in paragraph (2), the''; and

(2) by adding at the end the following:

''(2)(A) In the case of the conversion of an agency function from performance by a contractor to performance by an employee of the agency, the head of the agency may waive any maximum limit of age, determined or fixed for positions within such agency under paragraph (1), if necessary in order to promote the recruitment or appointment of experienced personnel.

''(B) For purposes of this paragraph—

''(i) the term 'agency' means the Department of Defense or a military department; and

''(ii) the term 'head of the agency' means the Secretary of Defense or the Secretary of a military department.''.

SEC. 1108. SENSE OF CONGRESS REGARDING WAIVER OF RECOVERY OF CERTAIN PAYMENTS MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) CONGRESSIONAL FINDING.—Congress finds that employees and former employees of the Department of Defense described in subsection (c) provided a valuable service to such Department in response to the national emergency declared in the aftermath of the attacks of September 11, 2001.

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

(1) employees and former employees of the Department of Defense described in subsection (c) deserve to retain or to be repaid their voluntary separation incentive payment pursuant to section 9902 of title 5, United States Code;

(2) recovery of the amount of the payment referred to in section 9902 of title 5, United States Code, would be against equity and good conscience and contrary to the best interests of the United States;

(3) the Secretary of Defense should waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of such section 9902 in the case of an employee or former employee of the Department of Defense described in subsection (c); and

(4) a person who has repaid to the United States all or part of the voluntary separation incentive payment for which repayment is waived under this section may receive a refund of the amount previously repaid to the United States.

(c) PERSONS COVERED.—Subsection (a) applies to any employee or former employee of the Department of Defense who—

(1) during the period beginning on April 1, 2004, and ending on May 1, 2008, received a voluntary separation incentive payment under section 9902(f)(1) of title 5, United States Code;

(2) was reappointed to a position in the Department of Defense during the period beginning on June 1, 2004, and ending on May 1, 2008; and

(3) received a written representation from an officer or employee of the Department of Defense, before accepting the reappointment referred to in paragraph (2), that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived, and reasonably relied on that representation in accepting reappointment.

SEC. 1109. SUSPENSION OF DCIPS PAY AUTHORITY EXTENDED FOR A YEAR.

Section 1114(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 1601 note) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1202(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2511), is further amended by striking ''$40,000,000'' and inserting ''$50,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2010.

SEC. 1202. ADDITION OF ALLIED GOVERNMENT AGENCIES TO ENHANCED LOGISTICS INTEROPERABILITY AUTHORITY.

(a) ENHANCED INTEROPERABILITY AUTHORITY.—Subsection (a) of section 127d of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Subject to'';

(2) by inserting ''of the United States'' after ''armed forces'';

(3) by striking the second sentence; and

(4) by adding at the end the following new paragraphs:

''(2) In addition to any logistic support, supplies, and services provided under paragraph (1), the Secretary may provide logistic support, supplies, and services to allied forces solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in combined operations with the United States in order to facilitate such operations. Such logistic support, supplies, and services may also be provided under this paragraph to a nonmilitary logistics, security, or similar agency of an allied government if such provision would directly benefit the armed forces of the United States.

''(3) Provision of support, supplies, and services pursuant to paragraph (1) or (2) may be made only with the concurrence of the Secretary of State.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking ''subsection (a)'' in paragraphs (1) and (2) and inserting ''subsection (a)(1)''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Except as provided in paragraph (2), the'' and inserting ''The''; and

(ii) by striking ''this section'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2), by striking ''In addition'' and all that follows through ''fiscal year,'' and inserting ''The value of the logistic support, supplies, and services provided under subsection (a)(2) in any fiscal year may not''.

SEC. 1203. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) ANNUAL FUNDING LIMITATION.—Subsection (c)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by striking ''$350,000,000'' and inserting ''$500,000,000''.

(b) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—

(1) IN GENERAL.—Subsection (c)(5) of such section is amended—

(A) by striking ''and not more than'' and inserting ''not more than''; and

(B) by inserting after ''fiscal year 2011'' the following: '', and not more than $100,000,000 may be used during fiscal year 2012''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2010, and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(c) TEMPORARY AUTHORITY TO BUILD THE CAPACITY OF YEMEN'S COUNTER-TERRORISM FORCES.—Such section is further amended—

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

(2) by inserting after subsection (f) the following:

''(g) TEMPORARY AUTHORITY TO BUILD THE CAPACITY OF YEMEN'S COUNTER-TERRORISM FORCES.—

''(1) AUTHORITY OF SECRETARY OF STATE.—

''(A) IN GENERAL.—Of the funds made available under subsection (c) for the authority of subsection (a) for fiscal year 2011, the Secretary of Defense shall transfer to the Secretary of State $75,000,000 of such funds for purposes of providing assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) to build the capacity of the counter-terrorism forces of the Yemeni Ministry of Interior.

''(B) CERTIFICATION.—The Secretary of Defense may transfer funds pursuant to subparagraph (A) only if, not later than July 31, 2011, the Secretary of State certifies to the Secretary of Defense and the congressional committees specified in subsection (e)(3) that the Secretary of State is able to effectively carry out the purpose of subparagraph (A).

''(C) AVAILABILITY OF FUNDS.—Amounts available under this paragraph for the authority of subparagraph (A) for fiscal year 2011 may be used to conduct or support a program or programs under that authority that begin in fiscal year 2011 but end in fiscal year 2012.

''(2) AUTHORITY OF SECRETARY OF DEFENSE.—If a certification described in paragraph (1)(B) is not made by July 31, 2011, the Secretary of Defense may, with the concurrence of the Secretary of State, use up to $75,000,000 of the funds made available under subsection (c) for the authority of subsection (a) for fiscal year 2011 to conduct or support a program or programs under the authority of subsection (a) to build the capacity of the counter-terrorism forces of the Yemeni Ministry of Interior.

''(3) CONGRESSIONAL NOTIFICATION.—

''(A) BY SECRETARY OF STATE.—The Secretary of State shall notify the congressional committees specified in subsection (e)(3) whenever the Secretary of State makes a certification under paragraph (1)(B) for purposes of exercising the authority of paragraph (1).

''(B) BY SECRETARY OF DEFENSE.—The Secretary of Defense shall notify the congressional committees specified in subsection (e)(3) whenever the Secretary of Defense exercises the authority of paragraph (2) to support or conduct a program or programs described in paragraph (2).

''(C) CONTENTS.—A notification under subparagraph (A) or (B) shall include a description

of the program or programs to be conducted or supported under the authority of this subsection.''.

(d) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of such section, as most recently amended by section 1206(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625) and redesignated by subsection (c) of this section, is further amended by—

(1) by striking ''September 30, 2011'' and inserting ''September 30, 2012''; and

(2) by striking ''fiscal years 2006 through 2011'' and inserting ''fiscal years 2006 through 2012''.

SEC. 1204. AIR FORCE SCHOLARSHIPS FOR PARTNERSHIP FOR PEACE NATIONS TO PARTICIPATE IN THE EURO-NATO JOINT JET PILOT TRAINING PROGRAM.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Secretary of the Air Force shall establish and maintain a demonstration scholarship program to allow personnel of the air forces of countries that are signatories of the Partnership for Peace Framework Document to receive undergraduate pilot training and necessary related training through the Euro-NATO Joint Jet Pilot Training (ENJJPT) program. The Secretary of the Air Force shall establish the program pursuant to regulations prescribed by the Secretary of Defense in consultation with the Secretary of State.

(b) TRANSPORTATION, SUPPLIES, AND ALLOWANCE.—Under such conditions as the Secretary of the Air Force may prescribe, the Secretary may provide to a person receiving a scholarship under the scholarship program—

(1) transportation incident to the training received under the ENJJPT program;

(2) supplies and equipment to be used during the training;

(3) flight clothing and other special clothing required for the training;

(4) billeting, food, and health services; and

(5) a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.

(c) RELATION TO EURO-NATO JOINT JET PILOT TRAINING PROGRAM.—

(1) ENJJPT STEERING COMMITTEE AUTHORITY.—Nothing in this section shall be construed or interpreted to supersede the authority of the ENJJPT Steering Committee under the ENJJPT Memorandum of Understanding. Pursuant to the ENJJPT Memorandum of Understanding, the ENJJPT Steering Committee may resolve to forbid any airman or airmen from a Partnership for Peace nation to participate in the Euro-NATO Joint Jet Pilot Training program under the authority of a scholarship under this section.

(2) NO REPRESENTATION.—Countries whose air force personnel receive scholarships under the scholarship program shall not have privilege of ENJJPT Steering Committee representation.

(d) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of the Air Force may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or any other provision of law.

(e) COST-SHARING.—For purposes of ENJJPT cost-sharing, personnel of an air force of a foreign country who receive a scholarship under the scholarship program may be counted as United States pilots.

(f) PROGRESS REPORT.—Not later than February 1, 2015, the Secretary of the Air Force shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the status of the demonstration program, including the opinion of the Secretary and NATO allies on the benefits of the program and whether or not to permanently authorize the program or extend the program beyond fiscal year 2015. The report shall specify the following:

(1) The countries participating in the scholarship program.

(2) The total number of foreign pilots who received scholarships under the scholarship program.

(3) The amount expended on scholarships under the scholarship program.

(4) The source of funding for scholarships under the scholarship program.

(g) DURATION.—No scholarship may be awarded under the scholarship program after September 30, 2015.

(h) FUNDING SOURCE.—Amounts to award scholarships under the scholarship program shall be derived from amounts authorized to be appropriated for operation and maintenance for the Air Force.

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

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1212. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2011.—During fiscal year 2011, from funds made available to the Department of Defense for operation and maintenance for such fiscal year—

(1) not to exceed $100,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Iraq; and

(2) not to exceed $800,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Afghanistan.

(b) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal-year quarter of fiscal year 2011, the Secretary of Defense shall submit to the congressional defense committees a report regarding the Commanders' Emergency Response Program.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The allocation and use of funds under the Commanders' Emergency Response Program or any other provision of law making funding available for the Commanders' Emergency Response Program during the fiscal-year quarter.

(B) The dates of obligation and expenditure of such funds during the fiscal-year quarter.

(C) A description of each project for which amounts in excess of $500,000 were obligated or expended during the fiscal-year quarter.

(D) The dates of obligation and expenditure of funds under the Commanders' Emergency Response Program or any other provision of law making funding available for the Commanders' Emergency Response Program for each of fiscal years 2004 through 2010.

(3) MATTERS TO BE INCLUDED WITH RESPECT TO COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—The report required under paragraph (1) shall include the following with respect to the Commanders' Emergency Response Program in Iraq:

(A) A written statement by the Secretary of Defense, or the Deputy Secretary of Defense if the authority under subsection (f) is delegated to the Deputy Secretary of Defense, affirming that the certification required under subsection (f) was issued for each project for which amounts in excess of $1,000,000 were obligated or expended during the fiscal-year quarter.

(B) For each project listed in subparagraph (A), the following information:

(i) A description and justification for carrying out the project.

(ii) A description of the extent of involvement by the Government of Iraq in the project, including—

(I) the amount of funds provided by the Government of Iraq for the project; and

(II) a description of the plan for the transition of such project upon completion to the people of Iraq and for the sustainment of any completed facilities, including any commitments by the Government of Iraq to sustain projects requiring the support of the Government of Iraq for sustainment.

(iii) A description of the current status of the project, including, where appropriate, the projected completion date

(C) A description of the status of transitioning activities to the Government of Iraq, including—

(i) the level of funding provided and expended by the Government of Iraq in programs designed to meet urgent humanitarian relief and reconstruction requirements that immediately assist the Iraqi people; and

(ii) a description of the progress made in transitioning the responsibility for the Sons of Iraq Program to the Government of Iraq.

(c) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the allocation of funds through the Commanders' Emergency Response Program.

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

(d) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funding available for the Commanders' Emergency Response Program, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) PROHIBITION ON CERTAIN PROJECTS UNDER COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

(1) PROHIBITION.—Except as provided in paragraph (2), funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project if the total amount of such funds made available for the purpose of carrying out the project exceeds $2,000,000.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply with respect to funds managed or controlled by the Department of Defense that were otherwise provided by another department or agency of the United States Government, the Government of Iraq, the government of a foreign country, a foundation or other charitable organization (including a foundation or charitable organization that is organized or operates under the laws of a foreign country), or any source in the private sector of the United States or a foreign country.

(3) WAIVER.—The Secretary of Defense may waive the prohibition contained in paragraph (1) if the Secretary—

(A) determines that such a waiver is required to meet urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people; and

(B) submits in writing, within 15 days of issuing such waiver, to the congressional defense committees a notification of the waiver, together with a discussion of—

(i) the unmet and urgent needs to be addressed by the project; and

(ii) any arrangements between the Government of the United States and the Government of Iraq regarding the provision of Iraqi funds for carrying out and sustaining the project.

(f) CERTIFICATION OF CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

(1) CERTIFICATION.—Funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project if the total amount of such funds made available for the purpose of carrying out the project exceeds $1,000,000 unless the Secretary of Defense certifies that the project addresses urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people.

(2) DELEGATION.—The Secretary may delegate the authority under paragraph (1) to the Deputy Secretary of Defense.

(g) DEFINITIONS.—In this section—

(1) the term ''Commanders' Emergency Response Program'' means—

(A) with respect to Iraq, the program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(B) with respect to Afghanistan, the program established for Afghanistan for purposes similar to the program established for Iraq, as described in subparagraph (A);

(2) the term ''Commanders' Emergency Response Program in Iraq'' means the program described in paragraph (1)(A); and

(3) the term ''Commanders' Emergency Response Program in Afghanistan'' means the program described in paragraph (1)(B).

SEC. 1213. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT TO CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2519), is further amended—

(1) in the matter preceding paragraph (1), by striking ''2010'' and inserting ''2011''; and

(2) by adding at the end the following:

''(3) Logistical and military support provided by that nation to confront the threat posed by al'Qaida, the Taliban, and other militant extremists in Pakistan.''.

(b) LIMITATION ON AMOUNT.—Subsection (d)(1) of such section is amended by striking ''2010'' and inserting ''2011''.

SEC. 1214. MODIFICATION OF REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Subsection (a) of section 1227 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525; 50 U.S.C. 1541 note) is amended—

(1) by striking ''December 31, 2009'' and inserting ''December 31, 2010''; and

(2) by striking ''90 days thereafter'' and inserting ''180 days thereafter''.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (5), by striking ''Multi-National Force–Iraq'' each place it occurs and inserting ''United States Forces–Iraq''; and

(2) by adding at the end the following:

''(6) An assessment of progress to transfer responsibility of programs, projects, and activities carried out in Iraq by the Department of Defense to other United States Government departments and agencies, international or nongovernmental entities, or the Government of Iraq. The assessment should include a description of the numbers and categories of programs, projects, and activities for which such other entities have taken responsibility or which have been discontinued by the Department of Defense. The assessment should also include a discussion of any difficulties or barriers in transitioning such programs, projects, and activities and what, if any, solutions have been developed to address such difficulties or barriers.

''(7) An assessment of progress toward the goal of establishing those minimum essential capabilities determined by the Secretary of Defense as necessary to allow the Government of Iraq to provide for its own internal and external defense, including a description of—

''(A) such capabilities both extant and remaining to be developed;

''(B) major military equipment necessary to achieve such capabilities;

''(C) the level and type of support provided by the United States to address shortfalls in such capabilities; and

''(D) the level of commitment, both financial and political, made by the Government of Iraq to develop such capabilities, including a discussion of resources used by the Government of Iraq to develop capabilities that the Secretary determines are not minimum essential capabilities for purposes of this paragraph.

''(8) An assessment of the anticipated level and type of support to be provided by United States special operations forces to the Government of Iraq and Iraqi special operations forces during the redeployment of United States conventional forces from Iraq. The assessment should include a listing of anticipated organic support, organic combat service support, and additional critical enabling asset requirements for United States special operations forces and Iraqi special operations forces, to include engineers, rotary aircraft, logisticians, communications assets, information support specialists, forensic analysts, and intelligence, surveillance, and reconnaissance assets needed through December 31, 2011.''.

(c) SECRETARY OF STATE COMMENTS.—Such section is further amended by striking subsection (c) and inserting the following:

''(c) SECRETARY OF STATE COMMENTS.—Prior to submitting the report required under subsection (a), the Secretary of Defense shall provide a copy of the report to the Secretary of State for review. At the request of the Secretary of State, the Secretary of Defense shall include an appendix to the report which contains any comments or additional information that the Secretary of State requests.''.

(d) FORM.—Subsection (d) of such section is amended by striking '', whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense,''.

(e) TERMINATION.—Such section is further amended by adding at the end the following:

''(f) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on September 30, 2012.''.

(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are hereby repealed:

(1) Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) (as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 373)).

(2) Section 1225 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 375).

SEC. 1215. MODIFICATION OF REPORTS RELATING TO AFGHANISTAN.

(a) REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.—

(1) REPORT REQUIRED.—Subsection (a) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as amended by section 1236 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2535), is further amended by striking ''2011'' and inserting ''2012''.

(2) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of such section is amended by adding at the end the following:

''(8) CONDITIONS NECESSARY FOR ACHIEVEMENT OF PROGRESS.—A discussion of the conditions and criteria that would need to exist in key districts and across Afghanistan to—

''(A) meet United States and coalition goals in Afghanistan and the region;

''(B) permit the transition of lead security responsibility in key districts to the Government of Afghanistan; and

''(C) permit the redeployment of United States Armed Forces and coalition forces from Afghanistan.''.

(3) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d) of such section is amended by adding at the end the following:

''(3) CONDITIONS NECESSARY FOR ACHIEVEMENT OF PROGRESS.—With respect to each performance indicator and measure of progress specified in paragraph (2) (A) through (L), the report shall include a description of the conditions that would need to exist in Afghanistan for the Secretary of Defense to conclude that such indicator or measure of progress has been achieved.''.

(b) UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES.—Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 390) is amended by striking ''2010'' and inserting ''2012''.

SEC. 1216. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act may 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.

SEC. 1217. AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) AUTHORITY.—If a certification described in subsection (b) is made in accordance with such subsection, the Secretary of Defense may utilize not more than $50,000,000 from funds made available to the Department of Defense for operations and maintenance for fiscal year 2011 to support in those areas of Afghanistan specified in the certification the reintegration into Afghan society of those individuals who—

(1) have ceased all support to the insurgency in Afghanistan;

(2) have agreed to live in accordance with the Constitution of Afghanistan;

(3) have renounced violence against the Government of Afghanistan and its international partners; and

(4) do not have material ties to al Qaeda or affiliated transnational terrorist organizations.

(b) CERTIFICATION.—A certification described in this subsection is a certification made by the Secretary of State, in coordination with the Administrator of United States Agency for International Development, to the appropriate congressional committees stating that it is necessary for the Department of Defense to carry out a program of reintegration in areas of Afghanistan that are specified by the Secretary of State in the certification. Such certification shall include—

(1) a statement that such program is necessary to support the goals of the United States in Afghanistan; and

(2) a certification that the Department of State and the United States Agency for International Development are unable to carry out a similar program of reintegration in the areas specified by the Secretary of State because of the security environment of such areas or for other reasons.

(c) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a copy of the guidance issued by the Secretary or the Secretary's designee concerning the allocation of funds utilizing the authority of subsection (a). Such guidance shall include—

(A) mechanisms for coordination with the Government of Afghanistan and other United States Government departments and agencies as appropriate;

(B) mechanisms to track the status of those individuals described in subsection (a); and

(C) metrics to monitor and evaluate the impact of funds used pursuant to subsection (a).

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a copy of the modification not later than 15 days after the date on which such modification is made.

(d) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees a report on activities carried out utilizing the authority of subsection (a).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representative and the Committee on Foreign Relations of the Senate.

(f) EXPIRATION.—The authority to utilize funds under subsection (a) shall expire at the close of December 31, 2011.

SEC. 1218. ONE-YEAR EXTENSION OF PAKISTAN COUNTERINSURGENCY FUND.

Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521) is amended by striking ''September 30, 2010'' both places it appears and inserting ''September 30, 2011''.

SEC. 1219. AUTHORITY TO USE FUNDS TO PROVIDE SUPPORT TO COALITION FORCES SUPPORTING MILITARY AND STABILITY OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—Notwithstanding section 127d(c) of title 10, United States Code, up to $400,000,000 of the funds available to the Department of Defense by section 1509 of this Act may be used to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan.

(b) QUARTERLY REPORTS.—The Secretary of Defense shall submit quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 1220. REQUIREMENT TO PROVIDE UNITED STATES BRIGADE AND EQUIVALENT UNITS DEPLOYED TO AFGHANISTAN WITH THE COMMENSURATE LEVEL OF UNIT AND THEATER-WIDE COMBAT ENABLERS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to provide each United States brigade and equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers to—

(1) implement the United States strategy to disrupt, dismantle, and defeat al Qaeda, the Taliban, and their affiliated networks and eliminate their safe haven;

(2) achieve the military campaign plan;

(3) minimize the level risk to United States, coalition, and Afghan forces; and

(4) reduce the number of military and civilian casualties.

(b) REQUIREMENT.—In order to achieve the policy expressed in subsection (a), the Secretary of Defense shall provide each United States brigade and equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) a description of United States Forces–Afghanistan requests for forces for fiscal years 2008, 2009, and 2010;

(2) a description of the current troop-to-task analysis and resource requirements;

(3) the number of United States brigade and equivalent units deployed to Afghanistan;

(4) the number of United States unit and theater-wide combat enablers deployed to Afghanistan, including at a minimum, a breakdown of—

(A) Intelligence, Surveillance, and Reconnaissance (ISR);

(B) force protection, including force protection at each United States Forward Operating Base (FOB); and

(C) medical evacuation (MEDEVAC); and

(5) an assessment of the risk to United States, coalition, and Afghan forces based on a lack of combat enablers.

(d) COMBAT ENABLERS DEFINED.—In this section, the term ''combat enablers'' includes—

(1) Intelligence, Surveillance, and Reconnaissance (ISR);

(2) force protection, including force protection at each United States Forward Operating Base (FOB);

(3) medical evacuation (MEDEVAC); and

(4) any other combat enablers as determined by the Secretary of Defense.

Subtitle C—Other Matters

SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION CENTER.

Section 1244(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541) is amended—

(1) by striking ''fiscal year 2010'' and inserting ''fiscal year 2011''; and

(2) by striking ''$30,000,000'' and inserting ''$50,000,000''.

SEC. 1232. NATIONAL MILITARY STRATEGIC PLAN TO COUNTER IRAN.

(a) NATIONAL MILITARY STRATEGIC PLAN REQUIRED.—The Secretary of Defense shall develop a strategic plan, to be known as the ''National Military Strategic Plan to Counter Iran''. The strategic plan shall—

(1) outline the Department of Defense's strategic planning and provide strategic guidance for military activities and operations that support the United States policy objective of countering threats posed by Iran;

(2) identify the direct and indirect military contribution to this policy objective, and constitute the comprehensive military plan to counter threats posed by Iran;

(3) undertake a review of the intelligence in the possession of the Department of Defense to develop a list of gaps in intelligence that limit the ability of the Department of Defense to counter threats emanating from Iran that the Secretary considers to be critical;

(4) develop a plan to address those gaps identified in the review under paragraph (3); and

(5) undertake a review of the plans of the Department of Defense to counter threats to the United States, its forces, allies, and interests from Iran, including—

(A) plans for both conflict and peace;

(B) contributions of the Department of Defense to the efforts of other agencies of the United States Government to counter or address the threat emanating from Iran; and

(C) any gaps in the plans, capabilities and authorities of the Department.

(b) PLAN.—In addition to the plan required under subsection (a), the Secretary of Defense shall develop a plan to address those gaps identified in the review required in subsection (a)(5). The plan shall guide the planning and actions of the relevant combatant commands, the military departments, and combat support agencies that the Secretary of Defense determines have a role in countering threats posed by Iran.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the date on which the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report identifying and justifying any resources, capabilities, legislative authorities, or changes to current law the Secretary believes are necessary to carry out the plan required under subsection (b) to address the gaps identified in the strategic plan required in subsection (a).

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

SEC. 1233. REPORT ON DEPARTMENT OF DEFENSE'S PLANS TO REFORM THE EXPORT CONTROL SYSTEM.

(a) REPORT REQUIRED.—Not later than 60 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 Department of Defense's plans to reform the Department's export control system.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a description of the plans of the Department of Defense to implement Presidential Study Directive 8; and

(2) an assessment of the extent to which the plans to reform the export control system will—

(A) impact the Defense Technology Security Administration of the Department of Defense;

(B) affect the role of the Department of Defense with respect to export control policy; and

(C) ensure greater protection and monitoring of key defense items and technologies.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1234. REPORT ON UNITED STATES EFFORTS TO DEFEND AGAINST THREATS POSED BY THE ADVANCED ANTI-ACCESS CAPABILITIES OF POTENTIALLY HOSTILE FOREIGN COUNTRIES.

(a) CONGRESSIONAL FINDING.—Congress finds that the report of the 2010 Department of Defense Quadrennial Defense Review finds that ''Anti-access strategies seek to deny outside countries the ability to project power into a region, thereby allowing aggression or other destabilizing actions to be conducted by the anti-access power. Without dominant capabilities to project power, the integrity of U.S. alliances and security partnerships could be called into question, reducing U.S. security and influence and increasing the possibility of conflict.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in light of the finding in subsection (a), the Secretary of Defense should ensure that the United States has the appropriate authorities, capabilities, and force structure to defend against any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries.

(c) REPORT.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on United States efforts to defend against any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries.

(d) MATTERS TO BE INCLUDED.—The report required under subsection (c) shall include the following:

(1) An assessment of any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries, including an identification of the foreign countries with such capabilities, the nature of such capabilities, and the possible advances in such capabilities over the next 10 years.

(2) A description of any efforts by the Department of Defense since the release of the 2010 Quadrennial Defense Review to address the finding in subsection (a).

(3) A description of the authorities, capabilities, and force structure that the United States may require over the next 10 years to address the finding in subsection (a).

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

(f) MODIFICATION OF OTHER REPORTS.—

(1) CONCERNING THE PEOPLE'S REPUBLIC OF CHINA.—Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note), as most recently amended by section 1246 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2544), is further amended—

(A) by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(B) by inserting after paragraph (9) the following:

''(10) Developments in China's anti-access and area denial capabilities.''.

(2) CONCERNING IRAN.—Section 1245(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542) is amended by adding at the end the following:

''(5) A description and assessment of Iran's anti-access and area denial strategy and capabilities.''.

SEC. 1235. REPORT ON FORCE STRUCTURE CHANGES IN COMPOSITION AND CAPABILITIES AT MILITARY INSTALLATIONS IN EUROPE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report evaluating potential changes in the composition and capabilities of units of the United States Armed Forces at military installations in European member nations of the North Atlantic Treaty Organization—

(1) to satisfy the commitments undertaken by United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(2) to address the current security environment in Europe, including United States participation in theater cooperation activities; and

(3) to contribute to peace and stability in Europe.

(b) MATTERS TO BE CONSIDERED.—As part of the report, the Secretary of Defense shall consider—

(1) the stationing of advisory and assist brigades at military installations in Europe;

(2) the expanded use of Joint Task Forces to train and build mutual capabilities with partner countries; and

(3) the stationing of units of the United States Armed Forces to support missile defense and cyber-security missions.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1236. SENSE OF CONGRESS ON MISSILE DEFENSE AND NEW START TREATY WITH RUSSIAN FEDERATION.

(a) FINDINGS.—Congress finds the following:

(1) The United States and the Russian Federation signed the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly known as the ''New START Treaty'') on April 8, 2010.

(2) The preamble of the New START Treaty states, ''Recognizing the existence of the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties.''.

(3) Officials of the United States have stated that the New START Treaty does not constrain the missile defenses of the United States and according to the New START Treaty U.S. Congressional Briefing Book of April, 2010, released by the Department of State and the Department of Defense, ''The United States will continue to invest in improvements to both strategic and theater missile defenses, both qualitatively and quantitatively, as needed for our security and the security of our allies.''.

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

(1) as stated by officials of the United States, there would be no limitations on any phase of the phased, adaptive approach to missile defense in Europe resulting from ratification of the New START treaty between the United States and Russia, signed on 8 April 2010;

(2) the United States should deploy the phased, adaptive approach for missile defense in Europe to protect the United States, its deployed forces, and NATO allies, after appropriate testing and consistent with NATO policy; and

(3) the ground-based midcourse defense system in Alaska and California should be maintained, evolved, and appropriately tested because it is the only missile defense capability as of the date of the enactment of this Act that would protect the United States from the growing threat of a long-range ballistic missile attack.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2011 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2011 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2011, 2012, and 2013.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $522,512,000 authorized to be appropriated to the Department of Defense for fiscal year 2011 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,732,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $9,614,000.

(4) For nuclear weapons transportation security in Russia, $45,000,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $79,821,000.

(6) For biological threat reduction in the former Soviet Union, $209,034,000.

(7) For chemical weapons destruction, $3,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For Global Nuclear Lockdown, $74,471,000.

(10) For activities designated as Other Assessments/Administrative Costs, $23,040,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2011 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 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2011 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2011 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $160,965,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,273,571,000.

SEC. 1402. STUDY ON WORKING CAPITAL FUND CASH BALANCES.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center with appropriate expertise in revolving fund financial management to carry out a study to determine a sufficient operational level of cash that each revolving fund of the Department of Defense should maintain in order to sustain a single rate or price throughout the fiscal year.

(b) CONTENTS OF STUDY.—In carrying out a study pursuant to a contract entered into under subsection (a), the federally funded research and development center shall—

(1) qualitatively analyze the operational requirements and inherent risks associated with maintaining a specific level of cash within each revolving fund of the Department;

(2) for each such revolving fund, take into consideration any effects on appropriation accounts that have occurred due to changes made in the rates charged by the fund during a fiscal year;

(3) take into consideration direct input from the Secretary of Defense and officials of each of the military departments with leadership responsibility for financial management;

(4) examine the guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, as in effect on the date of the enactment of this Act, including such guidance with respect to programming and budgeting and the annual budget displays provided to Congress;

(5) examine the effects on appropriations accounts that have occurred due to congressional adjustments relating to excess cash balances in revolving funds;

(6) identify best business practices from the private sector relating to sufficient cash balance reserves;

(7) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office; and

(8) address—

(A) instances where the fiscal policy of the Department of Defense directly follows the law, as in effect on the date of the enactment of this Act, and instances where such policy is more restrictive with respect to the fiscal management of revolving funds than such law requires;

(B) instances where current Department fiscal policy restricts the capability of a revolving fund to achieve the most economical and efficient organization and operation of activities;

(C) fiscal policy adjustments required to comply with recommendations provided in the study, including proposed adjustments to—

(i) the Department of Defense Financial Management Regulation;

(ii) published service regulations and instructions; and

(iii) major command fiscal guidance; and

(D) such other matters as determined relevant by the center carrying out the study.

(c) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretary of each of the military departments shall make available to a federally funded research and development center carrying out a study pursuant to a contract entered into under subsection (a) all necessary and relevant information to allow the center to conduct the study in a quantitative and analytical manner.

(d) REPORT.—Any contract entered into under subsection (a) shall provide that not later than nine months after the date on which the Secretary of Defense enters into the contract, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense a final report on the study. The report shall include each of the following:

(1) A description of the revolving fund environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

(2) Recommended fiscal policy adjustments to support the initiatives identified in the study, including adjustments to—

(A) the Department of Defense Financial Management Regulation;

(B) published service regulations and instructions; and

(C) major command fiscal guidance.

(3) Recommendations with respect to any changes to any applicable law that would be appropriate to support the initiatives identified in the study.

(e) SUBMITTAL OF COMMENTS.—Not later than 90 days after the date of the submittal of the report under subsection (d), the Secretary of Defense and the Secretaries of each of the military departments shall submit to the Committees on Armed Services of the Senate and House of Representatives comments on the findings and recommendations contained in the report.

SEC. 1403. MODIFICATION OF CERTAIN WORKING CAPITAL FUND REQUIREMENTS.

Section 2208 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking ''or used'' and inserting ''used, or developed through continuous technology refreshment''; and

(2) in subsection (k)(2), by striking ''$100,000'' and inserting ''$250,000''.

SEC. 1404. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $77,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

SEC. 1405. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2011 for the National Defense Sealift Fund in the amount of $934,866,000.

SEC. 1406. 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 2011 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,467,307,000, of which—

(1) $1,067,364,000 is for Operation and Maintenance;

(2) $392,811,000 is for Research, Development, Test, and Evaluation; and

(3) $7,132,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

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

SEC. 1407. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,131,351,000.

SEC. 1408. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $283,354,000, of which—

(1) $282,354,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1409. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $30,991,952,000, of which—

(1) $29,947,792,000 is for Operation and Maintenance;

(2) $524,239,000 is for Research, Development, Test, and Evaluation; and

(3) $519,921,000 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 2011, the National Defense Stockpile Manager may obligate up to $41,181,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b)(5) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 98d note), as most recently amended by section 1412(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 418), is amended by striking ''$710,000,000'' and inserting ''$730,000,000''.

Subtitle C—Other Matters

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2011 from the Armed Forces Retirement Home Trust Fund the sum of $71,200,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. PLAN FOR FUNDING FUEL INFRASTRUCTURE SUSTAINMENT, RESTORATION, AND MODERNIZATION REQUIREMENTS.

Not later than the date on which the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the fuel infrastructure of the Department of Defense. Such report shall include projections for fuel infrastructure sustainment, restoration, and modernization requirements, and a plan for funding such requirements.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2011 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,373,803,000.

(2) For missile procurement, $343,828,000.

(3) For weapons and tracked combat vehicles procurement, $687,500,000.

(4) For ammunition procurement, $652,491,000.

(5) For other procurement, $5,865,446,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2011 for the Joint Improvised Explosive Device Defeat Fund in the amount of $3,464,368,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.

2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2011, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $843,358,000.

(2) For weapons procurement, Navy, $93,425,000.

(3) For ammunition procurement, Navy and Marine Corps, $565,084,000.

(4) For other procurement, Navy, $480,735,000.

(5) For procurement, Marine Corps, $1,854,243,000.

SEC. 1505. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Air Force in amounts as follows:

(1) For aircraft procurement, $1,096,520,000.

(2) For ammunition procurement, $292,959,000.

(3) For missile procurement, $56,621,000.

(4) For other procurement, $3,087,481,000.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement account for Defense-wide activities in the amount of $1,376,046,000.

SEC. 1507. IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the funds authorized to be appropriated by section 1506 for the procurement account for Defense-wide activities, the Secretary of Defense may provide up to $205,000,000 to the government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats.

SEC. 1508. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $700,000,000.

SEC. 1509. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $3,415,000,000.

SEC. 1510. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $112,734,000.

(2) For the Navy, $60,401,000.

(3) For the Air Force, $266,241,000.

(4) For Defense-wide activities, $657,240,000.

SEC. 1511. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $62,202,618,000.

(2) For the Navy, $8,946,634,000.

(3) For the Marine Corps, $4,136,522,000.

(4) For the Air Force, $13,487,283,000

(5) For Defense-wide activities, $9,426,358,000.

(6) For the Army Reserve, $286,950,000.

(7) For the Navy Reserve, $93,559,000.

(8) For the Marine Corps Reserve, $29,685,000.

(9) For the Air Force Reserve, $129,607,000.

(10) For the Army National Guard, $544,349,000.

(11) For the Air National Guard, $350,823,000.

(12) For the Afghanistan Security Forces Fund, $10,964,983,000.

(13) For the Iraq Security Forces Fund, $2,000,000,000.

(14) For the Overseas Contingency Operations Transfer Fund, $506,781,000.

SEC. 1512. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations for the Afghanistan Security Forces Fund in section 1511(12) shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1513. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

(a) APPLICATION OF EXISTING LIMITATIONS.—Subject to subsection (b), funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 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).

(b) COST-SHARE REQUIREMENT.—

(1) REQUIREMENT.—If funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 are used for the purchase of any item or service for Iraq Security Forces, the funds may not cover more than 80 percent of the cost of the item or service.

(2) EXCEPTION.—Paragraph (1) does not apply to any item that the Secretary of Defense determines—

(A) is an item of significant military equipment (as such term is defined in section 47(9) of the Arms Export Control Act (22 U.S.C. 2794(9))); or

(B) is included on the United States Munitions List, as designated pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1514. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2011 to the Department of Defense for military personnel accounts in the total amount of $15,275,502,000.

SEC. 1515. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $485,384,000.

SEC. 1516. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,398,092,000 for operation and maintenance.

SEC. 1517. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $457,110,000.

SEC. 1518. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $10,529,000.

SEC. 1519. 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. 1520. AVAILABILITY OF FUNDS FOR RAPID FORCE PROTECTION IN AFGHANISTAN.

(a) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by section 1511(5) for operation and maintenance for Defense-wide activities, the Secretary of Defense may obligate up to $200,000,000 during fiscal year 2011 to address urgent force protection requirements facing United States military forces in Afghanistan, as identified by the Commander of United States Forces–Afghanistan.

(b) USE OF RAPID ACQUISITION AUTHORITY.—To carry out this section, the Secretary of Defense shall utilize the rapid acquisition authority available to the Secretary.

(c) USE OF TRANSFER AUTHORITY.—To carry out this section, the Secretary of Defense may utilize the transfer authority provided by section 1522, subject to the limitation in subsection (a)(2) of such section on the total amount of authorizations that may be transferred.

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. 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 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

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

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

TITLE XVI—IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

SEC. 1601. DEFINITION OF DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM AND OTHER DEFINITIONS.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM DEFINED.—In this title, the term ''sexual assault prevention and response program'' refers to Department of Defense policies and programs, including policies and programs of a specific military department or Armed Force, that are intended to reduce the number of sexual assaults involving members of the Armed Forces and improve the response of the department to reports of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both.

(b) OTHER DEFINITIONS.—In this title:

(1) The term ''Armed Forces'' means the Army, Navy, Air Force, and Marine Corps.

(2) The term ''department'' has the meaning given that term in section 101(a)(6) of title 10, United States Code.

(3) The term ''military installation'' has the meaning given that term by the Secretary concerned.

(4) The term ''Secretary concerned'' means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force.

Subtitle A—Immediate Actions to Improve Department of Defense Sexual Assault Prevention and Response Program

SEC. 1611. SPECIFIC BUDGETING FOR DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

Effective with the Program Objective Memorandum to be issued for fiscal year 2012 and thereafter and containing recommended programming and resource allocations for the Department of Defense, the Secretary of Defense shall specifically address the Department of Defense sexual assault prevention and response program to ensure that a separate line of funding is allocated to the program.

SEC. 1612. CONSISTENCY IN TERMINOLOGY, POSITION DESCRIPTIONS, PROGRAM STANDARDS, AND ORGANIZATIONAL STRUCTURES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall require the use of consistent terminology, position descriptions, minimum program standards, and organizational structures throughout the Armed Forces in implementing the Department of Defense sexual assault prevention and response program.

(b) RECOGNIZING OPERATIONAL DIFFERENCES.—In complying with subsection (a), the Secretary of Defense shall take into account the responsibilities of the Secretary concerned and operational needs of the Armed Force involved.

SEC. 1613. GUIDANCE FOR COMMANDERS.

Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall issue guidance to all military unit commanders that implementation of the Department of Defense sexual assault prevention and response program requires their leadership and is their responsibility.

SEC. 1614. COMMANDER CONSULTATION WITH VICTIMS OF SEXUAL ASSAULT.

Before making a decision regarding how to proceed under the Uniform Code of Military Justice in the case of an alleged sexual assault or other offense covered by section 920 of title 10, United States Code (article 120), the commanding officer shall offer to meet with the victim of the offense to determine the opinion of the victim regarding case disposition and provide that information to the convening authority.

SEC. 1615. OVERSIGHT AND EVALUATION.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) issue standards to be used to assess and evaluate the effectiveness of the sexual assault prevention and response program of each Armed Force in reducing the number of sexual assaults involving members of the Armed Forces and in improving the response of the department to reports of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both; and

(2) develop measures to ensure that the Armed Forces comply with those standards.

SEC. 1616. SEXUAL ASSAULT REPORTING HOTLINE.

(a) AVAILABILITY OF HOTLINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a universal hotline to facilitate the reporting of a sexual assault—

(1) by a member of the Armed Forces, whether serving in the United States or overseas, who is a victim of a sexual assault; or

(2) by any other person who is a victim of a sexual assault involving a member of the Armed Forces.

(b) PROMPT RESPONSE.—The Secretary of Defense shall ensure that a Sexual Assault Response Coordinator serving in the locality of the victim promptly responds to the reporting of a sexual assault using the hotline. The Secretary of Defense shall define appropriate localities for purposes of this subsection.

SEC. 1617. REVIEW OF APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM TO RESERVE COMPONENTS.

(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 application of the sexual assault prevention and response program for the reserve components.

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

(1) The ability of members of the reserve components to access the services available under the sexual assault prevention and response program, including policies and programs of a specific military department or Armed Force.

(2) The quality of training provided to Sexual Assault Response Coordinators and Sexual Assault Victim Advocates in the reserve components.

(3) The degree to which the services available for regular and reserve members under the sexual assault prevention and response program are integrated.

(4) Such recommendations as the Secretary of Defense considers appropriate on how to improve the services available for reserve members under the sexual assault prevention and response program and their access to the services.

SEC. 1618. REVIEW OF EFFECTIVENESS OF REVISED UNIFORM CODE OF MILITARY JUSTICE OFFENSES REGARDING RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the effectiveness of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), as amended by section 552 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3256). The Secretary shall use a panel of military justice experts to conduct the review.

(b) SUBMISSION OF RESULTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit the results of the review to the congressional defense committees.

SEC. 1619. TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.—

(1) DEVELOPMENT OF CURRICULA.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall develop curricula to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the military department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault.

(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, and specialized leadership training. Training shall be tailored for specific leadership levels and local area requirements.

(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

(c) INCLUSION IN FIRST RESPONDER TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators, healthcare personnel, judge advocates, and chaplains.

SEC. 1620. USE OF SEXUAL ASSAULT FORENSIC MEDICAL EXAMINERS.

Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall provide for the use of forensic medical examiners within the Department of Defense who are specially trained regarding the collection and preservation of evidence in cases involving sexual assault.

SEC. 1621. SEXUAL ASSAULT ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a Sexual Assault Advisory Board, to be modeled after other Defense advisory boards, such as the Defense Business Board, the Defense Policy Board, or the Defense Science Board.

(b) PURPOSE.—The purpose of the Sexual Assault Advisory Board is—

(1) to advise the Secretary of Defense on the overall Department of Defense sexual assault prevention and response program and its comprehensive prevention strategy and on the effectiveness of the sexual assault prevention and response program of each Armed Force; and

(2) to make recommendations regarding changes and improvements to the sexual assault prevention and response program.

(c) RELATION TO SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.—The Sexual Assault Advisory Board is not intended to replace the organic capabilities that must reside in the Sexual Assault Prevention and Response Office, but to ensure that best practices from both the civilian and military community perspective are incorporated into the design, development, and performance of the sexual assault prevention and response program

(d) ORGANIZATION AND MEMBERSHIP.—The Sexual Assault Advisory Board shall be chaired by the Undersecretary of Defense for Personnel and Readiness. The Sexual Assault Advisory Board shall include experts on criminal law and sexual assault prevention, response, and training who are not members of the Armed Forces or civilian employees of the Department of Defense and include representatives from other Federal agencies.

(e) FREQUENCY OF MEETINGS.—The Sexual Assault Advisory Board shall meet not less frequently than biannually.

SEC. 1622. DEPARTMENT OF DEFENSE SEXUAL ASSAULT ADVISORY COUNCIL.

(a) REORGANIZATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall reorganize the Sexual Assault Advisory Council and limit membership on the Sexual Assault Advisory Council to Department of Defense personnel.

(b) PURPOSE.—The purpose of the Sexual Assault Advisory Council is—

(1) to oversee the Department's overall sexual assault prevention and response Program and its comprehensive prevention strategy;

(2) to ensure accountability of the sexual assault prevention and response program of each Armed Force;

(3) to make recommendations regarding changes and improvements to the sexual assault prevention and response program; and

(4) to identify cross-cutting issues and solutions in the area of sexual assault.

(c) ORGANIZATION AND MEMBERSHIP.—The Sexual Assault Advisory Council shall be chaired by the Deputy Secretary of Defense or the designee of the Deputy Secretary. Members shall include, at a minimum, the following:

(1) Principals or deputies from every office within the Office of the Secretary of Defense with responsibilities involving the sexual assault prevention and response program.

(2) The Assistant Secretary of each of the military departments with responsibility for the sexual assault prevention and response program.

(3) The Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, the Vice Chief of Staff of the Air Force, and the Assistant Commandant of the Marine Corps.

(4) A general or flag officer from the staff of each officer specified in paragraph (3) who has responsibility for the sexual assault prevention and response program.

(5) A general officer from the National Guard Bureau.

(d) FREQUENCY OF MEETINGS.—The Sexual Assault Advisory Council shall meet not less frequently than once each calendar-year quarter.

(e) SERVICE-LEVEL SEXUAL ASSAULT ADVISORY COUNCILS.—The Secretary of a military department shall establish a sexual assault advisory council, comparable to the Sexual Assault Advisory Council required by subsection (a), for each Armed Force under the jurisdiction of the Secretary.

SEC. 1623. SERVICE-LEVEL SEXUAL ASSAULT REVIEW BOARDS.

(a) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of a military department shall establish for each military installation or operational command under the jurisdiction of the Secretary a multi-disciplinary group to serve as a sexual assault review board.

(b) MEMBERSHIP.—The chair of a sexual assault review board shall be the senior commander, senior deputy commander, or chief of staff. Other members should include the Sexual Assault Response Coordinator, command legal representative or staff judge advocate, command chaplain, and representation of senior commanders or supervisors from the Military Criminal Investigative Organizations, military law enforcement, medical, alcohol and substance abuse office, and the safety office.

(c) RESPONSIBILITIES.—A sexual assault review board shall be responsible for, at a minimum, addressing safety issues, developing prevention strategies, analyzing response processes, community impact and overall trends, and identifying training issues. These functions should be flexible to accommodate the resources available at different installations and operational commands.

(d) FREQUENCY OF MEETINGS.—A sexual assault review board shall meet not less frequently than once each calendar-year quarter.

SEC. 1624. RENEWED EMPHASIS ON ACQUISITION OF CENTRALIZED DEPARTMENT OF DEFENSE SEXUAL ASSAULT DATABASE.

(a) NEW DEADLINE FOR ACQUISITION.—Notwithstanding subsection (c) of section 563 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4470), the Secretary of Defense shall complete implementation of the centralized sexual assault database required by subsection (a) of such section not later than September 30, 2011.

(b) ACQUISITION PROCESS.—To meet the deadline imposed by subsection (a), acquisition best practices associated with successfully acquiring and deploying information technology systems related to the database, such as economically justifying the proposed system solution and effectively developing and managing requirements, shall be completed as soon as possible.

Subtitle B—Sexual Assault Prevention Strategy and Annual Reporting Requirement

SEC. 1631. COMPREHENSIVE DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION STRATEGY.

(a) STRATEGY 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 comprehensive strategy to reduce the number of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both. All activities and programs of a specific military department or Armed Force related to preventing sexual assault must align with and support the overall comprehensive strategy.

(b) COORDINATION WITH OTHER REQUIREMENTS.—In developing the comprehensive strategy under subsection (a), the Secretary of Defense shall incorporate and build upon—

(1) the new requirements imposed by this subtitle;

(2) the policies and procedure developed under section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note); and

(3) the prevention and response plan developed under section 567(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2313).

(c) IMPLEMENTATION OF STRATEGY.—Not later than six months after the submission of the comprehensive strategy prepared under subsection (a), the Secretary of Defense shall complete implementation of the comprehensive strategy throughout the Department of Defense.

(d) SEXUAL ASSAULT PREVENTION EVALUATION PLAN.—

(1) PLAN REQUIRED.—The Secretary of Defense shall develop and implement an evaluation plan for assessing the effectiveness of the comprehensive strategy prepared under subsection (a) its intended outcomes at the Department of Defense and individual Armed Force levels.

(2) COMMANDER ROLE.—As a component of the evaluation plan, the commander of each military installation and the commander of each unified or specified combatant command shall assess the adequacy of measures undertaken at facilities under the authority of the commander to ensure the safest and most secure living and working environments with regard to preventing sexual assault.

(3) SUBMISSION OF RESULTS.—The results of assessments conducted under the evaluation plan shall be included in the annual report required by section 1632, beginning with the report required to be submitted in calendar year 2012.

SEC. 1632. ANNUAL REPORT ON SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES AND SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) ANNUAL REPORT ON SEXUAL ASSAULTS.—Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

(b) CONTENTS.—The report of a Secretary of a military department on an Armed Force under subsection (a) shall contain the following:

(1) The number of sexual assaults committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were founded.

(2) The number of sexual assaults committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were founded. The information required by this paragraph shall not be combined with the information required by paragraph (1).

(3) A synopsis of each such founded case, organized by offense, and, for each such case, the disciplinary action taken in the case, including the type of disciplinary or administrative sanction imposed, if any.

(4) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by the report in response to incidents of sexual assault involving members of the Armed Force concerned.

(5) The number of founded sexual assault cases in which the victim is a deployed member of the Armed Forces and the assailant is a foreign national, and the policies, procedures, and processes implemented by the Secretary concerned to monitor the investigative process and disposition of such cases and to eliminate any gaps in investigating and adjudicating such cases.

(6) A description of the implementation during the year covered by the report of the tracking system implemented pursuant to section 596(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 113 note), including information collected on cases during that year in which care to a victim of rape or sexual assault was hindered by the lack of availability of a rape kit or other needed supplies or by the lack of timely access to appropriate laboratory testing resources.

(7) A description of the implementation during the year covered by the report of the accessibility plan implemented pursuant to section 596(b) of such Act, including a description of the steps taken during that year to provide that trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

(8) A description of the required supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources needed, and in fact in place, in order to be able to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

(9) A plan for the actions that are to be taken in the year following the year covered by such report on reducing the number of sexual assaults involving members of the Armed Forces concerned and improving the response to sexual assaults involving members of the Armed Forces concerned.

(10) The results of the most recent biennial gender-relations survey of an adequate sample of members to evaluate and improve the sexual assault prevention and response program.

(c) VERIFICATION.—The Office of the Judge Advocate General of an Armed Force (or, in the case of the Marine Corps, the Office of the Staff Judge Advocate to the Commandant of the Marine Corps) shall verify the accuracy of the information required by paragraphs (1), (2), (3), and (5) of subsection (b), including courts-martial data.

(d) CONSISTENT DEFINITION OF FOUNDED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish a consistent definition of ''founded'' for purposes of paragraphs (1), (2), (3), and (5) of subsection (b) and require that military criminal investigative organizations only provide synopses for those cases for the preparation of reports under this section.

(e) ASSESSMENT COMPONENT.—Each report under subsection (a) shall include an assessment

by the Secretary concerned of the implementation during the preceding fiscal year of the sexual assault prevention and response program in order to determine the effectiveness of the program during such fiscal year in providing an appropriate response to sexual assaults involving members of the Armed Forces.

(f) SUBMISSION TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report prepared under subsection (a), together with the comments of the Secretary of Defense on the report. The Secretary of Defense shall submit each such report not later than March 15 of the year following the year covered by the report.

(g) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) is amended by striking subsection (f).

Subtitle C—Amendments to Title 10

SEC. 1641. SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

(a) APPOINTMENT OF DIRECTOR; DUTIES.—Chapter 4 of title 10, United States Code, as amended by section 902, is amended by inserting after section 139 the following new section:

''§ 139a. Director of Sexual Assault Prevention and Response Office

''(a) APPOINTMENT.—There is a Director of the Sexual Assault Prevention and Response Office who shall be a general or flag officer or an employee of the Department of Defense in a comparable Senior Executive Service position.

''(b) DUTIES.—The Director of the Sexual Assault Prevention and Response Office serves as the single point of authority, accountability, and oversight for the Department of Defense sexual assault prevention and response program and provides oversight to ensure that the military departments comply with the program.

''(c) ROLE OF INSPECTORS GENERAL.—The Inspector General of the Department of Defense, the Inspector General of the Army, the Naval Inspector General, and the Inspector General of the Air Force shall include sexual assault prevention and response programs within the scope of their assessments. The Inspector General teams shall include at least one member with expertise and knowledge of sexual assault prevention and response policies related to a specific armed force.

''(d) DEFINITIONS.—In this section:

''(1) The term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.

''(2) The term 'sexual assault prevention and response program' refers to Department of Defense policies and programs, including policies and programs of a specific military department or the that are intended to reduce the number of sexual assaults involving members of the armed forces and improve the response of the department to reports of sexual assaults involving members of the armed forces, whether members of the armed forces are the victim, alleged assailant, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139 the following new item:

''139a. Director of Sexual Assault Prevention and Response Office.''.

SEC. 1642. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) ASSIGNMENT AND TRAINING.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates

''(a) ASSIGNMENT OF COORDINATORS.—(1) At least one full-time Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent or higher unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. The additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the Secretary.

''(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator. After that date, contractor employees may serve as a Sexual Assault Response Coordinator only on a temporary basis, as determined by the Secretary of Defense.

''(b) ASSIGNMENT OF VICTIM ADVOCATES.—(1) At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent or higher unit level of the armed forces. The Secretary of the military department concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. The additional Victim Advocates may serve on a full-time or part-time basis at the discretion of the Secretary.

''(2) Only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Victim Advocate. Contractor employees may serve as a Victim Advocate only on a temporary basis, as determined by the Secretary of Defense.

''(c) DEPLOYABLE COORDINATORS AND VICTIM ADVOCATES.—(1) The Secretary of a military department shall assign members of the armed forces under the jurisdiction of the Secretary to serve as a deployable Sexual Assault Response Coordinator or Sexual Assault Victim Advocate when a Sexual Assault Response Coordinator assigned to a unit under subsection (a) or a Sexual Assault Victim Advocate assigned to a unit under subsection (b) is not deployed with the unit.

''(2) A deployable Sexual Assault Response Coordinator or deployable Sexual Assault Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

''(d) TRAINING AND CERTIFICATION.—(1) As part of the sexual assault prevention and response program, the Secretary of Defense shall establish a professional and uniform training and certification program for Sexual Assault Response Coordinators assigned under subsection (a) and Sexual Assault Victim Advocates assigned under subsection (b). The program shall be structured and administered in a manner similar to the professional training available for Equal Opportunity Advisors through the Defense Equal Opportunity Management Institute.

''(2) Effective beginning one year after the date of the enactment of this section, before a member or civilian employee may be assigned to duty as a Sexual Assault Response Coordinator under subsection (a), the member or employee must have completed the training program required by paragraph (1) and obtained the certification.

''(3) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) may obtain certification under the training program required by paragraph (1). At a minimum, the Sexual Assault Response Coordinator to whom a Victim Advocate reports shall train the Victim Advocate using the same training materials used to train the Sexual Assault Response Coordinator under the program.

''(4) Deployable Sexual Assault Response Coordinators and deployable Sexual Assault Victim Advocates shall receive training from a designated Sexual Assault Response Coordinator or Sexual Assault Victim Advocate on their specific roles and responsibilities before assuming such responsibilities.

''(e) ACCESS TO COMMANDERS AND UNITS.—(1) The Secretaries of the military departments shall ensure that a Sexual Assault Response Coordinator, including a deployable Sexual Assault Response Coordinator assigned under subsection (c), has direct access to senior commanders and any other commander within the unit or geographical area of responsibility of the Sexual Assault Response Coordinator.

''(2) A Sexual Assault Response Coordinator may work with supporting medical staff, mental health staff, and chaplains to offer unit counseling options for commanders of units in which a sexual assault involving a member of the armed forces occurs.

''(f) SEXUAL ASSAULT RESPONSE TEAMS RESPONSIBLE FOR OVERSEEING UNRESTRICTED REPORTED CASES.—

''(1) RESPONSE TEAM PROTOCOL.—Not later than one year after the date of the enactment of this section, the Secretary of Defense shall develop and implement a protocol for the establishment and use of sexual assault response teams throughout the Department of Defense.

''(2) EMERGENCY RESPONSE.—A sexual assault response team shall be led by a Sexual Assault Response Coordinator and convene as soon as practicable after a reported sexual assault involving a member of the armed forces.

''(3) OTHER ELEMENTS.—At a minimum, the protocol for sexual assault response teams shall also provide for—

''(A) in addition to meetings required by paragraph (2), monthly meetings to review individual cases, facilitate timely victim updates, and ensure system coordination, accountability (to include tracking case adjudication), and victim access to quality services; and

''(B) depending on the resources available at different locations, membership drawn from the relevant military criminal investigator, medical personnel, chaplain, trial counsel, and Sexual Assault Victim Advocate.

''(4) COMMAND INVOLVEMENT.—Within the first three months of assuming a command, the commander shall attend a meeting of their command's sexual assault response team occurring after the commander's assumption of command. The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module as part of commanders pre-command courses.

''(g) PROHIBITION ON USE OF INSPECTOR GENERAL PERSONNEL.—Personnel of the Inspector General of the Department of Defense, the Inspector General of the Army, the Naval Inspector General, and the Inspector General of the Air Force may not perform Sexual Assault Response Coordinator duties.

''(h) DEFINITIONS.—In this section:

''(1) The term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.

''(2) The term 'sexual assault prevention and response program' refers to Department of Defense policies and programs, including policies and programs of a specific military department or the that are intended to reduce the number of sexual assaults involving members of the armed forces and improve the response of the department to reports of sexual assaults involving members of the armed forces, whether members of the armed forces are the victim, alleged assailant, or both.''.

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

''1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates.''.

SEC. 1643. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL COUNSEL AND VICTIM ADVOCATE SERVICES.

(a) ACCESS.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044d the following new section:

''§ 1044e. Access to legal assistance and Victim Advocate services for victims of sexual assault

''(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—

''(1) MEMBERS.—A member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault is entitled to—

''(A) legal assistance provided by a military legal assistance counsel certified as competent to provide such duties pursuant to section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice); and

''(B) assistance provided by a qualified Sexual Assault Victim Advocate.

''(2) DEPENDENTS.—To the extent practicable, the Secretary of a military department shall make the assistance described in paragraph (1) available to dependent of a member of the armed forces who is the victim of a sexual assault and resides on or in the vicinity of a military installation. The Secretary concerned shall define the term 'vicinity' for purposes of this paragraph.

''(3) NOTICE OF AVAILABILITY OF ASSISTANCE; OPT OUT.—The member or dependent shall be informed of the availability of assistance under this subsection as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator or any other responsible member of the armed forces or Department of Defense civilian employee. The victim shall also be informed that the legal assistance and services of a Sexual Assault Response Coordinator and Sexual Assault Victim Advocate are optional and these services may be declined, in whole or in part, at any time.

''(4) NATURE OF REPORTING IMMATERIAL.—In the case of a member of the armed forces, access to legal assistance and Victim Advocate services is available regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to establish an attorney-client relationship.

''(b) RESTRICTED REPORTING OPTION.—

''(1) AVAILABILITY OF RESTRICTED REPORTING.—A member of the armed forces who is the victim of a sexual assault may confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance, or counseling, without triggering an official investigation of the allegations.

''(2) PERSONS COVERED BY RESTRICTED REPORTING.—Individuals covered by paragraph (1) are the following:

''(A) Military legal assistance counsel.

''(B) Sexual Assault Response Coordinator.

''(C) Sexual Assault Victim Advocate.

''(D) Healthcare personnel.

''(E) Chaplain.

''(3) IMPORTANCE OF CONTACTING SEXUAL ASSAULT RESPONSE COORDINATOR.—The Secretary of Defense shall ensure that all sexual assault prevention and response training emphasizes the importance of immediately contacting a Sexual Assault Response Coordinator after a sexual assault to ensure that the victim preserves the restricted reporting option and receives guidance on available services and victim care. A member's responsibility to report a sexual assault is satisfied by informing the Sexual Assault Response Coordinator, in addition to or in lieu of informing the member's commander or military law enforcement.

''(c) CLARIFICATION OF VICTIM OPTION TO PARTICIPATE IN INVESTIGATION.—The Secretary of Defense shall implement a Sexual Assault Response Coordinator-led process by which a member or dependent referred to in subsection (a) may decline to participate in the investigation of the sexual assault. The member or dependent, after consultation with a Sexual Assault Victim Advocate or Sexual Assault Response Coordinator, or both, may complete a form indicating a preference not to participate further in the investigative process.

''(d) DEFINITIONS.—In this section:

''(1) The term 'sexual assault' includes any of the offenses covered by section 920 of this title (article 120).

''(2) The term 'military legal assistance counsel' means—

''(A) a judge advocate (as defined in section 801(13) of this title (article 1(13) of the Uniform Code of Military Justice)); or

''(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044d the following new item:

''1044e. Access to legal assistance and Victim Advocate services for victims of sexual assault.''.

(c) CONFORMING AMENDMENT REGARDING PROVISION OF LEGAL COUNSEL.—Section 1044(d)(3)(B) of such title is amended by striking ''sections 1044a, 1044b, 1044c, and 1044d'' and inserting ''sections 1044a through 1044e''.

SEC. 1644. NOTIFICATION OF COMMAND OF OUTCOME OF COURT-MARTIAL INVOLVING CHARGES OF SEXUAL ASSAULT.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a) ANNOUNCEMENT TO PARTIES.—'' before ''A court-martial''; and

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

''(b) DISSEMINATION OF RESULTS TO COMMAND IN CERTAIN CASES.—In the case of an alleged sexual assault or other offense covered by section 920 of this title (article 120), the trial counsel shall notify the servicing staff judge advocate at the military installation, who shall notify the convening authority and commanders, as appropriate. In consultation with the servicing staff judge advocate, the commanding officer shall notify members of the command of the outcome of the case.''.

SEC. 1645. COPY OF RECORD OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT INVOLVING A MEMBER OF THE ARMED FORCES.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(e) In the case of a general or special court-martial involving a sexual assault or other offense covered by section 920 of this title (article 120), a copy of the prepared record of the proceedings of the court-martial shall be given to the victim of the offence if the victim testified during the proceedings. The record of the proceedings shall be provided without charge and as soon as the record is authenticated. The victim shall be notified of the opportunity to receive the record of the proceedings.''.

SEC. 1646. MEDICAL CARE FOR VICTIMS OF SEXUAL ASSAULT.

(a) MEDICAL CARE AND RECORDS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074l the following new section:

''§ 1074m. Medical care for members who are victims of sexual assault

''(a) MEDICAL CARE.—(1) The Secretary of Defense shall establish protocols for providing medical care to a member of the armed forces who is a victim of a sexual assault, including protocols with respect to the appropriate screening, prevention, and mitigation of diseases.

''(2) In establishing the protocols under paragraph (1), the Secretary shall take into consideration the sex of the member of the armed forces.

''(b) MEDICAL RECORDS.—The Secretary shall ensure that—

''(1) an accurate and complete medical record is made for each member of the armed forces who is a victim of a sexual assault with respect to the physical and mental condition of the member resulting from the assault; and

''(2) such record complies with the requirement for confidentiality in making a restricted report under section 1044e(b) of this title.

''(c) RESTRICTED REPORTING.—Nothing in this section shall be construed as affecting the right of a member of the armed forces to make a restricted report under section 1044e(b) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074l the following new item:

''1074m. Medical care for members who are victims of sexual assault.''.

SEC. 1647. PRIVILEGE AGAINST DISCLOSURE OF CERTAIN COMMUNICATIONS WITH SEXUAL ASSAULT VICTIM ADVOCATES.

(a) PRIVILEGE ESTABLISHED.—

(1) IN GENERAL.—Chapter 53 of title 10, United States Code is amended by inserting after section 1034a the following new section:

''§ 1034b. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates

''A confidential communication between the victim of a sexual assault or other offense covered by section 920 of this title (article 120 of the Uniform Code of Military Justice) and a Sexual Assault Victim Advocate assigned under section 1568 of this title, including a deployable Sexual Assault Victim Advocate, shall be treated in the same manner as a confidential communication between a patient and a psychiatrist for purposes of any privilege which may attach to such a communication.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1034a the following new item:

''1034b. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates.''.

(b) APPLICABILITY.—Section 1034b of title 10, United States Code, as added by subsection (a), applies to communications described in such section whether made before, on, or after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 1661. RECRUITER SELECTION AND OVERSIGHT.

(a) SCREENING, TRAINING, AND OVERSIGHT OF RECRUITERS.—The Secretaries of the military departments shall ensure effective recruiter selection and oversight with regard to sexual assault prevention and response by ensuring that—

(1) recruiters are screened and trained under the sexual assault prevention and response program;

(2) sexual assault prevention and response program information is disseminated to recruiters and potential recruits for the Armed Forces; and

(3) oversight is in place to preclude the potential for sexual misconduct by recruiters.

(b) IMPROVED AWARENESS OF RECRUITS.—Commanders of recruiting organizations and Military Entrance Processing Stations shall ensure that sexual assault prevention and response awareness campaign materials are available and posted in locations visible to potential and actual recruits for the Armed Forces.

SEC. 1662. AVAILABILITY OF SERVICES UNDER SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM FOR DEPENDENTS OF MEMBERS, MILITARY RETIREES, DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES, AND DEFENSE CONTRACTOR EMPLOYEES.

(a) NOTIFICATION OF EXTENT OF CURRENT SERVICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise materials made available under the sexual assault prevention and response program to include information on the extent to which dependents of members of the Armed Forces, retired members, Department of Defense civilian employees, and employees of defense contractors are eligible for sexual assault prevention and response services under the sexual assault prevention and response program.

(b) 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

feasibility of extending all sexual assault prevention and response services available for a member of the Armed Forces who is the victim of a sexual assault to persons referred to in subsection (a).

SEC. 1663. APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM IN TRAINING ENVIRONMENTS.

The Secretaries of the military departments shall ensure that a member of the Armed Forces who is a victim of a sexual assault in a training environment is provided, to the maximum extent possible, with confidential access to victim support services and afforded time for recovery. The member should not be required to repeat training unless the time needed for support services and recovery significantly interferes with the progress of the member's training.

SEC. 1664. APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM IN REMOTE ENVIRONMENTS AND JOINT BASING SITUATIONS.

(a) REMOTE AND DEPLOYED ENVIRONMENTS.—The Secretary of Defense and the combatant commanders shall ensure that the sexual assault prevention and response program continues to operate even in remote environments in which members of the Armed Forces are deployed, including coalition operations.

(b) JOINT BASING.—The Secretary of Defense shall monitor the implementation of the sexual assault prevention and response program and military justice and jurisdiction issues at joint basing locations. Elements of the Armed Forces sharing a joint base location shall closely collaborate on sexual assault prevention and response issues to ensure consistency in approach and messages at the joint base location.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2011''.

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, 2013; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.

(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, 2013; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2014 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2010; or

(2) the date of the enactment of this Act.

SEC. 2004. GENERAL REDUCTION ACROSS DIVISION.

(a) REDUCTION.—Of the amounts provided in the authorizations of appropriations in this division, the overall authorization of appropriations in this division is reduced by $441,096,000.

(b) REPORT ON APPLICATION.—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 describing how the reduction required by subsection (a) is applied.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—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 subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AK	Fort Wainwright	Urban Assault Course	3,350	3,350
AK	Fort Richardson	Multipurpose Machine Gun Range	12,200	12,200
AK	Fort Greely	Fire Station	26,000	26,000
AK	Fort Wainwright	Aviation Task Force Complex, Ph 2B (Company Ops Facility)	27,000	27,000
AK	Fort Richardson	Simulations Center	34,000	34,000
AK	Fort Richardson	Brigade Complex, Ph 1	67,038	67,038
AK	Fort Wainwright	Aviation Task Force Complex, Ph 2A (Hangar)	142,650	142,650
AL	Fort Rucker	Training Aids Center	4,650	4,650
AL	Fort Rucker	Aviation Component Maintenance Shop	29,000	29,000
AL	Fort Rucker	Aviation Maintenance Facility	36,000	36,000
CA	Presidio Monterey	Satellite Communications Facility	38,000	38,000
CA	Presidio Monterey	General Instruction Building	39,000	39,000
CA	Presidio Monterey	Advanced Individual Training Barracks	63,000	63,000
CO	Fort Carson	Automated Sniper Field Fire Range	3,650	3,650
CO	Fort Carson	Battalion Headquarters	6,700	6,700
CO	Fort Carson	Simulations Center	40,000	40,000
CO	Fort Carson	Brigade Complex	56,000	56,000
FL	Eglin AB	Chapel	6,900	6,900
FL	US Army Garrison Miami	Commissary	19,000	19,000
FL	Miami-Dade County	Command & Control Facility	41,000	41,000
GA	Fort Stewart	Modified Record Fire Range	3,750	3,750
GA	Fort Gordon	Training Aids Center	4,150	4,150
GA	Fort Stewart	Automated Infantry Platoon Battle Course	6,200	6,200
GA	Fort Stewart	Training Aids Center	7,000	7,000
GA	Fort Stewart	General Instruction Building	8,200	8,200
GA	Fort Stewart	Automated Multipurpose Machine Gun Range	9,100	9,100
GA	Fort Benning	Land Acquisition	12,200	12,200
GA	Fort Benning	Training Battalion Complex, Ph 2	14,600	14,600
GA	Fort Benning	Training Battalion Complex, Ph 2	14,600	14,600
GA	Fort Stewart	Battalion Complex	18,000	18,000
GA	Fort Stewart	Simulations Center	26,000	26,000
GA	Fort Benning	Museum Operations Support Building	32,000	32,000
GA	Fort Stewart	Aviation Unit Operations Complex	47,000	47,000
GA	Fort Benning	Trainee Barracks, Ph 2	51,000	51,000
GA	Fort Benning	Vehicle Maintenance Shop	53,000	53,000
HI	Fort Shafter	Flood Mitigation	23,000	23,000
HI	Schofield Barracks	Training Aids Center	24,000	24,000
HI	Tripler Army Medical Center	Barracks	28,000	28,000
HI	Fort Shafter	Command & Control Facility, Ph 1	58,000	58,000
HI	Schofield Barracks	Barracks	90,000	90,000
HI	Schofield Barracks	Barracks	98,000	98,000
KS	Fort Riley	Automated Infantry Squad Battle Course	4,100	4,100
KS	Fort Leavenworth	Vehicle Maintenance Shop	7,100	7,100
KS	Fort Riley	Known Distance Range	7,200	7,200

Army: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
KS	Fort Riley	Automated Qualification/Training Range	14,800	14,800
KS	Fort Riley	Battalion Complex, Ph 1	31,000	31,000
KY	Fort Campbell	Automated Sniper Field Fire Range	1,500	1,500
KY	Fort Campbell	Urban Assault Course	3,300	3,300
KY	Fort Campbell	Rappelling Training Area	5,600	5,600
KY	Fort Knox	Access Corridor Improvements	6,000	6,000
KY	Fort Knox	Military Operation Urban Terrain Collective Training Facility	12,800	12,800
KY	Fort Campbell	Vehicle Maintenance Shop	15,500	15,500
KY	Fort Campbell	Company Operations Facilities	25,000	25,000
KY	Fort Campbell	Unit Operations Facilities	26,000	26,000
KY	Fort Campbell	Brigade Complex	67,000	67,000
LA	Fort Polk	Heavy Sniper Range	4,250	4,250
LA	Fort Polk	Land Acquisition	6,000	6,000
LA	Fort Polk	Land Acquisition	24,000	24,000
LA	Fort Polk	Barracks	29,000	29,000
MD	Fort Meade	Indoor Firing Range	7,600	7,600
MD	Aberdeen Proving Ground	Auto Tech Evaluate Facility, Ph 2	14,600	14,600
MD	Fort Meade	Wideband SATCOM Operations Center	25,000	25,000
MO	Fort Leonard Wood	General Instruction Building	7,000	7,000
MO	Fort Leonard Wood	Brigade Headquarters	12,200	12,200
MO	Fort Leonard Wood	Information Systems Facility	15,500	15,500
MO	Fort Leonard Wood	Training Barracks	19,000	19,000
MO	Fort Leonard Wood	Barracks	29,000	29,000
MO	Fort Leonard Wood	Transient Advanced Trainee Barracks, Ph 2	29,000	29,000
NC	Fort Bragg	Vehicle Maintenance Shop	7,500	7,500
NC	Fort Bragg	Dining Facility	11,200	11,200
NC	Fort Bragg	Company Operations Facilities	12,600	12,600
NC	Fort Bragg	Staging Area Complex	14,600	14,600
NC	Fort Bragg	Murchison Road Right of Way Acquisition	17,000	17,000
NC	Fort Bragg	Student Barracks	18,000	18,000
NC	Fort Bragg	Brigade Complex	25,000	25,000
NC	Fort Bragg	Vehicle Maintenance Shop	28,000	28,000
NC	Fort Bragg	Battalion Complex	33,000	33,000
NC	Fort Bragg	Brigade Complex	41,000	41,000
NC	Fort Bragg	Brigade Complex	50,000	50,000
NC	Fort Bragg	Command and Control Facility	53,000	53,000
NM	White Sands	Barracks	29,000	29,000
NY	U.S. Military Academy	Urban Assault Course	1,700	1,700
NY	Fort Drum	Alert Holding Area Facility	6,700	6,700
NY	Fort Drum	Infantry Squad Battle Course	8,200	8,200
NY	Fort Drum	Aircraft Fuel Storage Complex	14,600	14,600
NY	Fort Drum	Aircraft Maintenance Hangar	16,500	16,500
NY	Fort Drum	Training Aids Center	18,500	18,500
NY	Fort Drum	Brigade Complex, Ph 1	55,000	55,000
NY	Fort Drum	Transient Training Barracks	55,000	55,000
NY	Fort Drum	Battalion Complex	61,000	61,000
NY	U.S. Military Academy	Science Facility, Ph 2	130,624	130,624
OK	McAlester	Igloo Storage, Depot Level	3,000	3,000
OK	Fort Sill	Museum Operations Support Building	12,800	12,800
OK	Fort Sill	General Purpose Storage Building	13,800	13,800
SC	Fort Jackson	Training Aids Center	17,000	17,000
SC	Fort Jackson	Trainee Barracks	28,000	28,000
SC	Fort Jackson	Trainee Barracks Complex, Ph 1	46,000	46,000
TX	Fort Bliss	Light Demolition Range	2,100	2,100
TX	Fort Hood	Live Fire Exercise Shoothouse	2,100	2,100
TX	Fort Hood	Urban Assault Course	2,450	2,450
TX	Fort Bliss	Urban Assault Course	2,800	2,800
TX	Fort Bliss	Squad Defense Range	3,000	3,000
TX	Fort Bliss	Live Fire Exercise Shoothouse	3,150	3,150
TX	Fort Hood	Convoy Live Fire	3,200	3,200
TX	Fort Bliss	Heavy Sniper Range	3,500	3,500
TX	Fort Hood	Company Operations Facilities	4,300	4,300
TX	Fort Sam Houston	Training Aids Center	6,200	6,200
TX	Fort Bliss	Automated Multipurpose Machine Gun Range	6,700	6,700
TX	Fort Bliss	Vehicle Bridge Overpass	8,700	8,700
TX	Corpus Christi NAS	Rotor Blade Processing Facility, Ph 2	13,400	13,400
TX	Fort Bliss	Indoor Swimming Pool	15,500	15,500
TX	Fort Bliss	Scout/Reconnaissance Crew Engagement Gunnery Complex	15,500	15,500
TX	Fort Sam Houston	Simulations Center	16,000	16,000
TX	Fort Bliss	Theater High Altitude Area Defense Battery Complex	17,500	17,500
TX	Fort Bliss	Company Operations Facilities	18,500	18,500
TX	Fort Bliss	Digital Multipurpose Training Range	22,000	22,000
TX	Fort Bliss	Transient Training Complex	31,000	31,000
TX	Fort Hood	Brigade Complex	38,000	38,000
TX	Fort Hood	Battalion Complex	40,000	40,000
TX	Fort Hood	Unmanned Aerial System Hangar	55,000	55,000
VA	Fort A.P. Hill	Known Distance Range	3,800	3,800
VA	Fort A.P. Hill	Light Demolition Range	4,100	4,100
VA	Fort Lee	Company Operations Facility	4,900	4,900
VA	Fort Lee	Training Aids Center	5,800	5,800
VA	Fort A.P. Hill	Indoor Firing Range	6,200	6,200

Army: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
VA	Fort Lee	Automated Qualification Training Range	7,700	7,700
VA	Fort A.P. Hill	1200 Meter Range	14,500	14,500
VA	Fort Eustis	Warrior in Transition Complex	18,000	18,000
VA	Fort Lee	Museum Operations Support Building	30,000	30,000
VA	Fort A.P. Hill	Military Operation Urban Terrain Collective Training Facility	65,000	65,000
WA	Yakima	Sniper Field Fire Range	3,750	3,750
WA	Fort Lewis	Rappelling Training Area	5,300	5,300
WA	Fort Lewis	Regional Logistic Support Complex Warehouse	16,500	16,500
WA	Fort Lewis	Barracks Complex	40,000	40,000
WA	Fort Lewis	Barracks	47,000	47,000
WA	Fort Lewis	Regional Logistic Support Complex	63,000	63,000
ZU	Various	Training Barracks	190,000	190,000
...	...	...	...	...

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Bagram AB	Joint Defense Operations Center	2,800	2,800
AF	Bagram AB	Entry Control Point	7,500	7,500
AF	Bagram AB	Eastside Electrical Distribution	10,400	10,400
AF	Bagram AB	Consolidated Community Support Area	14,800	14,800
AF	Bagram AB	Barracks	18,000	18,000
AF	Bagram AB	Army Aviation HQ Facilities	19,000	19,000
AF	Bagram AB	Eastside Utilities Infrastructure	29,000	29,000
GY	Wiesbaden AB	Command and Battle Center, Incr 2	0	59,500
GY	Wiesbaden AB	Construct New Access Control Point	5,100	5,100
GY	Sembach AB	Confinement Facility	9,100	9,100
GY	Ansbach	Physical Fitness Center	13,800	13,800
GY	Grafenwoehr	Barracks	17,500	17,500
GY	Ansbach	Vehicle Maintenance Shop	18,000	18,000
GY	Grafenwoehr	Barracks	19,000	19,000
GY	Grafenwoehr	Barracks	19,000	19,000
GY	Grafenwoehr	Barracks	20,000	20,000
GY	Wiesbaden AB	Information Processing Center	30,400	30,400
GY	Rhine Ordnance Barracks	Barracks Complex	35,000	35,000
GY	Wiesbaden AB	Sensitive Compartmented Information Facility Inc 1	91,000	46,000
HO	Soto Cano AB	Barracks	20,400	20,400
IT	Vicenza	Brigade Complex - Barracks/Community, Incr 4	0	13,000
IT	Vicenza	Brigade Complex - Operations Support Facility, Incr 4	0	13,000
KR	Camp Walker	Electrical System Upgrade & Natural Gas System	19,500	19,500
...	...	...	...	...

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $3,456,462,000.

(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $459,800,000.

(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $26,450,000.

(4) HOST NATION SUPPORT AND CERTAIN SERVICES AND DESIGN.—For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $255,462,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army: Family Housing
(Amounts Are Specified In Thousands of Dollars)

Location	Installation or Location	Purpose of Project and Number of Units	Project Amount	Authorization of Appropriations
AK	Fort Wainwright	Family Housing Replacement Constrution (110 units)	21,000	21,000
GY	Baumholder	Family Housing Replacement Construction (64 units)	34,329	34,329

(b) PLANNING AND DESIGN.—The Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,040,000.

(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may improve existing military family housing units in an amount not to exceed $35,000,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—

(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of $92,369,000; and

(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $518,140,000.

SEC. 2103. USE OF UNOBLIGATED ARMY MILITARY CONSTRUCTION FUNDS IN CONJUNCTION WITH FUNDS PROVIDED BY THE COMMONWEALTH OF VIRGINIA TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(a) FIRE STATION AT FORT BELVOIR, VIRGINIA.—Section 2836(d) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314), as most recently amended by section 2849 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2486), is further amended—

(1) in paragraph (2), by inserting ''through a project for construction of an Army standard-design, two-company fire station at Fort Belvoir, Virginia,'' after ''Building 191''; and

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

''(3) The Secretary may use up to $3,900,000 of available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2011, in conjunction with the funds provided under paragraph (1), for the project described in paragraph (2).''.

(b) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information, in accordance with section 2851(c) of title 10, United States Code, regarding the project described in the amendment made by subsection (a). If it becomes necessary to exceed the estimated project cost of $8,780,000, including $4,880,000 contributed by the Commonwealth of Virginia, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4661) is amended by striking ''Katterbach'' and inserting ''Grafenwoehr''.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2628) for Fort Riley, Kansas, for construction of a Brigade Complex at the installation, the Secretary of the Army may construct up to a 40,100 square-feet brigade headquarters consistent with the Army's construction guidelines for brigade headquarters.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later:

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

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Georgia	Fort Stewart	Unit Operations Facilities	$16,000,000
Hawaii	Schofield Barracks	Tactical Vehicle Wash Facility	$10,200,000
		Barracks Complex	$51,000,000
Louisiana	Fort Polk	Brigade Headquaters	$9,800,000
		Child Care Facility	$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range	$4,150,000
Oklahoma	Fort Sill	Multipurpose Machine Gun Range	$3,300,000
Washington	Fort Lewis	Alternative Fuel Facility	$3,300,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—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 subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AL	Mobile	T-6 Outlying Landing Field	29,082	29,082
AZ	Yuma	Aircraft Maintenance Hangar	40,600	40,600
AZ	Yuma	Aircraft Maintenance Hangar	63,280	63,280
AZ	Yuma	Communications Infrastructure Upgrade	63,730	63,730
AZ	Yuma	Intermediate Maintenance Activity Facility	21,480	21,480
AZ	Yuma	Simulator Facility	36,060	36,060
AZ	Yuma	Utilities Infrastructure Upgrades	44,320	44,320
AZ	Yuma	Van Pad Complex Relocation	15,590	15,590
CA	Coronado NB	Maritime Expeditionary Security Group- One (MESG-1) Consolidated Boat Maintenance Facility	6,890	6,890
CA	Monterey NSA	International Academic Instruction Building	11,960	11,960
CA	Camp Pendleton	Bachelor Enlisted Quarters - 13 Area	42,864	42,864
CA	Camp Pendleton	Bachelor Enlisted Quarters - Las Flores	37,020	37,020
CA	Camp Pendleton	Center for Naval Aviation Technical Training/Fleet Replacement Squadron - Aviation Training and Bachelor Enlisted Quarters	66,110	66,110
CA	Camp Pendleton	Conveyance/Water Treatment	100,700	100,700
CA	Camp Pendleton	Marine Aviation Logistics Squadron-39 Maintenance Hangar Expansion	48,230	48,230
CA	Camp Pendleton	Marine Corps Energy Initiative	9,950	9,950
CA	Camp Pendleton	North Region Tert Treat Plant (Incremented)	0	30,000
CA	Camp Pendleton	Small Arms Magazine - Edson Range	3,760	3,760
CA	Camp Pendleton	Truck Company Operations Complex	53,490	53,490
CA	Coronado	Rotary Hangar	67,160	67,160
CA	Miramar	Aircraft Maintenance Hangar	90,490	90,490
CA	Miramar	Hangar 4	33,620	33,620
CA	Miramar	Parking Apron/ Taxiway Expansion	66,500	66,500
CA	San Diego	Bachelor Enlisted Quarters, Homeport Ashore	75,342	75,342
CA	San Diego	Berthing Pier 12 Replace & Dredging, Ph 1	108,414	108,414
CA	San Diego	Marine Corps Energy Initiative	9,950	9,950
CA	Twentynine Palms	Bachelor Enlisted Quarters & Parking Structure	53,158	53,158
FL	Panama City NSA	Purchase 9 Acres	5,960	5,960
FL	Blount Island	Consolidated Warehouse Facility	17,260	17,260
FL	Blount Island	Container Staging and Loading Lot	5,990	5,990

Navy: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
FL	Blount Island	Container Storage Lot	4,910	4,910
FL	Blount Island	Hardstand Extension	17,930	17,930
FL	Blount Island	Paint and Blast Facility	18,840	18,840
FL	Blount Island	Washrack Expansion	9,690	9,690
FL	Tampa	Joint Comms Support Element Vehicle Paint Facility	2,300	2,300
GA	Albany MCLB	Maintenance Center Test Firing Range	5,180	5,180
GA	Kings Bay	Security Enclave & Vehicle Barriers	45,004	45,004
GA	Kings Bay	Waterfront Emergency Power	15,660	15,660
HI	Camp Smith	Physical Fitness Center	29,960	29,960
HI	Kaneohe Bay	Bachelor Enlisted Quarters	90,530	90,530
HI	Kaneohe Bay	Waterfront Operations Facility	19,130	19,130
HI	Pearl Harbor	Center for Disaster Mgt/Humanitarian Assistance	9,140	9,140
HI	Pearl Harbor	Joint POW/MIA Accounting Command	99,328	99,328
MD	Patuxent River NAS	Atlantic Test Range Addition	10,160	10,160
MD	Indian Head	Agile Chemical Facility, Ph 2	34,238	34,238
MD	Patuxent River	Broad Area Maritime Surveillance & E Facility	42,211	42,211
ME	Portsmouth NSY	Structural Shops Addition, Ph 1	11,910	11,910
NC	Camp Lejeune	2nd Intel Battalion Maintenance/Ops Complex	90,270	90,270
NC	Camp Lejeune	Armory- II MEF - Wallace Creek	12,280	12,280
NC	Camp Lejeune	Bachelor Enlisted Quarters - Courthouse Bay	40,780	40,780
NC	Camp Lejeune	Bachelor Enlisted Quarters - Courthouse Bay	42,330	42,330
NC	Camp Lejeune	Bachelor Enlisted Quarters - French Creek	43,640	43,640
NC	Camp Lejeune	Bachelor Enlisted Quarters - Rifle Range	55,350	55,350
NC	Camp Lejeune	Bachelor Enlisted Quarters - Wallace Creek	51,660	51,660
NC	Camp Lejeune	Bachelor Enlisted Quarters - Wallace Creek North	46,290	46,290
NC	Camp Lejeune	Bachelor Enlisted Quarters- Camp Johnson	46,550	46,550
NC	Camp Lejeune	Explosive Ordnanance Disposal Unit Addition - 2nd Marine Logistics Group	7,420	7,420
NC	Camp Lejeune	Hangar	73,010	73,010
NC	Camp Lejeune	Maintenance Hangar	74,260	74,260
NC	Camp Lejeune	Maintenance/Ops Complex - 2ND Air Naval Gunfire Liaison Company	36,100	36,100
NC	Camp Lejeune	Marine Corps Energy Initiative	9,950	9,950
NC	Camp Lejeune	Mess Hall - French Creek	25,960	25,960
NC	Camp Lejeune	Mess Hall Addition - Courthouse Bay	2,553	2,553
NC	Camp Lejeune	Motor Transportation/Communications Maintenance Facility	18,470	18,470
NC	Camp Lejeune	Utility Expansion - Hadnot Point	56,470	56,470
NC	Camp Lejeune	Utility Expansion-French Creek	56,050	56,050
NC	Cherry Point Marine Corps Air Station ..	Bachelor Enlisted Quarters	42,500	42,500
NC	Cherry Point Marine Corps Air Station ..	Mariners Bay Land Acquisition - Bogue	3,790	3,790
NC	Cherry Point Marine Corps Air Station ..	Missile Magazine	13,420	13,420
NC	Cherry Point Marine Corps Air Station ..	Station Infrastructure Upgrades	5,800	5,800
RI	Newport	Electromagnetic Facility	27,007	27,007
SC	Beaufort	Air Installation Compatable Use Zone Land Acquisition	21,190	21,190
SC	Beaufort	Aircraft Hangar	46,550	46,550
SC	Beaufort	Physical Fitness Center	15,430	15,430
SC	Beaufort	Training and Simulator Facility	46,240	46,240
TX	Kingsville NAS	Youth Center	2,610	2,610
VA	Norfolk	Pier 9 & 10 Upgrades for DDG 1000	2,400	2,400
VA	Norfolk	Pier 1 Upgrades to Berth USNS Comfort	10,035	10,035
VA	Portsmouth	Ship Repair Pier Replacement	0	100,000
VA	Quantico	Academic Facility Addition - Staff Non Comissioned Officer Academy	12,080	12,080
VA	Quantico	Bachelor Enlisted Quarters	37,810	37,810
VA	Quantico	Research Center Addition- MCU	37,920	37,920
VA	Quantico	Student Officer Quarters - The Basic School	55,822	55,822
WA	Kitsap NB	Charleston Gate ECP Improvements	6,150	6,150
WA	Bangor	Commander Submarine Development Squadron 5 Laboratory Expansion Ph1	16,170	16,170
WA	Bangor	Limited Area Emergency Power	15,810	15,810
WA	Bangor	Waterfront Restricted Area Emergency Power	24,913	24,913
WA	Bremerton	Limited Area Product/STRG Complex (incremented)	0	19,116

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
BI	SW Asia	Navy Central Command Ammunition Magazines	89,280	89,280
BI	SW Asia	Operations and Support Facilities	60,002	60,002
BI	SW Asia	Waterfront Development, Ph 3	63,871	63,871
DJ	Camp Lemonier	Camp Lemonier HQ Facility	12,407	12,407
DJ	Camp Lemonier	General Warehouse	7,324	7,324
DJ	Camp Lemonier	Horn of Africa Joint Operations Center	28,076	28,076
DJ	Camp Lemonier	Pave External Roads	3,824	3,824
JA	Atsugi	MH-60R/S Trainer Facility	6,908	6,908
ML	Guam	Anderson AFB North Ramp Parking, Ph 1, Inc 2	0	93,588

Navy: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
ML	Guam	Anderson AFB North Ramp Utilities, Ph 1, Inc 2	0	79,350
ML	Guam	Apra Harbor Wharves Improvements, Ph 1	0	40,000
ML	Guam	Defense Access Roads Improvements	66,730	66,730
ML	Guam	Finegayan Site Prep and Utilities	147,210	147,210
SP	Rota	Air Traffic Control Tower	23,190	23,190

(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $3,077,237,000.
(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $721,760,000.
(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $20,877,000.
(4) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $121,765,000. None of the funds appropriated pursuant to this authorization of appropriations may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy: Family Housing
(Amounts Are Specified In Thousands of Dollars)

Location	Installation or Location	Purpose of Project and Number of Units	Project Amount	Authorization of Appropriations
GB	Guantanamo Bay	Replace GTMO Housing	37,169	37,169

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,255,000.
(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $146,020,000.
(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—
(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of $186,444,000; and
(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $366,346,000.

SEC. 2203. TECHNICAL AMENDMENT TO REFLECT MULTI-INCREMENT FISCAL YEAR 2010 PROJECT.

Section 2204 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2634), is amended—
(1) in subsection (a), by adding at the end the following new paragraph:
''(14) For the construction of the first increment of a tertiary water treatment plant at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a), $112,330,000.''; and
(2) in subsection (b), by adding at the end the following new paragraph:
''(7) $30,000,000 (the balance of the amount authorized under section 2201(a) for North Region Tertiary Treatment Plant, Camp Pendleton, California).''.

SEC. 2204. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later:
(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2008 Project Authorization

Location	Installation or Location	Project	Amount
Worldwide	Unspecified	Host Nation Infrastructure	$2,700,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AK	Eielson AFB	Repair Central Heat Plant & Power Plant Boilers	28,000	28,000
AK	Elmendorf AFB	Add/Alter Air Support Operations Squadron Training	4,749	4,749
AK	Elmendorf AFB	Construct Railhead Operations Facility	15,000	15,000
AK	Elmendorf AFB	F-22 Add/Alter Weapons Release Systems Shop	10,525	10,525
AL	Maxwell AFB	ADAL Air University Library	13,400	13,400
AZ	Davis-Monthan AFB	Aerospace Maintenance and Regeneration Group Hangar	25,000	25,000
AZ	Davis-Monthan AFB	HC-130 Aerospace Ground Equipment Maintenance Facility	4,600	4,600
AZ	Davis-Monthan AFB	HC-130J Aerial Cargo Facility	10,700	10,700
AZ	Davis-Monthan AFB	HC-130J Parts Store	8,200	8,200

Air Force: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AZ	Fort Huachuca	Total Force Integration-Predator Launch and Recovery Element Beddown	11,000	11,000
CA	Los Angeles AFB	Parking Garage, Ph 2	4,500	4,500
CO	Buckley AFB	Security Forces Operations Facility	12,160	12,160
CO	Peterson AFB	Rapid Attack Identification Detection Repair System Space Control Facility	24,800	24,800
CO	U.S. Air Force Academy	Const Center for Character & Leadership Development	27,600	27,600
DC	Bolling AFB	Joint Air Defense Operations Center	13,200	13,200
DE	Dover AFB	C-5M/C-17 Maintenance Training Facility, Ph 2	3,200	3,200
FL	Eglin AFB	F-35 Fuel Cell Maintenance Hangar	11,400	11,400
FL	Hurlburt Field	ADAL Special Operations School Facility	6,170	6,170
FL	Hurlburt Field	Add to Visiting Quarters (24 Rm)	4,500	4,500
FL	Hurlburt Field	Base Logistics Facility	24,000	24,000
FL	Patrick AFB	Air Force Technical Application Center	158,009	79,009
GA	Robins AFB	Warehouse	5,500	5,500
LA	Barksdale AFB	Weapons Load Crew Training Facility	18,140	18,140
MO	Whiteman AFB	Consolidated Air Ops Facility	23,500	23,500
NC	Pope AFB	Crash/Fire/Rescue Station	13,500	13,500
ND	Minot AFB	Control Tower/Base Operations Facility	18,770	18,770
NJ	McGuire AFB	Base Ops/Command Post Facility (TFI)	8,000	8,000
NJ	McGuire AFB	Dormitory (120 RM)	18,440	18,440
NM	Holloman AFB	Parallel Taxiway, Runway 07/25	8,000	8,000
NM	Kirtland AFB	Replace Fire Station	6,800	6,800
NM	Cannon AFB	Dormitory (96 rm)	14,000	14,000
NM	Cannon AFB	UAS Squadron Ops Facility	20,000	20,000
NM	Holloman AFB	UAS Add/Alter Maintenance Hangar	15,470	15,470
NM	Holloman AFB	UAS Maintenance Hangar	22,500	22,500
NM	Kirtland AFB	Aerial Delivery Facility Addition	3,800	3,800
NM	Kirtland AFB	Armament Shop	6,460	6,460
NM	Kirtland AFB	H/MC-130 Fuel System Maintenance Facility	14,142	14,142
NV	Creech AFB	UAS Airfield Fire/Crash Rescue Station	11,710	11,710
NV	Nellis AFB	F-35 Add/Alter 422 Test Evaluation Squadron Facility	7,870	7,870
NV	Nellis AFB	F-35 Add/Alter Flight Test Instrumentation Facility	1,900	1,900
NV	Nellis AFB	F-35 Flight Simulator Facility	13,110	13,110
NV	Nellis AFB	F-35 Maintenance Hangar	28,760	28,760
NY	Fort Drum	20th Air Support Operations Squadron Complex	20,440	20,440
OK	Tinker AFB	Upgrade Building 3001 Infrastructure, Ph 3	14,000	14,000
SC	Charleston AFB	Civil Engineer Complex (TFI) - Ph 1	15,000	15,000
TX	Laughlin AFB	Community Event Complex	10,500	10,500
TX	Dyess AFB	C-130J Add/Alter Flight Simulator Facility	4,080	4,080
TX	Ellington Field	Upgrade Unmanned Aerial Vehicle Maintenance Hangar	7,000	7,000
TX	Lackland AFB	Basic Military Training Satellite Classroom/Dining Facility No 2	32,000	32,000
TX	Lackland AFB	One-Company Fire Station	5,500	5,500
TX	Lackland AFB	Recruit Dormitory, Ph 3	67,980	67,980
TX	Lackland AFB	Recruit/Family Inprocessing & Info Center	21,800	21,800
UT	Hill AFB	F-22 T-10 Engine Test Cell	2,800	2,800
VA	Langley AFB	F-22 Add/Alter Hangar Bay LO/CR Facility	8,800	8,800
WY	Camp Guernsey	Nuclear/Space Security Tactics Training Center	4,650	4,650

(b) OUTSIDE THE UNITED STATES.—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 subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Bagram AFB	Consolidated Rigging Facility	9,900	9,900
AF	Bagram AFB	Fighter Hangar	16,480	16,480
AF	Bagram AFB	MEDEVAC Ramp Expansion/Fire Station	16,580	16,580
BI	SW Asia	North Apron Expansion	45,000	45,000
GU	Andersen AFB	Combat Communications Operations Facility	9,200	9,200
GU	Andersen AFB	Commando Warrior Open Bay Student Barracks	11,800	11,800
GU	Andersen AFB	Guam Strike Ops Group & Tanker Task Force	9,100	9,100
GU	Andersen AFB	Guam Strike South Ramp Utilities, Ph 1	12,200	12,200
GU	Andersen AFB	Red Horse Headquarters/Engineering Facility	8,000	8,000
GY	Kapaun	Dormitory (128 RM)	19,600	19,600
GY	Ramstein AB	Unmanned Aerial System Satellite Communication Relay Pads & Facility	10,800	10,800
GY	Ramstein AFB	Construct C-130J Flight Simulator Facility	8,800	8,800
GY	Ramstein AFB	Deicing Fluid Storage & Dispensing Facility	2,754	2,754
GY	Vilseck	Air Support Operations Squadron Complex	12,900	12,900
IT	Aviano AFB	Air Support Operations Squadron Facility	10,200	10,200
IT	Aviano AFB	Dormitory (144 RM)	19,000	19,000
KR	Kunsan AFB	Construct Distributed Mission Training Flight Simulator Facility	7,500	7,500
QA	Al Udeid	Blatchford-Preston Complex Ph 2	62,300	62,300
UK	Royal Air Force Mildenhall	Extend Taxiway Alpha	15,000	15,000

(c) UNSPECIFIED WORLDWIDE.—The Secretary of the Air Force may acquire real property and carry out military construction projects at various unspecified installations or locations, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Unspecified Worldwide
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
ZU	Unspecified Worldwide Locations	F-35 Academic Training Center	54,150	54,150
ZU	Unspecified Worldwide Locations	F-35 Flight Simulator Facility	12,190	12,190
ZU	Various Worldwide Locations	F-35 Squadron Operations Facility	10,260	10,260

(d) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $836,635,000.
(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $307,114,000.
(3) UNSPECIFIED WORLDWIDE.—For the military construction projects at unspecified worldwide locations authorized by subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $76,600,000.
(4) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $21,000,000.
(5) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $74,424,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Family Housing
(Amounts Are Specified In Thousands of Dollars)

Location	Installation or Location	Purpose of Project and Number of Units	Project Amount	Authorization of Appropriations
ZU	Various Worldwide locations	Classified Project	50	50

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,225,000.

(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $73,750,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—
(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of $78,025,000; and
(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $513,792,000.

SEC. 2303. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorization set forth in the table in subsection (b), as provided in section 2302 of that Act (120 Stat. 2455) and extended by section 2306 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2638), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

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

Air Force: Extension of 2007 Project Authorization

State	Installation	Project	Amount
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies at installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Defense Wide: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AZ	Marana	Special Operations Forces Parachute Training Facility	6,250	6,250
AZ	Yuma	Special Operations Forces Military Free Fall Simulator	8,977	8,977
CA	Point Loma Annex	Replce Storage Facility, Incr 3	0	20,000
CA	Point Mugu	Aircraft Direct Fueling Station	3,100	3,100
CO	Fort Carson	Special Operations Forces Tactical Unmanned Aerial Vehicle Hangar	3,717	3,717
DC	Bolling AFB	Replace Parking Structure, Ph 1	3,000	3,000
FL	Eglin AFB	Special Operations Forces Ground Support Battalion Detachment	6,030	6,030
GA	Augusta	National Security Agency/Central Security Service Georgia Training Facility	12,855	12,855
GA	Fort Benning	Dexter Elementary School Construct Gym	2,800	2,800

Defense Wide: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
GA	Fort Benning	Special Operations Forces Company Support Facility	20,441	20,441
GA	Fort Benning	Special Operations Forces Military Working Dog Kennel Complex	3,624	3,624
GA	Fort Stewart	Health Clinic Addtion/Alteration	35,100	35,100
GA	Hunter ANGS	Fuel Unload Facility	2,400	2,400
GA	Hunter Army Airfield	Special Operations Forces Tactical Equipment Maintenance Facility Expansion	3,318	3,318
HI	Hickam AFB	Alter Fuel Storage Tanks	8,500	8,500
HI	Pearl Harbor	Naval Special Warfare Group 3 Command and Operations Facility	28,804	28,804
ID	Mountain Home AFB	Replace Fuel Storage Tanks	27,500	27,500
IL	Scott Air Force Base	Field Command Facility Upgrade	1,388	1,388
KY	Fort Campbell	Special Operations Forces Battalion Ops Complex	38,095	38,095
MA	Hanscom AFB	Mental Health Clinic Addition	2,900	2,900
MD	Aberdeen Proving Ground	US Army Medical Research Institue of Infectious Diseases Replacement, Inc 3	0	105,000
MD	Andrews AFB	Replace Fuel Storage & Distribution Facility	14,000	14,000
MD	Bethesda Naval Hospital	National Naval Medical Center Parking Expansion	17,100	17,100
MD	Bethesda Naval Hospital	Transient Wounded Warrior Lodging	62,900	62,900
MD	Fort Detrick	Consolidated Logistics Facility	23,100	23,100
MD	Fort Detrick	Information Services Facility Expansion	4,300	4,300
MD	Fort Detrick	National Interagency Biodefense Campus Security Fencing And Equipment	2,700	2,700
MD	Fort Detrick	Supplemental Water Storage	3,700	3,700
MD	Fort Detrick	US Army Medical Research Institue of Infectious Diseases- Stage I, Inc 5	0	17,400
MD	Fort Detrick	Water Treatment Plant Repair & Supplement	11,900	11,900
MD	Fort Meade	North Campus Utility Plant	219,360	219,360
MS	Stennis Space Center	Special Operations Forces Land Acquisition, Ph 3	8,000	8,000
NC	Camp Lejeune	Tarawa Terrace I Elementry School Replace School	16,646	16,646
NC	Fort Bragg	McNair Elementry School- Replace School	23,086	23,086
NC	Fort Bragg	Murray Elementry School - Replace School	22,000	22,000
NC	Fort Bragg	Special Operations Forces Admin/Company Operations	10,347	10,347
NC	Fort Bragg	Special Operations Forces C4 Facility	41,000	41,000
NC	Fort Bragg	Special Operations Forces Joint Intelligence Brigade Facility	32,000	32,000
NC	Fort Bragg	Special Operations Forces Operational Communications Facility	11,000	11,000
NC	Fort Bragg	Special Operations Forces Operations Additions	15,795	15,795
NC	Fort Bragg	Special Operations Forces Operations Support Facility	13,465	13,465
NM	Cannon AFB	Special Operations Forces ADD/ALT Simulator Facility For MC-130	13,287	13,287
NM	Cannon AFB	Special Operations Forces Aircraft Parking Apron (MC-130j)	12,636	12,636
NM	Cannon AFB	Special Operations Forces C-130 Parking Apron Phase I	26,006	26,006
NM	Cannon AFB	Special Operations Forces Hangar/AMU (MC-130j)	24,622	24,622
NM	Cannon AFB	Special Operations Forces Operations And Training Complex	39,674	39,674
NM	White Sands	Health And Dental Clinics	22,900	22,900
NY	U.S. Military Academy	West Point MS Add/Alt	27,960	27,960
OH	Columbus	Replace Public Safety Facility	7,400	7,400
PA	Def Distribution Depot New Cumberland	Replace Headquarters Facility	96,000	96,000
TX	Fort Bliss	Hospital Replacement, Incr 2	0	147,100
TX	Lackland AFB	Ambulatory Care Center, Ph 2	162,500	162,500
UT	Camp Williams	Comprehensive National Cybersecurity Initiative Data Center Increment 2	0	398,358
VA	Craney Island	Replace Fuel Pier	58,000	58,000
VA	Fort Belvoir	Dental Clinic Replacement	6,300	6,300
VA	Pentagon	Pentagon Metro & Corridor 8 Screening Facility	6,473	6,473
VA	Pentagon	Power Plant Modernization, Ph 3	51,928	51,928
VA	Pentagon	Secure Access Lane-Remote Vehicle Screening	4,923	4,923
VA	Quantico	New Consolidated Elementary School	47,355	47,355
WA	Fort Lewis	Special Operations Forces Military Working Dogs Kennel	4,700	4,700
WA	Fort Lewis	Preventive Medicine Facility	8,400	8,400
ZU	Unspecified Locations	General Reduction		-150,000

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies at the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Defense Wide: Outside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
BE	Brussels	NATO Headquarters Facility	31,863	31,863
BE	Brussels	Replace Shape Middle School/High School	67,311	67,311
GU	Agana NAS	Hospital Replacement, Incr 2	0	70,000
GY	Katterbach	Health/Dental Clinic Replacement	37,100	37,100
GY	Panzer Kaserne	Replace Boeblingen High School	48,968	48,968
GY	Vilseck	Health Clinic Add/Alt	34,800	34,800
JA	Kadena AB	Install Fuel Filters-Separators	3,000	3,000
JA	Misawa AB	Hydrant Fuel System	31,000	31,000
KR	Camp Carroll	Health/Dental Clinic Replacement	19,500	19,500
PR	Fort Buchanan	Antilles Elementry School/Intermediate School - Replace School	58,708	58,708
QA	Al Udeid	Qatar Warehouse	1,961	1,961
UK	Menwith Hill Station	Menwith Hill Station PSC Construction - Generators 10 & 11	2,000	2,000
UK	Royal Air Force Alconbury	Alconbury Elementry School Replacement	30,308	30,308
UK	Royal Air Force Mildenhall	Replace Hydrant Fuel Distribution System	15,900	15,900

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $1,930,120,000.

(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $452,419,000.

(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $42,856,000.

(4) CONTINGENCY CONSTRUCTION.—For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $10,000,000.

(5) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $434,185,000.

SEC. 2402. FAMILY HOUSING.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—

(1) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $50,464,000; and

(2) for credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), in the total amount of $17,611,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for energy conservation projects under chapter 173 of title 10, United States Code, $130,000,000.

(b) AVAILABILITY OF FUNDS FOR RESERVE COMPONENT PROJECTS.—Of the amount authorized to be appropriated by subsection (a) for energy conservation projects, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that is not less than an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of title 10, United States Code) during fiscal year 2010 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

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, 2010, for military construction and land acquisition for chemical demilitarization in the total amount of $124,971,000, as follows:

(1) For the construction of phase 12 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $65,569,000.

(2) For the construction of phase 11 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $59,402,000.

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$492,000,000'' in the amount column and inserting ''$746,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,203,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is amended by striking ''$469,200,000'' and inserting ''$723,200,000''.

(c) LIMITATION.—The Secretary of the Army may not enter into a solicitation or task order using Federal Acquisition Regulation Subpart 16.3, titled ''Cost Reimbursement Contracts'', to carry out the military construction project covered by the authorization modification provided by the amendment made by subsection (a).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $258,884,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army National Guard: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AR	Camp Robinson	Combined Support Maintenance Shop	30,000	30,000
AR	Fort Chaffee	Combined Arms Collective Training Facility	19,000	19,000
AR	Fort Chaffee	Live Fire Shoot House	2,500	2,500
AZ	Florence	Readiness Center	16,500	16,500
CA	Camp Roberts	Combined Arms Collective Training Facility	19,000	19,000
CO	Watkins	Parachute Maintenance Facility	3,569	3,569
CO	Colorado Springs	Readiness Center	20,000	20,000
CO	Fort Carson	Regional Training Institute	40,000	40,000
CO	Gypsum	High Altitude Army Aviation Training Site/ Army Aviation Support Facility	39,000	39,000
CO	Windsor	Readiness Center	7,500	7,500
CT	Windsor Locks	Readiness Center (Aviation)	41,000	41,000
DE	New Castle	Armed Forces Reserve Center(JFHQ)	27,000	27,000
GA	Cumming	Readiness Center	17,000	17,000
GA	Dobbins ARB	Readiness Center Add/Alt	10,400	10,400
HI	Kalaeloa	Combined Support Maintenance Shop	38,000	38,000
ID	Gowen Field	Barracks (Operational Readiness Training Complex) Ph1	17,500	17,500
ID	Mountain Home	Tactical Unmanned Aircraft System Facility	6,300	6,300
IL	Marseilles TA	Simulation Center	2,500	2,500
IL	Springfield	Combined Support Maintenance Shop Add/Alt	15,000	15,000
KS	Wichita	Field Maintenance Shop	24,000	24,000
KS	Wichita	Readiness Center	43,000	43,000
KY	Burlington	Readiness Center	19,500	19,500
LA	Fort Polk	Tactical Unmanned Aircraft System Facility	5,500	5,500
LA	Minden	Readiness Center	28,000	28,000
MA	Hanscom AFB	Armed Forces Reserve Center(JFHQ)Ph2	23,000	23,000
MD	St. Inigoes	Tactical Unmanned Aircraft System Facility	5,500	5,500
MI	Camp Grayling Range	Combined Arms Collective Training Facility	19,000	19,000
MN	Arden Hills	Field Maintenance Shop	29,000	29,000
MN	Camp Ripley	Infantry Squad Battle Course	4,300	4,300
MN	Camp Ripley	Tactical Unmanned Aircraft System Facility	4,450	4,450
NC	Morrisville	AASF 1 Fixed Wing Aircraft Hangar Annex	8,815	8,815
NC	High Point	Readiness Center Add/Alt	1,551	1,551
ND	Camp Grafton	Readiness Center Add/Alt	11,200	11,200
NE	Lincoln	Readiness Center Add/Alt	3,300	3,300
NE	Mead	Readiness Center	11,400	11,400
NH	Pembroke	Barracks Facility (Regional Training Institute)	15,000	15,000
NH	Pembroke	Classroom Facility (Regional Training Institute)	21,000	21,000
NM	Farmington	Readiness Center Add/Alt	8,500	8,500
NV	Las Vegas	CST Ready Building	8,771	8,771
NY	Ronkonkoma	Flightline Rehabilitation	2,780	2,780
OH	Camp Sherman	Maintenance Building Add/Alt	3,100	3,100
RI	Middletown	Readiness Center Add/Alt	3,646	3,646
RI	East Greenwich	United States Property & Fiscal Office	27,000	27,000
SD	Watertown	Readiness Center	25,000	25,000
TX	Camp Maxey	Combat Pistol/Military Pistol Qualification Course	2,500	2,500
TX	Camp Swift	Urban Assault Course	2,600	2,600
WA	Tacoma	Combined Support Maintenance Shop	25,000	25,000
WI	Wausau	Field Maintenance Shop	12,008	12,008
WI	Madison	Aircraft Parking	5,700	5,700
WV	Moorefield	Readiness Center	14,200	14,200
WV	Morgantown	Readiness Center	21,000	21,000
WY	Laramie	Field Maintenance Shop	14,400	14,400
ZU	Various	Various	60,000	60,000

(b) OUTSIDE THE UNITED STATES.—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 subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army National Guard: Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
GU	Barrigada	Combined Support Maint Shop Ph1	19,000	19,000
PR	Camp Santiago	Live Fire Shoot House	3,100	3,100
PR	Camp Santiago	Multipurpose Machine Gun Range	9,200	9,200
VI	St. Croix	Readiness Center (JFHQ)	25,000	25,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Army for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Army National Guard of the United States, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $1,019,902,000.

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—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 subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army Reserve: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
CA	Fairfield	Army Reserve Center	26,000	26,000
CA	Fort Hunter Liggett	Equipment Concentration Site Tactical Equipment Maint Facility	22,000	22,000
CA	Fort Hunter Liggett	Equipment Concentration Site Warehouse	15,000	15,000
CA	Fort Hunter Liggett	Grenade Launcher Range	1,400	1,400
CA	Fort Hunter Liggett	Hand Grenade Familiarization Range (Live)	1,400	1,400
CA	Fort Hunter Liggett	Light Demolition Range	2,700	2,700
CA	Fort Hunter Liggett	Tactical Vehicle Wash Rack	9,500	9,500
FL	Miami	Army Reserve Center/Land	13,800	13,800
FL	Orlando	Army Reserve Center/Land	10,200	10,200
FL	West Palm Beach	Army Reserve Center/Land	10,400	10,400
GA	Macon	Army Reserve Center/Land	11,400	11,400
IA	Des Moines	Army Reserve Center	8,175	8,175
IL	Quincy	Army Reserve Center/Land	12,200	12,200
IN	Michigan City	Army Reserve Center/Land	15,500	15,500
MA	Devens Reserve Forces Training Area	Automated Record Fire Range	4,700	4,700
MO	Kansas City	Army Reserve Center	11,800	11,800
NJ	Fort Dix	Automated Multipurpose Machine Gun Range	9,800	9,800
NM	Las Cruces	Army Reserve Center/Land	11,400	11,400
NY	Binghamton	Army Reserve Center/Land	13,400	13,400
TX	Dallas	Army Reserve Center/Land	12,600	12,600
TX	Rio Grande	Army Reserve Center/Land	6,100	6,100
TX	San Marcos	Army Reserve Center/Land	8,500	8,500
VA	Fort A.P. Hill	Army Reserve Center	15,500	15,500
VA	Roanoke	Army Reserve Center/Land	14,800	14,800
VA	Virginia Beach	Army Reserve Center	11,000	11,000
WI	Fort McCoy	AT/MOB Billeting Complex, Ph 1	9,800	9,800
WI	Fort McCoy	NCO Academy, Ph 2	10,000	10,000
ZU	Various	Various	30,000	30,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Army for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Army Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $358,331,000.

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy Reserve and Marine Corps Reserve: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
CA	Twentynine Palms	Tank Vehicle Maintenance Facility	5,991	5,991
LA	New Orleans	Joint Air Traffic Control Facility	16,281	16,281
VA	Williamsburg	Navy Ordnance Cargo Logistics Training Camp	21,346	21,346
WA	Yakima	Marine Corps Reserve Center	13,844	13,844
ZU	Various	Various	15,000	15,000
ZU	Various	Various	15,000	15,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Navy for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Navy Reserve and Marine Corps Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $91,557,000.

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air National Guard: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AL	Montgomery Regional Airport (ANG) Base	Fuel Cell And Corrosion Control Hangar	7,472	7,472
AZ	Davis Monthan AFB	Predator Foc-Active Duty Associate	4,650	4,650
CO	Buckely AFB	Taxiway Juliet and Lima	4,000	4,000
DE	New Castle County Airport	Joint Forces Operations Center-Ang Share	1,500	1,500
FL	Jacksonville IAP	Security Forces Training Facility	6,700	6,700
GA	Savannah/Hilton Head IAP	Relocate Air Supt Opers Sqdn (Asos) Fac	7,450	7,450
HI	Hickam AFB	F-22 Beddown Intrastructure Support	5,950	5,950
HI	Hickam AFB	F-22 Hangar, Squadron Operations And Amu	48,250	48,250
HI	Hickam AFB	F-22 Upgrade Munitions Complex	17,250	17,250
IA	Des Moines IAP	Corrosion Control Hangar	4,750	4,750
IL	Capital Map	CNAF Beddown-Upgrade Facilities	16,700	16,700
IN	Hulman Regional Airport	ASOS Beddown-Upgrade Facilities	4,100	4,100
MA	Barnes ANGB	Add to Aircraft Maintenance Hangar	6,000	6,000
MD	Martin State Airport	Replace Ops and Medical Training Facility	11,400	11,400
MN	Duluth	Load Crew Training and Weapon Release Shops	8,000	8,000
NC	Stanly County Airport	Upgrade Asos Facilities	2,000	2,000
NJ	Atlantic City IAP	Fuel Cell and Corrosion Control Hangar	8,500	8,500
NY	Stewart ANGB	Aircraft Conversion Facility	3,750	3,750
NY	Fort Drum	Reaper Infrastructure Support	2,500	2,500
NY	Stewart IAP	Base Defense Group Beddown	14,250	14,250
OH	Toledo Express Airport	Replace Security Forces Complex	7,300	7,300
PA	State College ANGS	Add to and Alter AOS Facility	4,100	4,100
SC	McEntire Joint National Guard Base	Replace Operations and Training	9,100	9,100
TN	Nashville IAP	Renovate Intel Squadron Facilities	5,500	5,500
ZU	Various	Various	50,000	50,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Air Force for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Air National Guard of the United States, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $292,371,000.

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force Reserve: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
FL	Patrick AFB	Weapons Maintenance Facility	3,420	3,420
NY	Niagara ARS	C-130 Flightline Operations Facility, Ph 1	9,500	9,500
ZU	Various	Various	30,000	30,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Air Force for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Air Force Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $47,332,000.

SEC. 2606. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorizations set forth in the table in subsection (b), as provided in sections 2601 and 2604 of that Act (122 Stat. 527, 528), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later:

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

National Guard: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Pennsylvania	East Fallowfield Township	Readiness Center	$8,300,000
Vermont	Burlington	Security Improvements	$6,600,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $360,474,000 as follows:

(1) For the Department of the Army, $73,600,000.

(2) For the Department of the Navy, $162,000,000.

(3) For the Department of the Air Force, $124,874,000.

SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $2,354,285,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $2,354,285,000, as follows:

(1) For the Department of the Army, $1,012,420,000.

(2) For the Department of the Navy, $342,146,000.

(3) For the Department of the Air Force, $127,255,000.

(4) For the Defense Agencies, $872,464,000.

Subtitle B—Other Matters

SEC. 2711. TRANSPORTATION PLAN FOR BRAC 133 PROJECT UNDER FORT BELVOIR, VIRGINIA, BRAC INITIATIVE.

(a) LIMITATION ON PROJECT IMPLEMENTATION.—The Secretary of the Army may not take beneficial occupancy of more than 1,000 parking spaces provided by the combination spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project until both of the following occur:

(1) The Secretary submits to the congressional defense committees a viable transportation plan for the BRAC 133 project.

(2) The Secretary certifies to the congressional defense committees that construction has been completed to provide adequate ingress to and egress from the business park at which the BRAC 133 project is located.

(b) VIABILITY OF TRANSPORTATION PLAN.—To be considered a viable transportation plan under subsection (a)(1), the transportation plan must provide for the ingress and egress of all personnel to and from the BRAC 133 project site without further reducing the level of service at the following six intersections:

(1) The intersection of Beauregard Street and Mark Center Drive.

(2) The intersection of Beauregard Street and Seminary Road.

(3) The intersection of Seminary Road and Mark Center Drive.

(4) The intersection of Seminary Road and the northbound entrance-ramp to I–395.

(5) The intersection of Seminary Road and the northbound exit-ramp from I–395.

(6) The intersection of Seminary Road and the southbound exit-ramp from I–395.

(c) INSPECTOR GENERAL REPORT.—Not later than September 30, 2011, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report evaluating the sufficiency and coordination conducted in completing the requisite environmental studies associated with the site selection of the BRAC 133 project pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Inspector General shall give specific attention to the transportation determinations associated with the BRAC 133 project and review and provide comment on the Secretary of Army's transportation plan and adherence to the limitations imposed by subsection (a).

(d) DEFINITIONS.—In this section:

(1) BRAC 133 PROJECT.—The term ''BRAC 133 project'' refers to the proposed office complex to be developed at an established mixed-use business park in Alexandria, Virginia, to implement recommendation 133 of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) LEVEL OF SERVICE.—The term ''level of service'' has the meaning given that term in the most-recent Highway Capacity Manual of the Transportation Research Board.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AVAILABILITY OF MILITARY CONSTRUCTION INFORMATION ON INTERNET.

(a) MODIFICATION OF INFORMATION REQUIRED TO BE PROVIDED.—Paragraph (2) of subsection (c) of section 2851 of title 10, United States Code, is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.

(b) EXPANDED AVAILABILITY OF INFORMATION.—Such subsection is further amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (1), by striking ''that, when activated by a person authorized under paragraph (3), will permit the person'' and inserting ''that will permit a person''; and

(2) in paragraph (3), as redesignated by subsection (b)(2)—

(A) by striking ''to the persons referred to in paragraph (3)'' and inserting ''on the Internet site required by such paragraph''; and

(B) by striking ''to such persons''.

SEC. 2802. AUTHORITY TO TRANSFER PROCEEDS FROM SALE OF MILITARY FAMILY HOUSING TO DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.

(a) AUTHORITY TO TRANSFER PROCEEDS.—Section 2831 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''There'' in the matter preceding paragraph (1) and inserting ''Except as authorized by subsection (e), there'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(3) in subsection (g) (as so redesignated), by striking ''subsection (e)'' both places it appears and inserting ''subsection (f)''; and

(4) by inserting after subsection (d) the following new subsection (e):

''(e) AUTHORITY TO TRANSFER FAMILY HOUSING PROCEEDS.—(1) The Secretary concerned may transfer proceeds of the handling and the disposal of family housing received under subsection (b)(3), less those expenses payable pursuant to section 572(a) of title 40, to the Department of Defense Family Housing Improvement Fund established under section 2883(a) of this title.

''(2) A transfer under paragraph (1) may be made only after the end of the 30-day period beginning on the date the Secretary concerned submits written notice of, and justification for, the transfer to the appropriate committees of Congress or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notice and justification is provided in an electronic medium pursuant to section 480 of this title.''.

(b) CONFORMING AMENDMENT TO DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.—Section 2883(c)(1) of such title is amended by adding at the end the following new subparagraph:

''(H) Any amounts from the proceeds of the handling and disposal of family housing of a military department transferred to that Fund pursuant to section 2831(e) of this title.''.

SEC. 2803. ENHANCED AUTHORITY FOR PROVISION OF EXCESS CONTRIBUTIONS FOR NATO SECURITY INVESTMENT PROGRAM.

Section 2806 of title 10, United States Code, is amended—

(1) in subsection (c), by striking ''Secretary'' the first two places it appears and inserting ''Secretary of Defense''; and

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

''(d) If the Secretary of Defense determines that construction of facilities described in subsection (a) is necessary to advance United States national security or national interest, the Secretary may include the pre-financing and initiation of construction services, which will be provided by the Department of Defense and are not otherwise authorized by law, as an element of the excess North Atlantic Treaty Organization Security Investment program contributions made under subsection (c).''.

SEC. 2804. DURATION OF AUTHORITY TO USE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR CONSTRUCTION AND REPAIRS AT PENTAGON RESERVATION.

Section 2674(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''Monies'' and inserting ''Subject to paragraph (3), monies''; and

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

''(3) The authority of the Secretary to use monies from the Fund to support construction, repair, alteration, or related activities for the Pentagon Reservation expires on September 30, 2012.''.

SEC. 2805. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as added by section 2806 of the Military

Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2662), is amended—

(1) in paragraph (1), by striking ''September 30, 2010'' and inserting ''September 30, 2011''; and

(2) in paragraph (2), by striking ''fiscal year 2011'' and inserting ''fiscal year 2012''.

(b) AVAILABILITY OF AUTHORITY.—Subsection (a)(1) of such section is amended—

(1) by striking ''war,'' and inserting ''war or''; and

(2) by striking '', or a contingency operation''.

(c) WAIVER OF ADVANCE NOTIFICATION REQUIREMENT.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D); respectively;

(2) by striking ''Before using'' and inserting ''(1) Before using''; and

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

''(2) During fiscal year 2011, the Secretary of Defense may waive the prenotification requirements under paragraph (1) and section 2805(b) of title 10, United States Code, with regard to a construction project carried out under the authority of this section. In the case of any such waiver, the Secretary of Defense shall include in the next quarterly report submitted under subsection (d) the information otherwise required in advance by subparagraphs (A) through (D) of paragraph (1) with regard to the construction project.''.

(d) ANNUAL LIMITATION ON USE OF AUTHORITY IN AFGHANISTAN.—Subsection (c)(2) of such section is amended—

(1) by striking ''$300,000,000 in funds available for operation and maintenance for fiscal year 2010 may be used in Afghanistan upon completing the prenotification requirements under subsection (b)'' and inserting ''$100,000,000 in funds available for operation and maintenance for fiscal year 2011 may be used in Afghanistan subject to the notification requirements under subsection (b)''; and

(2) by striking ''$500,000,000'' and inserting ''$300,000,000''.

SEC. 2806. VETERANS TO WORK PILOT PROGRAM FOR MILITARY CONSTRUCTION PROJECTS.

(a) VETERANS TO WORK PROGRAM.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2856 the following new section:

''§ 2857. Veterans to Work Pilot Program

''(a) PILOT PROGRAM; PURPOSES.—(1) The Secretary of Defense shall establish the Veterans to Work pilot program to determine—

''(A) the maximum feasible extent to which apprentices who are also veterans may be employed to work on military construction projects designated under subsection (b); and

''(B) the feasibility of expanding the employment of apprentices who are also veterans to include military construction projects in addition to those projects designated under subsection (b).

''(2) The Secretary of Defense shall establish and conduct the pilot program in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

''(b) DESIGNATION OF MILITARY CONSTRUCTION PROJECTS FOR PILOT PROGRAM.—(1) For each of fiscal years 2011 through 2015, the Secretary of Defense shall designate for inclusion in the pilot program not less than 20 military construction projects (including unspecified minor military construction projects under section 2805(a) of this title) that will be conducted in that fiscal year.

''(2) In designating military construction projects under this subsection, the Secretary of Defense shall—

''(A) designate military construction projects that are located where there are veterans enrolled in qualified apprenticeship programs or veterans who could be enrolled in qualified apprenticeship programs in a cost-effective, timely, and feasible manner; and

''(B) ensure geographic diversity among the States in the military construction projects designated.

''(3) Unspecified minor military construction projects may not exceed 40 percent of the military construction projects designated under this subsection for a fiscal year.

''(c) CONTRACT PROVISIONS.—Any agreement that the Secretary of Defense enters into for a military construction project that is designated for inclusion in the pilot program shall ensure that—

''(1) to the maximum extent feasible, apprentices who are also veterans are employed on that military construction project; and

''(2) contractors participate in a qualified apprenticeship program.

''(d) REPORT.—(1) Not later than 150 days after the end of each fiscal year during which the pilot program is active, the Secretary of Defense shall submit to Congress a report that includes the following:

''(A) The progress of designated military construction projects and the role of apprentices who are also veterans in achieving that progress.

''(B) Any challenges, difficulties, or problems encountered in recruiting veterans to become apprentices.

''(C) Cost differentials in the designated military construction projects compared to similar projects completed contemporaneously, but not designated for the pilot program.

''(D) Evaluation of benefits derived from employing apprentices, including the following:

''(i) Workforce sustainability.

''(ii) Workforce skills enhancement.

''(iii) Increased short- and long-term cost-effectiveness.

''(iv) Improved veteran employment in sustainable wage fields.

''(E) Any other information the Secretary of Defense determines appropriate.

''(2) Not later than March 1, 2016, the Secretary of Defense shall submit to Congress a report that—

''(A) analyzes the pilot program in terms of its effect on the sustainability of a workforce to meet the military construction needs of the Armed Forces;

''(B) analyzes the effects of the pilot program on veteran employment in sustainable wage fields or professions; and

''(C) makes recommendations on the continuation, modification, or expansion of the pilot program on the basis of such factors as the Secretary of Defense determines appropriate, including the following:

''(i) Workforce sustainability.

''(ii) Cost-effectiveness.

''(iii) Community development.

''(3) The Secretary of Defense shall prepare the report required by paragraph (2) in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

''(e) DEFINITIONS.—In this section:

''(1) The term 'apprentice' means an individual who is employed pursuant to, and individually registered in, a qualified apprenticeship program.

''(2) The term 'pilot program' means the Veterans to Work pilot program established under subsection (a).

''(3)(A) Except as provided in subparagraph (B), the term 'qualified apprenticeship program' means an apprenticeship or other training program that qualifies as an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

''(B) If the Secretary of Labor determines that a qualified apprenticeship program (as defined in subparagraph (A)) for a craft or trade classification of workers that a prospective contractor or subcontractor intends to employ for a military construction project included in the pilot program is not operated in the locality of the project, the Secretary of Labor may expand the definition of qualified apprenticeship program to include another apprenticeship or training program, so long as the apprenticeship or training program is registered for Federal purposes with the Office of Apprenticeship of the Department of Labor or a State apprenticeship agency recognized by such Office.

''(4) The term 'State' means any of the States, the District of Columbia, or territories of Guam, Puerto Rico, the Northern Mariana Islands, and the United States Virgin Islands.

''(5) The term 'veteran' has the meaning given such term under section 101(2) of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2856 the following new item:

''2857. Veterans to Work Pilot Program.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO REAL PROPERTY TRANSACTIONS.

(a) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(C) of section 2662 of title 10, United States Code, is amended by inserting after ''United States'' the following: ''(other than a lease or license entered into under section 2667(g) of this title)''.

(b) REPEAL OF ANNUAL REPORT ON MINOR REAL ESTATE TRANSACTIONS.—Subsection (b) of such section is repealed.

(c) GEOGRAPHIC SCOPE OF REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by striking ''GEOGRAPHIC SCOPE; EXCEPTED'' and inserting ''EXCEPTED'';

(2) by striking the first sentence; and

(3) by striking ''It does not'' and inserting ''This section does not''.

(d) REPEAL OF NOTICE AND WAIT REQUIREMENT REGARDING GSA LEASES OF SPACE FOR DOD.—Subsection (e) of such section is repealed.

(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—Such section is further amended by inserting after subsection (a) the following new subsection:

''(b) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1)(C) of subsection (a), the Secretary concerned shall comply with the notice-and wait requirements of paragraph (3) of such subsection before—

''(A) issuing a contract solicitation or other lease offering with regard to the transaction; and

''(B) providing public notice regarding any meeting to discuss a proposed contract solicitation with regard to the transaction.

''(2) The report under paragraph (3) of subsection (a) shall include the following with regard to a proposed transaction covered by paragraph (1)(C) of such subsection:

''(A) A description of the proposed transaction, including the proposed duration of the lease or license.

''(B) A description of the authorities to be used in entering into the transaction.

''(C) A statement of the scored cost of the entire transaction, determined using the scoring criteria of the Office of Management and Budget.

''(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

''(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at

which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

''(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the person making the offer to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

''(G) If the proposed lease involves a project related to energy production, a certification by the Secretary of Defense that the project, as it will be specified in the contract solicitation or other lease offering, is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.

''(3) The Secretary concerned may not enter into the actual lease or license with respect to property for which the information required by paragraph (2) was submitted in a report under subsection (a)(3) unless the Secretary again complies with the notice-and wait requirements of such subsection. The subsequent report shall include the following with regard to the proposed transaction:

''(A) A cross reference to the prior report that contained the information submitted under paragraph (2) with respect to the transaction.

''(B) A description of the differences between the information submitted under paragraph (2) and the information regarding the transaction being submitted in the subsequent report.

''(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.

''(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

''(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.''.

(f) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''the Secretary submits'' in the matter preceding subparagraph (A) and inserting ''the Secretary concerned submits''; and

(B) in paragraph (3), by striking ''the Secretary of a military department or the Secretary of Defense'' and inserting ''the Secretary concerned'';

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(3) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking '', and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection,'';

(B) in paragraph (3), by striking ''or (e), as the case may be''; and

(C) by striking paragraph (4); and

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

''(g) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' includes, with respect to Defense Agencies, the Secretary of Defense.''.

(g) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

(1) in subsection (c), by striking paragraph (4);

(2) in subsection (d), by striking paragraph (6);

(3) in subsection (e)(1), by striking subparagraph (E); and

(4) in subsection (h)—

(A) by striking paragraphs (3) and (5); and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2812. TREATMENT OF PROCEEDS GENERATED FROM LEASES OF NON-EXCESS PROPERTY INVOLVING MILITARY MUSEUMS.

Section 2667(e)(1) of title 10, United States Code, as amended by section 2811(g), is amended by inserting after subparagraph (D) the following new subparagraph (E):

''(E) If the proceeds deposited in the special account established for the Secretary concerned are derived from activities associated with a military museum described in section 489(a) of this title, the proceeds shall be available for activities described in subparagraph (C) only at that museum.''.

SEC. 2813. REPEAL OF EXPIRED AUTHORITY TO LEASE LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) REPEAL.—Section 2680 of title 10, United States Code, is repealed.

(b) EFFECT OF REPEAL.—The amendment made by subsection (a) shall not affect the validity of any contract entered into under section 2680 of title 10, United States Code, on or before September 30, 2005.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2680.

SEC. 2814. FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668), and paragraph 9 of the quitclaim deed relating to the island of Culebra in the Commonwealth of Puerto Rico, the Secretary of Defense—

(1) may provide for the removal of any unexploded ordnance and munitions scrap on that portion of Flamenco Beach located within the former bombardment area of the island; and

(2) shall conduct a study relating to the presence of unexploded ordnance in the former bombardment area transferred to the Commonwealth, with the exception of the area referred to in paragraph (1).

(b) CONTENTS OF STUDY.—The study required by subsection (a)(2) shall include the following:

(1) An estimate of the type and amount of unexploded ordnance.

(2) An estimate of the cost of removing unexploded ordnance.

(3) An examination of the impact of such removal on any endangered or threatened species and their habitat

(4) An examination of current public access to the former bombardment area.

(5) An examination of any threats to public health or safety and the environment from unexploded ordnance.

(c) CONSULTATION WITH COMMONWEALTH.—In conducting the study under subsection (a)(2), the Secretary of Defense shall consult with the Commonwealth regarding the Commonwealth's planned future uses of the former bombardment area. The Secretary shall consider the Commonwealth's planned future uses in developing any conclusions or recommendations the Secretary may include in the study.

(d) SUBMISSION OF 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 containing the results of the study conducted under subsection (a)(2).

(e) DEFINITIONS.—In this section:

(1) The term ''quitclaim deed'' refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term ''unexploded ordnance'' has the meaning given that term by section 101(e)(5) of title 10, United States Code.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. SENSE OF CONGRESS REGARDING IMPORTANCE OF PROVIDING COMMUNITY ADJUSTMENT ASSISTANCE TO GOVERNMENT OF GUAM.

It is the Sense of Congress that—

(1) for national security reasons, the United States is required from time to time to construct major, new military installations despite the serious adverse impacts that the installations will have on the communities and the areas in which the installations are constructed; and

(2) neither the impacted local governments nor the communities in which the installations are constructed should be expected to bear the full cost of mitigating such adverse impacts.

SEC. 2822. DEPARTMENT OF DEFENSE ASSISTANCE FOR COMMUNITY ADJUSTMENTS RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.

(a) TEMPORARY ASSISTANCE AUTHORIZED.—

(1) ASSISTANCE TO GOVERNMENT OF GUAM.—The Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the ''Guam realignment'') if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Department of Defense assistance.

(2) MITIGATION OF IDENTIFIED IMPACTS.—The Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Decision of the ''Guam and CNMI Military Relocation Environmental Impact Statement'' by providing increased municipal services and facilities to activities that directly support the Guam realignment.

(b) METHODS TO PROVIDE ASSISTANCE.—

(1) USE OF EXISTING PROGRAMS.—The Secretary of Defense shall carry out subsection (a) through existing Federal programs.

(2) TRANSFER AUTHORITY.—To the extent necessary to carry out subsection (a), the Secretary may transfer appropriated funds available to the Department of Defense or a military department for operation and maintenance to supplement funds made available to Guam under a Federal program. The transfer authority provided by this paragraph is in addition to the transfer authority provided by section 1001. Amounts so transferred shall be merged with and be available for the same purposes as the appropriation to which transferred.

(3) COST SHARE ASSISTANCE.—The Secretary may use appropriated amounts referred to in paragraph (2) to provide financial assistance to the Government of Guam to assist the Government of Guam to pay its share of the costs under Federal programs utilized by the Secretary under paragraph (1).

(c) LIMITATION ON PROVISION OF ASSISTANCE.—The total cost of the construction of facilities carried out utilizing the authority provided by subsection (a) may not exceed $500,000,000.

(d) SPECIAL CONSIDERATIONS.—In determining the amount of financial assistance to be made available under this section to the Government of Guam for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration—

(1) the time lag between the initial impact of increased population on Guam and any increase in the local tax base that will result from such increased population;

(2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residents of Guam; and

(3) such other pertinent factors as the Secretary of Defense considers appropriate.

(e) PROGRESS REPORTS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended under the authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each project during such period.

(f) TERMINATION.—The authority to provide assistance under subsection (a) expires September 30, 2017. Amounts obligated before that date may be expended after that date.

SEC. 2823. EXTENSION OF TERM OF DEPUTY SECRETARY OF DEFENSE'S LEADERSHIP OF GUAM OVERSIGHT COUNCIL.

Subsection (d) of section 132 of title 10, United States Code, as added by section 2831(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2669), is amended by striking ''September 30, 2015'' and inserting ''September 30, 2020''.

SEC. 2824. UTILITY CONVEYANCES TO SUPPORT INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM ON GUAM.

(a) CONVEYANCE OF UTILITIES.—The Secretary of Defense may convey to the Guam Waterworks Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to the water and wastewater treatment utility systems on Guam, including the Fena Reservoir, for the purpose of establishing an integrated water and wastewater treatment system on Guam.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance of the water and wastewater treatment utility systems on Guam, the Authority shall pay to the Secretary of Defense an amount equal to the fair market value of the utility infrastructure to be conveyed, as determined pursuant to an agreement between the Secretary and the Authority.

(2) DEFERRED PAYMENTS.—At the discretion of the Authority, the Authority may elect to pay the consideration determined under paragraph (1) in equal annual payments over a period of not more than 25 years, starting with the first year beginning after the date of the conveyance of the water and wastewater treatment utility systems to the Authority.

(3) ACCEPTANCE OF IN-KIND SERVICES.—The consideration required by paragraph (1) may be paid in cash or in-kind, as acceptable to the Secretary of Defense. The Secretary of Defense, in consultation with the Secretary of the Interior, shall consider the value of in-kind services provided by the Government of Guam pursuant to section 311 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2781), section 311 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in such Act, and the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau, approved by Congress in the Palau Compact of Free Association Act (Public Law 99–658; 100 Stat. 3672).

(c) CONDITION OF CONVEYANCE.—As a condition of the conveyance under subsection (a), the Secretary of Defense must obtain at least a 33 percent voting representation on the Guam Consolidated Commission on Utilities, including a proportional representation as chairperson of the Commission.

(d) IMPLEMENTATION REPORT.—

(1) REPORT REQUIRED.—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall submit to the congressional defense committees a report containing—

(A) a description of the actions needed to efficiently convey the water and wastewater treatment utility systems to the Authority; and

(B) an estimate of the cost of the conveyance.

(2) SUBMISSION.—The Secretary shall submit the report not later than 30 days after the date on which the Secretary makes the determination triggering the report requirement.

(e) NEW WATER SYSTEMS.—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall also enter into an agreement with the Authority, under which the Authority will manage and operate any water well or wastewater treatment plant that is constructed by the Secretary of a military department on Guam on or after the date of the enactment of this Act.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Defense 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.

(g) TECHNICAL ASSISTANCE.—

(1) ASSISTANCE AUTHORIZED; REIMBURSEMENT.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may provide technical assistance to the Secretary of Defense and the Authority regarding the development of plans for the design, construction, operation, and maintenance of integrated water and wastewater treatment utility systems on Guam.

(2) CONTRACTING AUTHORITY; CONDITION.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may enter into memoranda of understanding, cooperative agreements, and other agreements with the Secretary of Defense to provide technical assistance as described in paragraph (1) under such terms and conditions as the Secretary of the Interior and the Secretary of Defense consider appropriate, except that costs incurred by the Secretary of the Interior to provide technical assistance under paragraph (1) shall be covered by the Secretary of Defense.

(3) REPORT AND OTHER ASSISTANCE.—Not later than one year after date of the enactment of this Act, the Secretary of the Interior and the Secretary of Defense shall submit to the congressional defense committees, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate a report detailing the following:

(A) Any technical assistance provided under paragraph (1) and information pertaining to any memoranda of understanding, cooperative agreements, and other agreements entered into pursuant to paragraph (2).

(B) An assessment of water and wastewater systems on Guam, including cost estimates and budget authority, including authorities available under the Acts of June 17, 1902, and June 12, 1906 (popularly known as the Reclamation Act; 43 U.S.C. 391) and other authority available to the Secretary of the Interior, for financing the design, construction, operation, and maintenance of such systems.

(C) The needs related to water and wastewater infrastructure on Guam and the protection of water resources on Guam identified by the Authority.

SEC. 2825. REPORT ON TYPES OF FACILITIES REQUIRED TO SUPPORT GUAM REALIGNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report on the structural integrity of facilities required to support the realignment of military installations and the relocation of military personnel on Guam.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following elements:

(1) A threat assessment to the realigned forces, including natural and manmade threats.

(2) An evaluation of the types of facilities and the enhanced structural requirements required to deter the threat assessment specified in paragraph (1).

(3) An assessment of the costs associated with the enhanced structural requirements specified in paragraph (2).

SEC. 2826. REPORT ON CIVILIAN INFRASTRUCTURE NEEDS FOR GUAM.

(a) REPORT REQUIRED.—The Secretary of the Interior shall prepare a report—

(1) detailing the civilian infrastructure improvements needed on Guam to directly and indirectly support and sustain the realignment of military installations and the relocation of military personnel on Guam; and

(2) identifying, to the maximum extent practical, the potential funding sources for such improvements from other Federal departments and agencies and from existing authorities and funds within the Department of Defense.

(b) CONSULTATION.—The Secretary of the Interior shall prepare the report required by subsection (a) in consultation with the Secretary of Defense, the Government of Guam, and the Interagency Group on the Insular Areas established by Executive Order 13537.

(c) SUBMISSION.—The Secretary of the Interior shall submit the report required by subsection (a) to the congressional defense committees and the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act.

SEC. 2827. COMPTROLLER GENERAL REPORT ON PLANNED REPLACEMENT NAVAL HOSPITAL ON GUAM.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall review and assess the proposed replacement Naval Hospital on Guam to determine whether the size and scope of the hospital will be sufficient to support the current and projected military mission requirements and Department of Defense beneficiary population on Guam.

(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).

Subtitle D—Energy Security

SEC. 2831. CONSIDERATION OF ENVIRONMENTALLY SUSTAINABLE PRACTICES IN DEPARTMENT ENERGY PERFORMANCE PLAN.

Section 2911(c) of title 10, United States Code, is amended—

(1) in paragraph (4), by inserting ''and hybrid-electric drive'' after ''alternative fuels'';

(2) by redesignating paragraph (9) as paragraph (11) and paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(3) by inserting after paragraph (4) the following new paragraph:

''(5) Opportunities for the high-performance construction, lease, operation, and maintenance of buildings.''; and

(4) by inserting after paragraph (9) (as redesignated by paragraph (2)) the following new paragraph:

''(10) The value of incorporating electric, hybrid-electric, and high efficiency vehicles into vehicle fleets.''.

SEC. 2832. PLAN AND IMPLEMENTATION GUIDELINES FOR ACHIEVING DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY TO MEET FACILITY ENERGY NEEDS.

(a) PLAN AND GUIDELINES REQUIRED.—Section 2911(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

''(2) The Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop a plan and implementation guidelines for achieving the percentage goal specified in paragraph (1)(A).''.

(b) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the plan and implementation guidelines required by paragraph (2) of section 2911(e) of title 10, United States Code, as added by subsection (a).

SEC. 2833. INSULATION RETROFITTING ASSESSMENT FOR DEPARTMENT OF DEFENSE FACILITIES.

(a) SUBMISSION AND CONTENTS OF INSULATION RETROFITTING ASSESSMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an assessment containing an estimate of—

(1) the number of Department of Defense facilities described in subsection (b); and

(2) the overall cost savings and energy savings to the Department that would result from retrofitting those facilities with improved insulation.

(b) FACILITIES INCLUDED IN ASSESSMENT.—The assessment requirement in subsection (a) shall apply with respect to each Department of Defense facility the retrofitting of which (as described in such subsection) would result, over the remaining expected life of the facility, in an amount of cost savings that is at least twice the amount of the cost of the retrofitting.

Subtitle E—Land Conveyances

SEC. 2841. CONVEYANCE OF PERSONAL PROPERTY RELATED TO WASTE-TO-ENERGY POWER PLANT SERVING EIELSON AIR FORCE BASE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Fairbanks North Star Borough, Alaska (in this section referred to as the ''Borough''), personal property acquired for the Eielson Air Force Base Alternate Energy Source Program to be used for a waste-to-energy power plant that would generate electricity through the burning of waste generated by the Borough, Eielson Air Force Base, and other Federal facilities or State or local government entities.

(b) CONSIDERATION.—As consideration for the conveyance of personal property under subsection (a), the Secretary shall require the Borough to offset Eielson Air Force Base waste disposal fees by the fair market value of the conveyed property.

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

SEC. 2842. LAND CONVEYANCE, WHITTIER PETROLEUM, OIL, AND LUBRICANT TANK FARM, WHITTIER, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Whittier, Alaska (in this section referred to as the ''City''), all right, title, and interest of the United States in and to parcels of real property, including any improvements thereon, consisting of approximately 31 acres at the Whittier Petroleum, Oil, and Lubricant Tank Farm, Whittier, Alaska, for the purpose of permitting the City to use the property for local public activities.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

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

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), including easements or covenants to protect cultural or natural resources, as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the ''Department'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 194 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State veterans home and future expansion of the adjacent State veterans cemetery for veterans and eligible family members of the Armed Forces.

(b) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Department shall reimburse the Secretary for any costs incurred by the Secretary in making the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. This paragraph does not apply to costs associated with the environmental remediation of the property to be conveyed.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the 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 other amounts in such fund or account.

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

SEC. 2844. LAND CONVEYANCE, NAVAL SUPPORT ACTIVITY (WEST BANK), NEW ORLEANS, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—Except as provided in subsection (b), the Secretary of the Navy may convey to the Algiers Development District all right, title, and interest of the United States in and to the real property comprising the Naval Support Activity (West Bank), New Orleans, Louisiana, including—

(1) any improvements and facilities on the real property; and

(2) available personal property on the real property.

(b) CERTAIN PROPERTY EXCLUDED.—The conveyance under subsection (a) may not include—

(1) the approximately 29-acre area known as the Secured Area of the real property described in such subsection, which shall remain subject to the Lease; and

(2) the Quarters A site, which is located at Sanctuary Drive, as determined by a survey satisfactory to the Secretary of the Navy.

(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 of the Navy.

(d) TIMING.—The authority provided in subsection (a) may only be exercised after—

(1) the Secretary of the Navy determines that the property described in subsection (a) is no longer needed by the Department of the Navy; and

(2) the Algiers Development District delivers the full consideration as required by Article 3 of the Lease.

(e) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall include a condition that expressly prohibits any use of the property that would interfere or otherwise restrict operations of the Department of the Navy in the Secured Area referred to in subsection (b), as determined by the Secretary of the Navy.

(f) SUBSEQUENT CONVEYANCE OF SECURED AREA.—If at any time the Secretary of the Navy determines and notifies the Algiers Development District that there is no longer a continuing requirement to occupy or otherwise control the Secured Area referred to in subsection (b) to support the mission of the Marine Forces Reserve or other comparable Marine Corps use, the Secretary may convey to the Algiers Development District the Secured Area and the any improvements situated thereon.

(g) SUBSEQUENT CONVEYANCE OF QUARTERS A.—If at any time the Secretary of the Navy determines that the Department of the Navy no longer has a continuing requirement for general officers quarters to be located on the Quarters A site referred to in subsection (b) or the Department of the Navy elects or offers to transfer, sell, lease, assign, gift or otherwise convey any or all of the Quarters A site or any improvements thereon to any third party, the Secretary may convey to the Algiers Development District the real property containing the Quarters A site.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance of property under this section, consistent with the Lease, as the Secretary considers appropriate to protect the interest of the United States.

(i) DEFINITIONS.—In this section:

(1) The term ''Algiers Development District'' means the Algiers Development District, a local political subdivision of the State of Louisiana.

(2) The term ''Lease'' means that certain Real Estate Lease for Naval Support Activity New Orleans, West Bank, New Orleans, Louisiana, Lease No. N47692–08–RP–08P30, by and between the United States, acting by and through the Department of the Navy, and the Algiers Development District dated September 30, 2008.

SEC. 2845. LAND CONVEYANCE, FORMER NAVY EXTREMELY LOW FREQUENCY COMMUNICATIONS PROJECT SITE, REPUBLIC, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to Humboldt Township in Marquette County, Michigan, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Republic, Michigan, consisting of approximately seven acres and formerly used as an Extremely Low Frequency communications project site, for the purpose of permitting the Township to use the property for local public activities.

(b) 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.

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

SEC. 2846. LAND CONVEYANCE, MARINE FORCES RESERVE CENTER, WILMINGTON, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the North Carolina State Port Authority of Wilmington, North Carolina (in this section referred to as the ''Port Authority''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 3.03 acres and known as the Marine Forces Reserve Center in Wilmington, North Carolina, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) INCLUSION OF PERSONAL PROPERTY.—The Secretary of the Navy may include as part of the conveyance under subsection (a) personal property of the Navy at the Marine Forces Reserve Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Navy agrees is excess to the needs of the Navy.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Navy may lease the property to the Port Authority.

(d) CONSIDERATION.—

(1) CONVEYANCE.—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Navy determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) LEASE.—The Secretary of the Navy may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(f) ADDITIONAL TERMS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2851. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL FACILITIES.

(a) UNIFIED CONSTRUCTION STANDARD FOR MILITARY CONSTRUCTION AND REPAIRS TO MILITARY MEDICAL FACILITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a unified construction standard for military construction and repairs for military medical facilities that provides a single standard of care. This standard shall also include a size standard for operating rooms and patient recovery rooms.

(b) INDEPENDENT REVIEW PANEL.—

(1) ESTABLISHMENT; PURPOSE.—The Secretary of Defense shall establish an independent advisory panel for the purpose of—

(A) advising the Secretary regarding whether the Comprehensive Master Plan for the National Capital Region Medical, dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the plan result in world class military medical facilities in the National Capital Region;

(B) monitoring the implementation and any subsequent modification of the master plan referred to in subparagraph (A); and

(C) making recommendations regarding any adjustments of the master plan referred to in subparagraph (A) needed to ensure the provision of world class military medical facilities and delivery system in the National Capital Region.

(2) MEMBERS.—

(A) APPOINTMENTS BY SECRETARY.—The panel shall be composed of such members as determined by the Secretary of Defense, except that the Secretary shall include as members—

(i) medical facility design experts;

(ii) military healthcare professionals;

(iii) representatives of premier health care facilities in the United States; and

(iv) former retired senior military officers with joint operational and budgetary experience.

(B) CONGRESSIONAL APPOINTMENTS.—The chairmen and ranking members of the Committees on the Armed Services of the Senate and House of Representatives may each designate one member of the panel.

(C) TERM.—Members of the panel may serve on the panel until the termination date specified in paragraph (7).

(D) COMPENSATION.—While performing duties on behalf of the panel, a member and any adviser referred to in paragraph (4) shall be reimbursed under Government travel regulations for necessary travel expenses.

(3) MEETINGS.—The panel shall meet not less than quarterly. The panel or its members may make other visits to military treatment facilities and military headquarters in connection with the duties of the panel.

(4) STAFF AND ADVISORS.—The Secretary of Defense shall provide necessary administrative staff support to the panel. The panel may call in advisers for consultation.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 120 days after the first meeting of the panel, the panel shall submit to the Secretary of Defense a written report containing an assessment of the adequacy of the master plan referred to in paragraph (1)(A) and the recommendations of the panel to improve the plan.

(B) ADDITIONAL REPORTS.—Not later than February 28, 2011, and February 29, 2012, the panel shall submit to the Secretary of Defense a report on the findings and recommendations of the panel to address any deficiencies identified by the panel.

(6) ASSESSMENT OF RECOMMENDATIONS.—Not later than 30 days after the date of the submission of each report under paragraph (5), the Secretary of Defense shall submit to the congressional defense committees a report including—

(A) an assessment by the Secretary of the findings and recommendations of the panel; and

(B) the plans of the Secretary for addressing such findings and recommendations.

(7) TERMINATION.—The panel shall terminate on September 30, 2015.

(c) DEFINITIONS.—In this section:

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

(2) WORLD CLASS MILITARY MEDICAL FACILITY.—The term ''world class military medical facility'' has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report titled ''Achieving World Class—An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital'' and published in May 2009, as required by section 2721 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4716).

SEC. 2852. NAMING OF ARMED FORCES RESERVE CENTER, MIDDLETOWN, CONNECTICUT.

The newly constructed Armed Forces Reserve Center in Middletown, Connecticut, shall be known and designated as the ''Major General Maurice Rose Armed Forces Reserve Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such Armed Forces Reserve Center shall be deemed to be a reference to the Major General Maurice Rose Armed Forces Reserve Center.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Subtitle A—Fiscal Year 2010 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Various Locations	Operational Facilities	80,100	80,100
AF	Various Locations	Supporting Activities	62,900	62,900
AF	Various Locations	Utility Facilities	52,600	52,600

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $195,600,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $40,000,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $6,696,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Various Locations	Operational Facilities	220,500	220,500
AF	Various Locations	Supply Facilities	24,550	24,550

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $245,050,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $15,000,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $19,040,000.

Subtitle B—Fiscal Year 2011 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Various Locations	Air Pollution Abatement	16,000	16,000
AF	Various Locations	Community Facilities	21,450	21,450
AF	Various Locations	Hospital and Medical Facilities	50,800	50,800
AF	Various Locations	Operational Facilities	69,600	69,600
AF	Various Locations	Supply Facilities	30,700	30,700
AF	Various Locations	Supporting Activities	199,800	199,800
AF	Various Locations	Troop Housing Facilities	283,000	283,000
AF	Various Locations	Utility Facilities	90,600	90,600

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $761,950,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $78,330,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $89,716,000.

SEC. 2912. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Various Locations	Maintenance and Production Facilities	7,400	7,400
AF	Various Locations	Operational Facilities	203,000	203,000
AF	Various Locations	Supply Facilities	7,100	7,100

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $217,500,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $49,584,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $13,422,000.

SEC. 2913. AUTHORIZED DEFENSE WIDE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies for a classified project at a classified location outside the United States, and subject to the total amount authorized and authorization of appropriations specified for the project, set forth in the following table:

Defense Wide: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
XC	Classified Location	Classified Project	41,900	41,900

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $41,900,000.

(2) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design authorized by section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $4,600,000.

SEC. 2914. CONSTRUCTION AUTHORIZATION FOR NATIONAL SECURITY AGENCY FACILITIES IN A FOREIGN COUNTRY.

Of the amounts authorized to be appropriated by this subtitle, the Secretary of Defense may use not more than $46,500,000 to plan, design, and construct facilities in a foreign country for the National Security Agency.

Subtitle C—Other Matters

SEC. 2921. NOTIFICATION OF OBLIGATION OF FUNDS AND QUARTERLY REPORTS.

(a) NOTIFICATION OF OBLIGATION OF FUNDS.—

(1) NOTICE AND WAIT REQUIREMENT.—Before using appropriated funds to carry out a construction project outside the United States that is authorized by section 2901, 2902, 2911, or 2912 and has an estimated cost in excess of the amounts authorized for unspecified minor military construction projects under section 2805(c) of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a notice regarding the construction project. The project may be carried out only after the end of the 10-day period beginning on the date the notice is received by the committees or, if earlier, the end of the 7-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(2) CONTENTS OF NOTICE.—The notice for a construction project covered by subsection (a) shall include the following:

(A) Certification that the construction—

(i) is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces;

(ii) is carried out in support of a non-enduring mission; and

(iii) is the minimum construction necessary to meet temporary operational requirements.

(B) A description of the purpose for which appropriated funds are being obligated.

(C) All relevant documentation detailing the construction project.

(D) An estimate of the total amount obligated for the construction.

(b) QUARTERLY REPORTS.—

(1) REPORT REQUIRED.—Not later than 45 days after the end of each fiscal-year quarter during which appropriated funds are obligated or expended to carry out construction projects outside the United States that are authorized by section 2901, 2902, 2911, or 2912, the Secretary of Defense shall submit to the congressional defense committees a report on the worldwide obligation and expenditure during that quarter of appropriated funds for such construction projects.

(2) PROJECT AUTHORITY CONTINGENT ON SUBMISSION OF REPORTS.—The ability to use section 2901, 2902, 2911, or 2912 as authority during a fiscal year to obligate appropriated funds available to carry out construction projects outside the United States shall commence for that fiscal year only after the date on which the Secretary of Defense submits to the congressional defense committees all of the quarterly reports (if any) that were required under paragraph (1) for the preceding fiscal year.

(c) LIMITATION ON TRANSFER AUTHORITY.—If the Secretary of the Army or the Secretary of the Air Force determines that amounts appropriated pursuant to the authorization of appropriation in section 2901, 2902, 2911, or 2912 are required for any construction project that will cause obligations to exceed any of the category amounts specified in this title or for a construction project that is not within the scope of the category, the Secretary shall notify the congressional defense committees of this determination at least 14 days before obligating funds for the project.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $11,214,755,000, to be allocated as follows:

(1) For weapons activities, $7,008,835,000.

(2) For defense nuclear nonproliferation activities, $2,687,167,000.

(3) For naval reactors, $1,070,486,000.

(4) For the Office of the Administrator for Nuclear Security, $448,267,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) Project 11-D-801, reinvestment project phase 2, Los Alamos National Laboratory, Los Alamos, New Mexico, $23,300,000.

(2) Project 11-D-601, sanitary effluent reclamation facility expansion, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,588,039,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for other defense activities in carrying out programs necessary for national security in the amount of $878,209,000.

SEC. 3104. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 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. EXTENSION OF AUTHORITY RELATING TO THE INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE DEPARTMENT OF ENERGY.

Section 3156(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2739; 50 U.S.C. 2343(b)(1)) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2018''.

SEC. 3112. ENERGY PARKS INITIATIVE.

(a) IN GENERAL.—Subtitle B of title XLVIII of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2501 et seq.) is amended by adding at the end the following:

''SEC. 4815. ENERGY PARKS INITIATIVE.

''(a) IN GENERAL.—The Secretary of Energy may facilitate the development of energy parks described in subsection (b) on defense nuclear facility reuse property through the use of collaborative partnerships with State and local governments, the private sector, and community reuse organizations approved by the Secretary.

''(b) ENERGY PARKS.—An energy park described in this subsection is a facility (or group of facilities) developed for the purpose of—

''(1) promoting energy security, environmental sustainability, economic competitiveness, and energy sector jobs; and

''(2) encouraging pilot programs, demonstration projects, or commercial projects, at or near such facility, with respect to energy generation, energy efficiency, and advanced manufacturing technologies that will contribute to a stabilization of atmospheric greenhouse gas concentrations through the reduction, avoidance, or sequestration of energy-related emissions.

''(c) INFRASTRUCTURE.—In facilitating the development of an energy park under this section, the Secretary shall—

''(1) use existing infrastructure, facilities, workforces, and other assets in the vicinity of the energy park; and

''(2) ensure that such energy park does not interfere with the Secretary's other responsibilities at any defense nuclear facility.

''(d) REPORT.—Not later than December 31, 2011, the Secretary shall submit to the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives and the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate a report on steps taken to facilitate the development of energy parks under this section.

''(e) DEFINITIONS.—In this section:

''(1) The term 'defense nuclear facility' has the meaning given the term 'Department of Energy defense nuclear facility' in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

''(2) The term 'defense nuclear facility reuse property' means property that—

''(A) is located at a defense nuclear facility; and

''(B) the Secretary of Energy determines—

''(i) has been adequately remediated by the Secretary or was not in need of remediation; and

''(ii) is ready for use as an energy park.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by inserting after the item relating to section 4814 the following new item:

''Sec. 4815. Energy parks initiative.''.

SEC. 3113. ESTABLISHMENT OF TECHNOLOGY TRANSFER CENTERS.

(a) TECHNOLOGY TRANSFER CENTERS.—

(1) IN GENERAL.—Section 4813 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2794) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) TECHNOLOGY TRANSFER CENTERS.—(1) Subject to the availability of appropriations provided for such purpose, the Administrator shall establish a technology transfer center described in paragraph (2) at each national security laboratory.

''(2) A technology transfer center described in this paragraph is a center to foster collaborative scientific research, technology development, and the appropriate transfer of research and technology to users in addition to the national security laboratories.

''(3) In establishing a technology transfer center under this subsection, the Administrator—

''(A) shall enter into cooperative research and development agreements with governmental, public, academic, or private entities; and

''(B) may enter into a contract with respect to constructing, purchasing, managing, or leasing buildings or other facilities.''.

(2) DEFINITION.—Subsection (c) of such section, as redesignated by paragraph (1)(A), is amended by adding at the end the following new paragraph:

''(5) The term 'national security laboratory' has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).''.

(3) SECTION HEADING.—The heading of such section is amended by inserting ''**AND TECHNOLOGY TRANSFER CENTERS**'' after ''**PARTNERSHIPS**''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by striking the item relating to section 4813 and inserting the following new item:

''Sec. 4813. Critical technology partnerships and technology transfer centers.''.

SEC. 3114. AIRCRAFT PROCUREMENT.

Of the amounts authorized to be appropriated under section 3101(a)(1) for fiscal year 2011 for weapons activities, the Secretary of Energy may procure not more than two aircraft.

Subtitle C—Reports

SEC. 3121. COMPTROLLER GENERAL REPORT ON NNSA BIENNIAL COMPLEX MODERNIZATION STRATEGY.

Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

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

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

''(d) GAO STUDY AND REPORTS.—(1) For each plan and assessment submitted under subsection (a), the Comptroller General of the United States shall conduct a study that includes the following:

''(A) An analysis of the plan under subsection (a)(1).

''(B) An analysis of the assessment under subsection (a)(2).

''(C) Whether both the budget for the fiscal year in which the plan and assessment are submitted and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex in accordance with the plan.

''(D) An analysis of any assessment submitted by the Administrator under subsection (c).

''(E) With respect to the facilities infrastructure recapitalization program—

''(i) whether such program achieved its mission of addressing deferred and backlogged maintenance;

''(ii) to what extent deferred and backlogged maintenance remains unaddressed;

''(iii) whether the expiration of such program's authorities has weakened or strengthened plans under subsection (a); and

''(iv) whether the reauthorization of such program would further the goal of modernizing and refurbishing the nuclear security complex.

''(2) Not later than 180 days after the date on which the Administrator submits the plan and assessment under subsection (a), the Comptroller General shall submit to the congressional defense committees a report on the study under paragraph (1), including—

''(A) the findings of the study under paragraph (1);

''(B) whether the plan and assessment submitted under subsection (a) support each element under subsection (b); and

''(C) the role of the United States Strategic Command in making an assessment under subsection (c).

''(3) Not later than 90 days after the date on which a budget is submitted to Congress during an even-numbered fiscal year, the Comptroller General shall submit to the congressional defense committees an update to the previous study under paragraph (1) taking into account the nuclear security budget materials included with such budget.''.

SEC. 3122. REPORT ON GRADED SECURITY PROTECTION POLICY.

(a) REPORT.—Not later than February 1, 2011, the Secretary of Energy shall submit to the congressional defense committees a report on the implementation of the graded security protection policy of the Department of Energy.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A comprehensive plan and schedule (including any benchmarks, milestones, or other deadlines) for implementing the graded security protection policy.

(2) An explanation of the current status of the graded security protection policy for each site with respect to the comprehensive plan under paragraph (1).

(3) An explanation of the Secretary's objective end-state for implementation of the graded security protection policy (such end-state shall include supporting justification and rationale to ensure that robust and adaptive security measures meet the graded security protection policy requirements).

(4) Identification of each site that has received an exception or waiver to the graded security protection policy, including the justification for each such exception or waiver.

(5) A schedule for ''force-on-force'' exercises that the Secretary considers necessary to maintain operational readiness.

(6) A description of a program that will provide proper training and equipping of personnel to a certifiable standard.

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

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2011, $28,640,000 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.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,614,000 for fiscal year 2011 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2011.

Funds are hereby authorized to be appropriated for fiscal year 2011, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $100,020,000, of which—

(A) $63,120,000 shall remain available until expended for Academy operations;

(B) $6,000,000 shall remain available until expended for refunds to Academy midshipmen for improperly charged fees; and

(C) $30,900,000 shall remain available until expended for capital improvements at the Academy.

(2) For expenses necessary to support the State maritime academies, $15,007,000, of which—

(A) $2,000,000 shall remain available until expended for student incentive payments;

(B) $2,000,000 shall remain available until expended for direct payments to such academies; and

(C) $11,007,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $10,000,000.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000, of which $3,688,000 shall remain available until expended for administrative expenses of the program.

SEC. 3502. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

Chapter 531 of title 46, United States Code, is amended—

(1) in section 53104(a), by striking ''2015'' and inserting ''2025'';

(2) in section 53106(a)(1)(C), by striking ''for each fiscal years 2012, 2013, 2014, and 2015'' and inserting ''for each of fiscal years 2012 though 2025''; and

(3) in section 53111(3), by striking ''2015'' and inserting ''2025''.

SEC. 3503. UNITED STATES MERCHANT MARINE ACADEMY NOMINATIONS OF RESIDENTS OF THE NORTHERN MARIANA ISLANDS.

Section 51302(b) of title 46, United States Code, is amended—

(1) in paragraph (3), by inserting ''the Northern Mariana Islands,'' after ''Guam,''; and

(2) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 3504. ADMINISTRATIVE EXPENSES FOR PORT OF GUAM IMPROVEMENT ENTERPRISE PROGRAM.

Section 3512(c)(4) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (48 U.S.C. 1421r(c)(4)) is amended—

(1) by inserting '', and of other amounts appropriated or otherwise made available to the Maritime Administration for the purposes of the Program for fiscal year 2011 or thereafter,'' after ''for a fiscal year''; and

(2) by inserting ''under this section'' before the period at the end.

SEC. 3505. VESSEL LOAN GUARANTEES: PROCEDURES FOR TRADITIONAL AND NONTRADITIONAL APPLICATIONS.

(a) DEFINITIONS.—Section 53701 of title 46, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (16);

(2) by redesignating paragraphs (10) through (13) as paragraphs (11) through (14), respectively;

(3) by inserting after paragraph (8) the following new paragraph:

''(9) NONTRADITIONAL APPLICATION.—The term 'nontraditional application' means an application for a loan, guarantee, or commitment to guarantee under this chapter, that is not a traditional application, as determined by the Administrator.''; and

(4) by inserting after paragraph (14), as so redesignated, the following new paragraph:

''(15) TRADITIONAL APPLICATION.—The term 'traditional application' means an application for a loan, guarantee, or commitment to guarantee under this chapter that involves a market, technology, and financial structure of a type that has proven successful in previous applications and does not present an unreasonable risk to the United States, as determined by the Administrator.''.

(b) DEADLINE FOR DECISION ON APPLICATION; EXTENSION.—Section 53703(a) of title 46, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Secretary or Administrator shall approve or deny an application for a loan guarantee under this chapter—

''(A) in the case of a traditional application, before the end of the 90-day period beginning on the date on which the signed application is received by the Secretary or Administrator; and

''(B) in the case of a nontraditional application, before the end of the 120-day period beginning on such date of receipt.''; and

(2) in paragraph (2), by striking ''the 270-day period in paragraph (1) to a date not later than 2 years'' and inserting ''the applicable period under paragraph (1) to a date that is not later than 1 year after the date on which the signed application was received by the Secretary or Administrator''.

(c) INDEPENDENT ANALYSIS.—Section 53708(d) of title 46, United States Code, is amended by striking ''an application'' and inserting ''a nontraditional application''.

(d) APPLICATION.—The amendments made by this section shall apply only to applications submitted after the date of enactment of this Act.

Amend the title so as to read: ''A bill to authorize appropriations for fiscal year 2011 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.''.

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 111–498 and amendments en bloc described in section 3 of House Resolution 1404.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be offered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendments.

Amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chair and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chair of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Armed Services or his designee announces from the floor a request to that effect.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–498.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk, amendment No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 172, line 10, strike ''of an enlisted member of the Armed Forces'' and insert ''of a candidate''.

Page 172, beginning line 12, strike ''member,'' and insert ''candidate''.

Page 172, line 15, insert after ''(1)'' the following: ''is an enlisted member of the Armed Forces and''.

Page 404, line 6, strike ''or later''.

Page 437, strike line 19 and all that follows through page 438, line 14 (and redesignate subsequent sections accordingly).

Page 603, in the table above line 1, in the column titled ''Installation or Location'', strike ''Miami'' and insert ''North Fort Myers'', strike ''West Palm Beach'' and insert ''Tallahassee'', strike ''Kansas City'' and insert ''Belton'', strike ''Dallas'' and insert ''Denton'', and strike ''Virginia Beach'' and insert ''Fort Story''.

Page 670, lines 1 and 2, strike ''**NATIONAL SECURITY AGENCY**'' and insert ''**DEPARTMENT OF DEFENSE**'' (and conform the table of contents in section 2(b)).

Page 670, line 7, strike ''National Security Agency'' and insert ''Department of Defense''.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my colleague, the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Thank you, Mr. Chairman, for yielding and for your leadership on this important legislation.

I rise in support of the Fiscal Year 2011 National Defense Authorization Act and the accompanying manager's amendment.

This bipartisan legislation supports the ongoing efforts of our Armed Forces to keep our country safe, to maintain our resolve against extremists, and to sustain nuclear weapons nonproliferation.

It provides our men and women with the crucial tools they need to protect our country and to effectively find and hold accountable those who wish us harm. Equally as important, the NDAA includes protections for our servicemembers, such as lighter weight body armor that will keep our servicemembers safe but will lighten the burden we ask them to carry.

This bill also expands legal rights for servicemembers who have been victims of sexual assault, and it improves training related to the prevention of and to the response to this crime. I also look forward to the long overdue repeal of Don't Ask, Don't Tell.

The unanimous support that this bill received in committee is a testament to our continued commitment to provide the technology, equipment, and manpower required to protect our country at all times.

I urge my colleagues to support H.R. 5136.

The Acting CHAIR. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 1 minute to my friend and colleague, a gentleman who has made a tremendous contribution to the committee already in the area of nuclear weaponry, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Chairman, I strongly support this amendment, which improves and perfects strong underlying legislation to keep the American people safe and to spur economic growth in places like central New Mexico.

The bill, as amended, will expand TRICARE coverage to include dependent children up to the age of 26, something our troops and military families deserve. It also provides our military with the cutting-edge resources that they need to defend our Nation.

Many of these advancements originate in central New Mexico at Kirtland Air Force Base and at Sandia National Laboratories. For example, the Operationally Responsive Space satellite program and the Airborne Laser Test Bed will both receive greater resources to accomplish their important missions, and the bill will authorize a secure microgrid energy pilot program on a military installation to advance our goal of energy security and independence.

This bill is a true reflection of our 21st century military strategy for keeping Americans safe, and I urge my colleagues to support the amendment and the underlying legislation.

□ 1415

Mr. MCKEON. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, for the benefit of the House, we will be calling several speakers.

Mr. Chairman, I yield 1 minute to our friend and colleague who has been a leader on port security issues here in the country, who has worked very hard on them, the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 5136. I want to thank Chairman SKELTON, the committee, and all of the staff that have brought us to this point.

Having visited Afghanistan and Iraq, I strongly agree that this bill will help us to restore and enhance the readiness of our troops. But with the limited time that I have to speak, I would like to focus on one part of the amendment today, and that is my amendment that would allow the Transportation Command to update and expand its Port Look 2008 strategic seaports study. This study remains a crucial tool to ensure that our ports remain ready to respond in the case of an emergency, and, worse, an attack.

My amendment would expand the scope of the report to include the consideration of infrastructure in the vicinity of strategic ports, including bridges, roads, and rail capacity. We must be ready to move our troops immediately and to get them the resources that they need.

I stand to say something that I have said before: ''The role of our ports is to connect the forts.'' If the transportation systems and infrastructure in and around our strategic ports are deficient, the ability of our ports to fulfill their readiness would fail.

I stand in support of this amendment.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. DJOU), a new Member that will be serving on our committee that we are really happy to hear from at this time.

Mr. DJOU. Mr. Chairman, I rise in support of H.R. 5136, the fiscal year 2011 Defense Authorization Act, as approved unanimously by the Armed Services Committee. I am pleased today to give my first substantive speech as a Member of the U.S. House of Representatives.

It is a great honor to speak on the Defense Authorization Act, not only as a Member of Congress, but also as the Member who represents Hawaii's First Congressional District,the home of the U.S. Pacific Command, and speaking also, of course, as an Army Reservist. It is also my honor to be speaking on this measure the week before Memorial Day.

To defend America, we need the best-trained and best-equipped United States Armed Forces. I am pleased this bill attempts to ensure that the Department of Defense is fully equipped and well prepared to fight all of our current and future battles on behalf of our Nation.

I am pleased to support this particular resolution, which contains important measures for the Pacific Command, particularly, of course, for myself, representing Hawaii's First Congressional District, home of the United States Navy's Pacific Fleet, the U.S. Air Force's Pacific Air Force, and the 25th Infantry Division of the United States Army.

These measures and provisions contained in here will help defend the United States and the Asia-Pacific region from the looming threats to our national security, in particular the region right now in the Korean Peninsula, which I believe deserves our Nation's critical attention.

I am happy also to support the Republican efforts to deploy a comprehensive missile defense system. As the Representative from Hawaii, the one region which is in the flight arc of North Korea's ballistic missiles, this is an important development and something that I encourage the United States Congress to continue to develop further.

Mr. ANDREWS. Mr. Chairman, I am pleased to yield 1 minute to my friend, the gentleman from California (Mr. MCNERNEY), who has worked very hard on the issue of special combat pay for those facing the fierce actions we are engaged in.

Mr. MCNERNEY. Mr. Chairman, last year I was in Afghanistan. Some paratroopers were transporting me outside the city of Kandahar, and one of them stopped and turned to me and said, Are you a Congressman? I said yes. He said, Can you help us? We haven't had a pay raise in 10 years. I said, Can I help you? You bet I can.

Upon returning, I introduced the COMBAT Act to increase specialty pay for troops serving overseas and separated from their families. Over the past several months, I have worked to incorporate hostile fire, imminent danger, and family separation allowance pay increases into the 2011 National Defense Authorization Act. This increase will help hundreds of thousands of servicemembers and their families.

Our servicemembers and their families have made enormous sacrifices to keep us safe. They deserve this pay raise, and I am proud to see that the increases are included in the 2011 defense authorization bill.

Thank you, Mr. Chairman, for your efforts, and for working with me on this issue, and for all the work that you have done for our Armed Forces. I support this important legislation.

Mr. MCKEON. I yield myself the balance of my time.

Mr. Chairman, many of the Members on our side have been talking about the Murphy amendment that will be coming up later today. We were concerned that we were only given 10 minutes to debate that amendment, something that will be very far-reaching, very important to all of the members of the armed services and to the country. I would like to talk just a little bit about the process that we have been going through this year.

Earlier this year, the President, in his State of the Union speech, told the Nation that he wanted to see Don't Ask, Don't Tell repealed by the end of the year. The Secretary, in responding to the President's message, put a process in place, a process that would give to the Congress a report covering many items.

In March, the Secretary selected General Ham and Jeh Johnson, Defense Counsel for the Defense Department, two very good men, men of high integrity, men that have taken this responsibility very seriously. I met with them, and I talked to them about the process, about what they were going to do, how they would work to make it fair.

This month, just a couple of weeks ago, they have let a contract to Westat, a Rockville-based firm that has done survey work for the Defense Manpower Data Center to conduct surveys on military personnel, military spouses, and the comprehensive review working group. They have set their criteria on how they are going to move forward on this survey.

They will sample 350,000 members of the military and their families. They will survey 100,000 active duty military, 70,000 of their spouses, 100,000 of the Reserve component military, and 80,000 of their spouses. The sample size will be dictated by randomized statistically valid responses from various subelements of each component. Servicemembers will be asked to respond by mid-July, spouses by the end of August. They will develop and identify the sample of servicemembers and spouses.

I specifically asked them if they would reach out to make sure that all members were represented, which is what they are going to do. They are going to set up a system whereby members of the military who may be homosexual will be able to have their feelings known and keep their confidence. That report, as they have been set out now to work on, will reach out to the military.

They will then report back to us no later than the first of December, and at that point we are asked to move forward.

I have a letter here from Secretary Gates that says in part, I believe in the strongest possible terms that the department must, prior to any legislative

action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive, comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner.

Mr. Chairman, I include for the RECORD the entire letter from Admiral Mullen and Secretary Gates.

THE SECRETARY OF DEFENSE,
Washington, DC, April 30, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of April 28 requesting my views on the advisability of legislative action to repeal the so-called ''Don't Ask Don't Tell'' statute prior to the completion of the Department of Defense review of this matter.

I believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. A critical element of this effort is the need to systematically engage our forces, their families, and the broader military community throughout this process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we are to carry out this change successfully.

Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process. Further, I hope Congress will not do so, as it would send a very damaging message to our men and women in uniform that in essence their views, concerns, and perspectives do not matter on an issue with such a direct impact and consequence for them and their families.

Adm. MICHAEL G. MULLEN,
Chairman of the Joint Chiefs of Staff.
ROBERT M. GATES,
Secretary of Defense.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. SCHRADER) to talk about his ideas to help improve health care for those who serve in our National Guard.

Mr. SCHRADER. Mr. Chairman, I am here offering an amendment in the Defense reauthorization bill for 2011 because of some of the treatment that Oregon, Washington, California, Arizona, Nevada, Maryland, and Vermont Guardsmen may have received when they got back from tours in Iraq and Afghanistan this spring.

The National Guard and the Army have been fighting side-by-side through nearly 9 years of war. It is time to make a full assessment of the treatment our National Guard soldiers receive when they get home.

My first amendment directs the Department of Defense Inspector General to report back to Congress by the end of the year on the treatment and medical care our National Guard soldiers receive in comparison to regular Army.

The second amendment requires the Secretary of Defense to provide each member of the National Guard with a clear and comprehensive statement of the medical care and treatment they are entitled to receive. When they are in theater, the Army makes no distinction between the National Guard, Army Reserves, and regular Army soldiers. There should be no distinction in the care when they return home.

I ask the House to continue this work by supporting my amendments.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. 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 Missouri will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BARTLETT

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–498.

Mr. BARTLETT. 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. 2 offered by Mr. BARTLETT:

Page 28, after line 3, insert the following:

SEC. 113. LIMITATION ON USE OF FUNDS FOR LINE-HAUL TRACTORS.

(a) LIMITATION.—None of the funds authorized to be appropriated by section 101(5) for other procurement, Army, may be obligated or expended by the Secretary of the Army for line-haul tractors unless the source selection is made based on a full and open competition.

(b) WAIVER.—The Secretary of the Army may waive the limitation under subsection (a) if the Secretary certifies to the congressional defense committees by not later than 90 days after the date of the enactment of this Act that a sole source selection—

(1) is needed to fulfill mission requirements; or

(2) is more cost effective than a full and open competition.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Maryland (Mr. BARTLETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. BARTLETT. Mr. Chairman, we have noted two concerns relative to the Army Reserve line-haul tractors. The first concern is that they are procuring these tractors sole-source, without the benefits and advantages of full and open competition; and, secondly, their procurement is way, way, behind the need. They are in fact about 1,000 tractors short. So I have a very simple amendment which addresses these two concerns:

(A) Congressional encouragement of full and open competition. Congress encourages the Secretary of the Army to use full and open competition for the M915 tractor-trailer program beginning in fiscal year 2012; and,

(B) Report. Not later than February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report on line-haul tractors, including possible courses of action that would accelerate meeting the line-haul tractor requirement of the Army Reserve.

We have vetted this with the Army Reserves, Mr. Chairman, and they are in support of it. I encourage a ''yes'' vote on this.

I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I rise in support of the amendment. It is a very well-thought-out amendment that encourages competition, which will be a service to the servicemembers of our country, as well as to our taxpayers. We thank the gentleman from Maryland for offering it and would urge Members to support it.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

The amendment was agreed to.

Mr. ANDREWS. Mr. Chairman, pursuant to section 3 of House Resolution 1404, as the designee of the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 5136 in the Committee of the Whole and following consideration of Amendment No. 82 printed in House Report 111–498, the following amendments be considered: en bloc No. 3, followed by en bloc No 4.

□ 1430

AMENDMENT NO. 3 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–498.

Mr. SMITH of Washington. 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. SMITH of Washington:

At the end of subtitle I of title V, insert the following:

SEC. 5___. ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 44—ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES

''Sec.
''4401. Definitions.
''4402. Leave requirement.
''4403. Certification.

''4404. Employment and benefits protection.
''4405. Prohibited acts.
''4406. Enforcement.
''4407. Miscellaneous provisions.

''§ 4401. Definitions

''In this chapter:

''(1) The terms 'benefit', 'rights and benefits', 'employee', 'employer', and 'uniformed services' have the meaning given such terms in section 4303 of this title.

''(2) The term 'contingency operation' has the same meaning given such term in section 101(a)(13) of title 10.

''(3) The term 'eligible employee' means an individual who is—

''(A) a family member of a member of a uniformed service;

''(B) an employee of the employer with respect to whom leave is requested under section 4402 of this title; and

''(C) not entitled to leave under section 102(a)(1)(E) of the Family Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)(E)).

''(4) The term 'family member' means an individual who is, with respect to another individual, one of the following:

''(A) The spouse of the other individual.

''(B) A son or daughter of the other individual.

''(C) A parent of the other individual.

''(5) The term 'reduced leave schedule' means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

''(6) The terms 'spouse', 'son or daughter', and 'parent' have the meaning given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

''§ 4402. Leave requirement

''(a) ENTITLEMENT TO LEAVE.—In any 12-month period, an eligible employee shall be entitled to two workweeks of leave for each family member of the eligible employee who, during such 12-month period—

''(1) is in the uniformed services; and

''(2)(A) receives notification of an impending call or order to active duty in support of a contingency operation; or

''(B) is deployed in connection with a contingency operation.

''(b) LEAVE TAKEN INTERMITTENTLY OR ON REDUCED LEAVE SCHEDULE.—(1) Leave under subsection (a) may be taken by an eligible employee intermittently or on a reduced leave schedule as the eligible employee considers appropriate.

''(2) The taking of leave intermittently or on a reduced leave schedule pursuant to this subsection shall not result in a reduction in the total amount of leave to which the eligible employee is entitled under subsection (a) beyond the amount of leave actually taken.

''(c) PAID LEAVE PERMITTED.—Leave granted under subsection (a) may consist of paid leave or unpaid leave as the employer of the eligible employee considers appropriate.

''(d) RELATIONSHIP TO PAID LEAVE.—(1) If an employer provides paid leave to an eligible employee for fewer than the total number of workweeks of leave that the eligible employee is entitled to under subsection (a), the additional amount of leave necessary to attain the total number of workweeks of leave required under subsection (a) may be provided without compensation.

''(2) An eligible employee may elect, and an employer may not require the eligible employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the eligible employee for leave provided under subsection (a) for any part of the total period of such leave the eligible employee is entitled to under such subsection.

''(e) NOTICE FOR LEAVE.—In any case in which an eligible employee chooses to use leave under subsection (a), the eligible employee shall provide such notice to the employer as is reasonable and practicable.

''§ 4403. Certification

''(a) IN GENERAL.—An employer may require that a request for leave under section 4402(a) of this title be supported by a certification of entitlement to such leave.

''(b) TIMELINESS OF CERTIFICATION.—An eligible employee shall provide, in a timely manner, a copy of the certification required by subsection (a) to the employer.

''(c) SUFFICIENT CERTIFICATION.—A copy of the notification, call, or order described in section 4402(a)(2) of this title shall be considered sufficient certification of entitlement to leave for purposes of providing certification under this section. The Secretary may prescribe such additional forms and manners of certification as the Secretary considers appropriate for purposes of providing certification under this section.

''§ 4404. Employment and benefits protection

''(a) IN GENERAL.—An eligible employee who takes leave under section 4402 of this title for the intended purpose of the leave shall be entitled, on return from such leave—

''(1) to be restored by the employer to the position of employment held by the eligible employee when the leave commenced; or

''(2) to be restored to an equivalent position with equivalent rights and benefits of employment.

''(b) LOSS OF BENEFITS.—The taking of leave under section 4402 of this title shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

''(c) LIMITATIONS.—Nothing in this section shall be construed to entitle any restored employee to—

''(1) the accrual of any seniority or employment benefits during any period of leave; or

''(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

''§ 4405. Prohibited acts

''(a) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this chapter.

''(b) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this chapter.

''§ 4406. Enforcement

''The provisions of subchapter III of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.

''§ 4407. Miscellaneous provisions

''The provisions of subchapter IV of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.''.

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 43 the following new item:

''44. Annual Leave for Family of Deployed Members of the Uniformed Services ..... 4401.''.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Washington (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chairman, I rise to offer an amendment regarding military family leave. This committee and this body has, in the past, taken great steps to make sure that our military families, when they're deployed, they have and do qualify for the Military Family Leave Act. Unfortunately, there are some specifics of the military family—sorry, of the Family Leave Act—that leave out some of our military personnel when they are deployed because of the jobs that they have. They do not qualify for the existing Family Leave Act.

What this amendment does is it makes sure that all military personnel, even if they don't qualify for the Family and Medical Leave Act, will have the ability to take at least—I'm sorry, the spouses, children and parents of our military personnel, will have the ability to take at least 2 weeks of unpaid leave when a servicemember receives a notification or order to active duty in support of a contingency operation or is deployed in connection with such an operation.

One of the things that we've really struggled to deal with is the amount that we have asked of the members of the Guard and Reserve. They have been deployed far more since 9/11 than they ever were before, and that has a tremendous impact on their families.

Now, the Guard and Reserve has performed an unbelievable service to this country. Every time I travel abroad, go to Iraq and Afghanistan and meet members of the Guard and Reserve who are serving over there, I come away enormously impressed with their immense dedication and the job they're doing on our behalf. They continue to do it. They continue to sign up. Recruitment and retention are at all-time highs. They are absolutely committed to serving this country.

But they also need our help and support because members of the Guard and Reserve typically have families and jobs here at home, and that is disrupted every time they're called up and sent overseas. This is one small way that we can help them deal with that disruption, by making sure that their loved ones qualify for the Family Medical Leave Act.

This would be unpaid leave, but it would make sure that they have the time to help support their loved one who is being deployed.

I ask the body to support this amendment.

Mr. Chair, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, continuing my earlier comments, I was right in the middle of a letter by Secretary Gates. I will catch everybody up to speed.

The Secretary said, prior to any legislative action, the military should be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change, develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner.

I'm inserting some of my own language now. I would like to say that we will be asked to vote on an amendment later today without having the value and the important information that would come from this, without being able to act in a most informed and effective manner.

The Secretary goes on to say a critical element of this effort is the need to systematically engage our forces, their families and the broader military community throughout the process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we are to carry out this change successfully. Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process.

Further, I hope Congress will not do so, as it would send a very damaging message to our men and women in uniform that, in essence, their views, concerns, and perspectives do not matter on an issue with such a direct impact and consequence for them and their families.

Now, Mr. SKELTON, chairman of the committee, spoke to the Secretary 2 days ago, and the Secretary said, I stand by my letter.

Next I have a letter from Admiral Roughead, Chief of Naval Operations. I spoke to each of the chiefs day before yesterday, I believe it was, on May 26, and he sent a letter, part of which says, I share the view of Secretary Gates that the best approach would be to complete the DOD review before there's any legislation to change the law. My concern is that legislative changes, at this point, regardless of the precise language used, may cause confusion on the status of the law in the fleet and disrupt the review process itself by leading sailors to question whether their input matters.

Obtaining the views and opinions of the force and assessing them in light of the issues involved will be complicated by a shifting legislative backdrop and its associated debate.

The admiral told me he was very concerned about what it would do in the force, the confusion that would be caused, and losing the credibility, actually, of him and his colleagues, because they have gone out. Based on what the President said, based on what the Secretary said earlier this year, they have gone to the force and told them they would be involved in this process; and it breaks faith with them and the things that they have tried to tell the force.

I will read General Schwartz's letter. General Schwartz is the Chief of the Air Force. He said, I believe it's important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commission review be completed before there is any legislation to repeal the Don't Ask, Don't Tell law, which is the Murphy amendment which we'll be discussing and voting on later today or tomorrow.

Such action allows me to provide the best military advice to the President and sends an important signal to our airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive, and would reflect an intent to act before all relevant factors are assessed, digested and understood.

I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I will assume that there is support for my amendment. I just want to quickly address what Mr. MCKEON has said on two levels. First of all, the amendment that we will be voting on later today on Don't Ask, Don't Tell specifically leaves it in the hands of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff to be the one who will chair the policy. The policy will not be changed as a result of the amendment that we are passing. It will meet, absolutely, the requirement that the Secretary of Defense and others have put out to get input from the Armed Forces. And it will not, let me repeat, will not be changed until the Secretary of Defense and the Chairman of the Joint Chiefs of Staff certify that change. They will have to certify it before we go forward.

Second of all, this policy, Don't Ask, Don't Tell, this ridiculous policy that has driven people out of the military who are only too anxious to serve, has been in existence for 16 years.

And I cannot speak for the gentleman from California, but I have spoken to many members of the Armed Forces during the course of that 16-year period about this policy, as I'm sure others have. So the main thing I object to is the characterization that the men and women of our Armed Forces have been left out of this debate. Nothing could be further from the truth. We've had 16 years, and a year and a half since President Obama said that he felt the policy should be changed, to have those conversations, and we're having them. And again, we will continue to have them, even after Congress pulls itself out of this policy. We're the ones who inserted ourselves into the debate by passing it in the first place 16 years ago. This will now go back to the Secretary of Defense to have precisely those conversations that Mr. MCKEON wants them to have. And I'm sure that they will.

I yield the balance of my time to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I think that the process that my friend from California lays out is a correct one, that there should be wide solicitation of views from those who wear the uniform, and there will be.

And the amendment that Mr. MURPHY will be offering later today simply says this: If, after that process the Secretary of Defense and the Chairman of the Joint Chiefs Staff believe that the evidence shows that implementation of the repeal would undercut the readiness or effectiveness of our troops, they will not certify that the policy should be put into effect, and it won't be. The Secretary has repeatedly said, Admiral Mullen has repeatedly said the question is not whether repeal should take place, but how.

Mr. MURPHY's amendment will set up a rational process for that to take place. I believe it's the right thing to do, and I support Mr. SMITH's amendment which is before us right now.

Mr. SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. SMITH).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MARSHALL

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–498.

Mr. MARSHALL. 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. MARSHALL:

Page 122, after line 18, insert the following:

SEC. 359. SENSE OF CONGRESS REGARDING FIRE-RESISTANT UTILITY ENSEMBLES FOR NATIONAL GUARD PERSONNEL IN CIVIL AUTHORITY MISSIONS.

It is the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Georgia (Mr. MARSHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. MARSHALL. Mr. Chairman, this is a pretty simple amendment. We give fire retardant uniforms to all soldiers deploying to our combat zones. National Guard soldiers here in the United States do not have fire retardant uniforms, for the most part. And yet some National Guard soldiers, as an ordinary part of their duties, are exposed to fire hazards.

The amendment's pretty simple. It simply says we acknowledge that there's a cost issue associated with the issuing of fire retardant uniforms to all of our National Guard soldiers here in the United States. But at least we

should encourage the Guard to consider issuing those uniforms to those soldiers who, as a normal course of their duties, from time to time are exposed to fire hazards. And I hope that everybody would agree that that's a wise thing for us to do.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition. I will not oppose the amendment. I will support the amendment as a good member of the committee.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chair, we do have other things we can talk about here today, and seeing how the Rules Committee didn't give us time to fully debate the Murphy amendment on Don't Ask, Don't Tell, we will use the time for that.

I yield 2 minutes the gentleman from Colorado (Mr. COFFMAN), a member of the committee.

□ 1445

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in support of the amendment offered and in support of the bill as well, the defense authorization bill as well, but in opposition certainly to the Murphy amendment on the Don't Ask, Don't Tell, reversing Don't Ask, Don't Tell.

One thing that I think hasn't been raised, certainly what the amendment states is that the Congress of the United States will in fact delegate to the Department of Defense, to the Secretary of the Department of Defense and to the Chairman of the Joint Chiefs of Staff, the ability to simply do the assessment based on the survey to make that decision. But I think the reality is, unfortunately, these are not independent positions.

The President, at the end of the day, is the Commander in Chief, and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff report to the Commander in Chief. So I question the ability for them to make an independent decision. This policy was put in place by the Congress of the United States, and it ought to be the Congress of the United States that ultimately repeals it based on the findings of the study for which I believe that we have the responsibility to review.

So I would hope that we would, in fact, vote down the Murphy amendment, do our job in terms of reviewing the findings of the views of the men and women of the Armed Forces of the United States that this study is, in fact, to put forward their concerns about the challenges of reversing the Don't Ask, Don't Tell policy. Then, upon our reading of that information, we will then make an informed decision going forward as to whether or not we will reverse this policy or we will continue this policy or we will, in fact, reform this policy in some other way. But it is wrong for us to delegate this to somebody else, and I believe, again, we should vote down the Murphy amendment.

Mr. MARSHALL. I agree with Mr. COFFMAN, who cochairs, along with me, the Balanced Budget Caucus. I agree with him on both counts: one, that I have got a good amendment here, and that we ought not to pass the Murphy amendment.

I think everybody understood the course that we were headed on with regard to Don't Ask, Don't Tell was for the military to do a study of the issue, give the study to us, we look at the study and then make a decision. We don't have the results of the military's analysis. What we do have is pretty well expressed concerns by the service Chiefs of each one of our branches that we ought not to move forward, that we are getting the cart before the horse here on this issue.

It seems to me we have been committed for some time to a course where we are going to look at the information and then make the decision. This reverses that course. I think it's a mistake.

As long as we are talking about different issues here, I would like to talk about the F–35 alternate engine as well. We cochair, Mr. COFFMAN, the Balanced Budget Caucus. We are both very concerned about unnecessary expenditures.

I talked to a retired commodore recently. He was an F–16 pilot. They had a squadron where pretty routinely only four to six of their jets would operate, and it was engine problems. At the time they were having those problems, it was sole sourced. When competition was injected, the effect of competition was that all of a sudden the engines that we were getting improved in quality dramatically. So competition is good for the soul.

We actually have a statute that requires competition. If we follow our own law, we will insist upon competition for the engines where the F–35 is concerned. But there is a specific example of competition working where jet engines are concerned, and it's the F–16 and the reliability of the F–16. GAO did a study of the cost savings associated with this and concluded it was 21 percent.

Bottom line, there is not a good argument, except for near-term dollar issues, there is not a single good argument why we wouldn't have competition where the F–35 engine is concerned.

I appreciate the ranking member and the chairman of this committee and both of the relevant subcommittees strongly supporting having competition where the F–35 engine is concerned. I appreciate the support that I have received for my amendment with regard to National Guard uniforms.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

I thank the gentleman for his agreement with us on this issue, where we had a process set up. The process was set up by the Secretary in conformance with the President's wishes, and the thing that they thought was very important was having the input from those who would be most affected.

In talking to the Chiefs yesterday, one of them made the comment to me, in addition to the letters, he says, Hey, I understand the politics. I understand what's going on here. And he said, The amendment is very cleverly written. It says nothing will be done to implement this until the study is done. However, the headline will be ''Don't Ask, Don't Tell Repealed.'' He says, I understand how that works. But the guy that's out on an FOB in Afghanistan is going to get the headline and he is going to then, when somebody may send him a survey, he is going to say, What is this? I know this is already decided. I mean, we ought to treat this like it really is.

Many of your Members, I have been on the floor the whole day, I have listened to this debate, and I was also in the Rules Committee yesterday and heard it, and many of your Members say this repeals Don't Ask, Don't Tell. This is it. And then some of your Members are saying, Well, it doesn't really do anything. It just kind of moves the ball down the field. Then why are we doing the debate? I think be honest in what this really does. This precludes the study, the study we just hired that we are going to pay good money for and we are going to hear from the troops, but they are going to know that their wishes or their desires or their comments or their participation is folly because the decision's already made.

What it's supposed to be was we found out, we went out and did the study, then it comes back and came to us with the Chief's and the Secretary's recommendations, and then we do have a responsibility here. We do pass the laws. And we are giving up that responsibility today by voting on something without the complete information. And we're dissing the troops. That's what we're doing. We're disrespecting them.

And as some of the chairmen said to me yesterday, it's going to cause confusion in the force, and we don't keep faith with those who are putting their lives on the line every day for us. And especially this committee. This committee should stand for the force. This committee should stand for the troops. This should have been discussed in our committee before it came to the full floor.

I yield back the balance of my time.

Mr. MARSHALL. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. MARSHALL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARSHALL. Mr. 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 Georgia will be postponed.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 1404, I hereby give notice that amendments number 21, 42, 47 may be offered out of order.

The Acting CHAIR. Duly noted.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 1.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 offered by Mr. SKELTON consisting of amendments numbered 9, 10, 16, 24, 36, 63, and 70 printed in House Report 111–498:

AMENDMENT NO. 9 OFFERED BY MS. GIFFORDS OF ARIZONA

The text of the amendment is as follows:

Page 452, after line 10, insert the following:

SEC. 1065. SHARED INFORMATION REGARDING TRAINING EXERCISES.

The Secretary of Defense, acting through Joint Task Force North, may share with the Department of Homeland Security and the Department of Justice any data gathered during training exercises.

AMENDMENT NO. 10 OFFERED BY MR. NYE OF VIRGINIA

The text of the amendment is as follows:

Page 79, after line 6, insert the following:

SEC. 244. REPORT ON REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) REPORT.—Not later than March 1, 2011, the Secretary of Defense shall submit to the appropriate congressional committees a report on regional advanced technology clusters.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An analysis of regional advanced technology clusters throughout the United States, including—

(A) an estimate of the amount of public and private funding activities within each cluster;

(B) an assessment of the technical competencies of each of these regional advanced technology clusters;

(C) a comparison of the technical competencies of each regional advanced technology cluster with the technology needs of the Department of Defense; and

(D) a review of current Department of Defense interaction, cooperation, or investment in regional advanced technology clusters.

(2) A strategic plan for encouraging the development of innovative, advanced technologies, such as robotics and autonomous systems, to address national security, homeland security, and first responder challenges by—

(A) enhancing regional advanced technology clusters that support the technology needs of the Department of Defense; and

(B) identifying and assisting the expansion of additional new regional advanced technology clusters to foster research and development into emerging, disruptive technologies identified through strategic planning documents of the Department of Defense.

(3) An identification of the resources needed to establish, sustain, or grow regional advanced technology clusters.

(4) An identification of mechanisms for collaborating and cost sharing with other state, local, and Federal agencies with respect to regional advanced technology clusters, including any legal impediments that may inhibit collaboration or cost sharing.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means the following:

(A) The Committees on Armed Services, Appropriations, and Small Business of the House of Representatives.

(B) The Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate.

(2) The term ''regional advanced technology cluster'' means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

AMENDMENT NO. 16 OFFERED BY MR. SESSIONS OF TEXAS

The text of the amendment is as follows:

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

SEC. 7___. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) PAYMENT PROCESS.—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) CONDITIONS FOR PAYMENT.—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment or study protocol used in treating the member or veteran must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The approved treatment or study protocol (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment or study protocol must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment or study protocol must be receiving the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) ADDITIONAL RESTRICTIONS PROHIBITED.—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this Act.

(d) PAYMENT DEADLINE.—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment or study protocol pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment or study protocol. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) PAYMENT SOURCE.—Subsection (c)(1) of section 1074 of title 10, United States Code, shall apply with respect to the payment by the Secretary of Defense for treatment or study protocols pursuant to subsection (a) of traumatic brain injury and post-traumatic stress disorder received by members of the Armed Forces.

(f) PAYMENT AMOUNT.—A payment under this Act shall be made at the equivalent Centers for Medicare and Medicaid Services reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment or study protocol is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) DATA COLLECTION AND AVAILABILITY.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment or study protocol, in the case of data relating to a patient case involving the use of such treatment or study protocol.

(2) ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) QUALIFIED INSTITUTIONAL REVIEW BOARDS.—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet website of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this Act.

(h) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.—

(1) ASSIGNMENT TO TEMPORARY DUTY.—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment or study protocol for traumatic brain injury or post-

traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) PAYMENT OF PER DIEM.—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) GIFT RULE WAIVER.—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment or study protocol under this Act, or for the provision of such treatment or study protocol, shall not be subject to or covered by any such rule.

(i) RETALIATION PROHIBITED.—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment or study protocol as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For purposes of this Act, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) MEMORANDA OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment or study protocol approved by and under the oversight of civilian institutional review boards that would qualify for payment under this Act.

(l) OUTREACH REQUIRED.—

(1) OUTREACH TO VETERANS.—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this Act.

(2) OUTREACH TO MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this Act.

(m) REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this Act, the Secretaries shall jointly submit to Congress an annual report on the implementation of this Act. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this Act.

(2) The condition for which each such individual receives treatment for which payment is provided under this Act and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this Act and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this Act into facilities of the Department of Defense and Department of Veterans Affairs.

(n) TERMINATION.—The authority to make a payment under this Act shall terminate on the date that is five years after the date of the enactment of this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this Act.

AMENDMENT NO. 24 OFFERED BY MS. JACKSON LEE OF TEXAS

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 839. REPORT RELATED TO MINORITY-OWNED, WOMEN-OWNED, AND DISADVANTAGED-OWNED SMALL BUSINESSES.

Not later than December 1, 2010, the Secretary of Defense shall provide to the Congressional Black Caucus a report that includes a list of minority-owned, women-owned, and disadvantaged-owned small businesses that receive contracts resulting from authorized funding to the Department of Defense. The list shall cover the 10 calendar years preceding the date of the enactment of this Act and shall include, for each listed business, the name of the business and the business owner and the amount of the contract award.

AMENDMENT NO. 36 OFFERED BY MS. WATSON OF CALIFORNIA

The text of the amendment is as follows:

At the end of division A, add the following new title:

TITLE XVII—FEDERAL INFORMATION SECURITY

Subtitle A—Federal Information Security Amendments

SEC. 1701. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''§ 3551. Purposes

''The purposes of this subchapter are to—

''(1) provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

''(2) recognize the highly networked nature of the current Federal computing environment and provide effective Governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

''(3) provide for development and maintenance of minimum controls required to protect Federal information and information infrastructure;

''(4) provide a mechanism for improved oversight of Federal agency information security programs;

''(5) acknowledge that commercially developed information security products offer advanced, dynamic, robust, and effective information security solutions, reflecting market solutions for the protection of critical information infrastructures important to the national defense and economic security of the Nation that are designed, built, and operated by the private sector; and

''(6) recognize that the selection of specific technical hardware and software information security solutions should be left to individual agencies from among commercially developed products.

''§ 3552. Definitions

''(a) SECTION 3502 DEFINITIONS.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—In this subchapter:

''(1) The term 'adequate security' means security that complies with the regulations promulgated under section 3554 and the standards promulgated under section 3558.

''(2) The term 'incident' means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system, information infrastructure, or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

''(3) The term 'information infrastructure' means the underlying framework that information systems and assets rely on in processing, storing, or transmitting information electronically.

''(4) The term 'information security' means protecting information and information infrastructure from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

''(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

''(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

''(C) availability, which means ensuring timely and reliable access to and use of information; and

''(D) authentication, which means using digital credentials to assure the identity of users and validate access of such users.

''(5) The term 'information technology' has the meaning given that term in section 11101 of title 40.

''(6)(A) The term 'national security system' means any information infrastructure (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

''(i) the function, operation, or use of which—

''(I) involves intelligence activities;

''(II) involves cryptologic activities related to national security;

''(III) involves command and control of military forces;

''(IV) involves equipment that is an integral part of a weapon or weapons system; or

''(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

''(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

''(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

''§ 3553. National Office for Cyberspace

''(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

''(b) DIRECTOR.—

''(1) IN GENERAL.—There shall be at the head of the Office a Director, who shall be appointed by the President by and with the advice and consent of the Senate. The Director of the National Office for Cyberspace

shall administer all functions under this subchapter and collaborate to the extent practicable with the heads of appropriate agencies, the private sector, and international partners. The Office shall serve as the principal office for coordinating issues relating to achieving an assured, reliable, secure, and survivable information infrastructure and related capabilities for the Federal Government.

''(2) BASIC PAY.—The Director shall be paid at the rate of basic pay for level III of the Executive Schedule.

''(c) STAFF.—The Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

''(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5.

''§ 3554. Federal Cybersecurity Practice Board

''(a) ESTABLISHMENT.—Within the National Office for Cyberspace, there shall be established a board to be known as the 'Federal Cybersecurity Practice Board' (in this section referred to as the 'Board').

''(b) MEMBERS.—The Board shall be chaired by the Director of the National Office for Cyberspace and consist of not more than 10 members, with at least one representative from—

''(1) the Office of Management and Budget;

''(2) civilian agencies;

''(3) the Department of Defense;

''(4) the Federal law enforcement community;

''(5) the Federal Chief Technology Office; and

''(6) such additional military and civilian agencies as the Director considers appropriate.

''(c) RESPONSIBILITIES.—

''(1) DEVELOPMENT OF POLICIES AND PROCEDURES.—Subject to the authority, direction, and control of the Director of the National Office for Cyberspace, the Board shall be responsible for developing and periodically updating information security policies and procedures relating to the matters described in paragraph (2). In developing such policies and procedures, the Board shall require that all matters addressed in the policies and procedures are consistent, to the maximum extent practicable and in accordance with applicable law, among the civilian, military, intelligence, and law enforcement communities.

''(2) SPECIFIC MATTERS COVERED IN POLICIES AND PROCEDURES.—

''(A) MINIMUM SECURITY CONTROLS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to minimum security controls for information technology, in order to—

''(i) provide Governmentwide protection of Government-networked computers against common attacks; and

''(ii) provide agencywide protection against threats, vulnerabilities, and other risks to the information infrastructure within individual agencies.

''(B) MEASURES OF EFFECTIVENESS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to measurements needed to assess the effectiveness of the minimum security controls referred to in subparagraph (A). Such measurements shall include a risk scoring system to evaluate risk to information security both Governmentwide and within contractors of the Federal Government.

''(C) PRODUCTS AND SERVICES.—The Board shall be responsible for developing and periodically updating information security policies, procedures, and minimum security standards relating to criteria for products and services to be used in agency information systems and information infrastructure that will meet the minimum security controls referred to in subparagraph (A). In carrying out this subparagraph, the Board shall act in consultation with the Office of Management and Budget and the General Services Administration.

''(D) REMEDIES.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to methods for providing remedies for security deficiencies identified in agency information infrastructure.

''(3) ADDITIONAL CONSIDERATIONS.—The Board shall also consider—

''(A) opportunities to engage with the international community to set policies, principles, training, standards, or guidelines for information security;

''(B) opportunities to work with agencies and industry partners to increase information sharing and policy coordination efforts in order to reduce vulnerabilities in the national information infrastructure; and

''(C) options necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

''(4) RELATIONSHIP TO OTHER STANDARDS.—The policies and procedures developed under paragraph (1) are supplemental to the standards promulgated by the Director of the National Office for Cyberspace under section 3558.

''(5) RECOMMENDATIONS FOR REGULATIONS.—The Board shall be responsible for making recommendations to the Director of the National Office for Cyberspace on regulations to carry out the policies and procedures developed by the Board under paragraph (1).

''(d) REGULATIONS.—The Director of the National Office for Cyberspace, in consultation with the Director of the Office of Management and the Administrator of General Services shall promulgate and periodically update regulations to carry out the policies and procedures developed by the Board under subsection (c).

''(e) ANNUAL REPORT.—The Director of the National Office for Cyberspace shall provide to Congress a report containing a summary of agency progress in implementing the regulations promulgated under this section as part of the annual report to Congress required under section 3555(a)(8).

''(f) NO DISCLOSURE BY BOARD REQUIRED.—The Board is not required to disclose under section 552 of title 5 information submitted by agencies to the Board regarding threats, vulnerabilities, and risks.

''§ 3555. Authority and functions of the Director of the National Office for Cyberspace

''(a) IN GENERAL.—The Director of the National Office for Cyberspace shall oversee agency information security policies and practices, including—

''(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 3558;

''(2) requiring agencies, consistent with the standards promulgated under section 3558 and other requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(A) information collected or maintained by or on behalf of an agency; or

''(B) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(3) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

''(4) overseeing agency compliance with the requirements of this subchapter, including through any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;

''(5) reviewing at least annually, and approving or disapproving, agency information security programs required under section 3556(b);

''(6) coordinating information security policies and procedures with related information resources management policies and procedures;

''(7) overseeing the operation of the Federal information security incident center required under section 3559;

''(8) reporting to Congress no later than March 1 of each year on agency compliance with the requirements of this subchapter, including—

''(A) a summary of the findings of audits required by section 3557;

''(B) an assessment of the development, promulgation, and adoption of, and compliance with, standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 3558;

''(C) significant deficiencies in agency information security practices;

''(D) planned remedial action to address such deficiencies; and

''(E) a summary of, and the views of the Director of the National Office for Cyberspace on, the report prepared by the National Institute of Standards and Technology under section 20(d)(10) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

''(9) coordinating the defense of information infrastructure operated by agencies in the case of a large-scale attack on information infrastructure, as determined by the Director;

''(10) establishing a national strategy, in consultation with the Department of State, the United States Trade Representative, and the National Institute of Standards and Technology, to engage with the international community to set the policies, principles, standards, or guidelines for information security; and

''(11) coordinating information security training for Federal employees with the Office of Personnel Management.

''(b) NATIONAL SECURITY SYSTEMS.—Except for the authorities described in paragraphs (4) and (8) of subsection (a), the authorities of the Director of the National Office for Cyberspace under this section shall not apply to national security systems.

''(c) DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY SYSTEMS.—(1) The authorities of the Director of the National Office for Cyberspace described in paragraphs (1) and (2) of subsection (a) shall be delegated to the Secretary of Defense in the case of systems described in paragraph (2) and to the Director of Central Intelligence in the case of systems described in paragraph (3).

''(2) The systems described in this paragraph are systems that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on

behalf of the Department of Defense that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Department of Defense.

''(3) The systems described in this paragraph are systems that are operated by the Central Intelligence Agency, a contractor of the Central Intelligence Agency, or another entity on behalf of the Central Intelligence Agency that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Central Intelligence Agency.

''(d) BUDGET OVERSIGHT AND REPORTING.—(1) The head of each agency shall submit to the Director of the National Office for Cyberspace a budget each year for the following fiscal year relating to the protection of information infrastructure for such agency, by a date determined by the Director that is before the submission of such budget by the head of the agency to the Office of Management and Budget.

''(2) The Director shall review and offer a non-binding approval or disapproval of each agency's annual budget to each agency before the submission of such budget by the head of the agency to the Office of Management and Budget.

''(3) If the Director offers a non-binding disapproval of an agency's, budget, the Director shall transmit recommendations to the head of such agency for strengthening its proposed budget with regard to the protection of such agency's information infrastructure.

''(4) Each budget submitted by the head of an agency pursuant to paragraph (1) shall include—

''(A) a review of any threats to information technology for such agency;

''(B) a plan to secure the information infrastructure for such agency based on threats to information technology, using the National Institute of Standards and Technology guidelines and recommendations;

''(C) a review of compliance by such agency with any previous year plan described in subparagraph (B); and

''(D) a report on the development of the credentialing process to enable secure authentication of identity and authorization for access to the information infrastructure of such agency.

''(5) The Director of the National Office for Cyberspace may recommend to the President monetary penalties or incentives necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

''§ 3556. Agency responsibilities

''(a) IN GENERAL.—The head of each agency shall—

''(1) be responsible for—

''(A) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(i) information collected or maintained by or on behalf of the agency; and

''(ii) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(B) complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including—

''(i) the regulations promulgated under section 3554 and the information security standards promulgated under section 3558;

''(ii) information security standards and guidelines for national security systems issued in accordance with law and as directed by the President;

''(iii) and ensuring the standards implemented for information infrastructure and national security systems under the agency head are complementary and uniform, to the extent practicable; and

''(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

''(2) ensure that senior agency officials provide information security for the information and information infrastructure that support the operations and assets under their control, including through—

''(A) assessing the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information infrastructure;

''(B) determining the levels of information security appropriate to protect such information and information infrastructure in accordance with regulations promulgated under section 3554 and standards promulgated under section 3558, for information security classifications and related requirements;

''(C) implementing policies and procedures to cost effectively reduce risks to an acceptable level; and

''(D) continuously testing and evaluating information security controls and techniques to ensure that they are effectively implemented;

''(3) delegate to an agency official, designated as the 'Chief Information Security Officer', under the authority of the agency Chief Information Officer the responsibility to oversee agency information security and the authority to ensure and enforce compliance with the requirements imposed on the agency under this subchapter, including—

''(A) overseeing the establishment and maintenance of a security operations capability on an automated and continuous basis that can—

''(i) assess the state of compliance of all networks and systems with prescribed controls issued pursuant to section 3558 and report immediately any variance therefrom and, where appropriate and with the approval of the agency Chief Information Officer, shut down systems that are found to be non-compliant;

''(ii) detect, report, respond to, contain, and mitigate incidents that impair adequate security of the information and information infrastructure, in accordance with policy provided by the Director of the National Office for Cyberspace, in consultation with the Chief Information Officers Council, and guidance from the National Institute of Standards and Technology;

''(iii) collaborate with the National Office for Cyberspace and appropriate public and private sector security operations centers to address incidents that impact the security of information and information infrastructure that extend beyond the control of the agency; and

''(iv) not later than 24 hours after discovery of any incident described under subparagraph (A)(ii), unless otherwise directed by policy of the National Office for Cyberspace, provide notice to the appropriate security operations center, the National Cyber Investigative Joint Task Force, and the Inspector General of the agency;

''(B) developing, maintaining, and overseeing an agency wide information security program as required by subsection (b);

''(C) developing, maintaining, and overseeing information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558;

''(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

''(E) assisting senior agency officials concerning their responsibilities under paragraph (2);

''(4) ensure that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

''(5) ensure that the Chief Information Security Officer, in coordination with other senior agency officials, reports biannually to the agency head on the effectiveness of the agency information security program, including progress of remedial actions; and

''(6) ensure that the Chief Information Security Officer possesses necessary qualifications, including education, professional certifications, training, experience and the security clearance required to administer the functions described under this subchapter; and has information security duties as the primary duty of that official.

''(b) AGENCY PROGRAM.—Each agency shall develop, document, and implement an agencywide information security program, approved by the Director of the National Office for Cyberspace under section 3555(a)(5), to provide information security for the information and information infrastructure that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes—

''(1) continuous automated technical monitoring of information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency to assure conformance with regulations promulgated under section 3554 and standards promulgated under section 3558;

''(2) testing of the effectiveness of security controls that are commensurate with risk (as defined by the National Institute of Standards and Technology and the National Office for Cyberspace) for agency information infrastructure;

''(3) policies and procedures that—

''(A) mitigate and remediate, to the extent practicable, information security vulnerabilities based on the risk posed to the agency;

''(B) cost effectively reduce information security risks to an acceptable level;

''(C) ensure that information security is addressed throughout the life cycle of each agency information system and information infrastructure;

''(D) ensure compliance with—

''(i) the requirements of this subchapter;

''(ii) policies and procedures as may be prescribed by the Director of the National Office for Cyberspace, and information security standards promulgated under section 3558;

''(iii) minimally acceptable system configuration requirements, as determined by the Director of the National Office for Cyberspace; and

''(iv) any other applicable requirements, including—

''(I) standards and guidelines for national security systems issued in accordance with law and as directed by the President;

''(II) the policy of the Director of the National Office for Cyberspace;

''(III) the National Institute of Standards and Technology guidance; and

''(IV) the Chief Information Officers Council recommended approaches;

''(E) develop, maintain, and oversee information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558; and

''(F) ensure the oversight and training of personnel with significant responsibilities for information security with respect to such responsibilities;

''(4) ensuring that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

''(5) to the extent practicable, automated and continuous technical monitoring for testing, and evaluation of the effectiveness and compliance of information security policies, procedures, and practices, including—

''(A) management, operational, and technical controls of every information infrastructure identified in the inventory required under section 3505(b); and

''(B) management, operational, and technical controls relied on for an evaluation under section 3556;

''(6) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;

''(7) to the extent practicable, continuous automated technical monitoring for detecting, reporting, and responding to security incidents, consistent with standards and guidelines issued by the Director of the National Office for Cyberspace, including—

''(A) mitigating risks associated with such incidents before substantial damage is done;

''(B) notifying and consulting with the appropriate security operations response center; and

''(C) notifying and consulting with, as appropriate—

''(i) law enforcement agencies and relevant Offices of Inspectors General;

''(ii) the National Office for Cyberspace; and

''(iii) any other agency or office, in accordance with law or as directed by the President; and

''(8) plans and procedures to ensure continuity of operations for information infrastructure that support the operations and assets of the agency.

''(c) AGENCY REPORTING.—Each agency shall—

''(1) submit an annual report on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of this subchapter, including compliance with each requirement of subsection (b) to—

''(A) the National Office for Cyberspace;

''(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(C) the Committee on Oversight and Government Reform of the House of Representatives;

''(D) other appropriate authorization and appropriations committees of Congress; and

''(E) the Comptroller General;

''(2) address the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

''(A) annual agency budgets;

''(B) information resources management of this subchapter;

''(C) information technology management under this chapter;

''(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 and 2805 of title 39;

''(E) financial management under chapter 9 of title 31, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

''(F) financial management systems under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note); and

''(G) internal accounting and administrative controls under section 3512 of title 31; and

''(3) report any significant deficiency in a policy, procedure, or practice identified under paragraph (1) or (2)—

''(A) as a material weakness in reporting under section 3512 of title 31; and

''(B) if relating to financial management systems, as an instance of a lack of substantial compliance under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note).

''(d) PERFORMANCE PLAN.—(1) In addition to the requirements of subsection (c), each agency, in consultation with the National Office for Cyberspace, shall include as part of the performance plan required under section 1115 of title 31 a description of the resources, including budget, staffing, and training, that are necessary to implement the program required under subsection (b).

''(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (a)(2).

''(e) PUBLIC NOTICE AND COMMENT.—Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

''§ 3557. Annual independent audit

''(a) IN GENERAL.—(1) Each year each agency shall have performed an independent audit of the information security program and practices of that agency to determine the effectiveness of such program and practices.

''(2) Each audit under this section shall include—

''(A) testing of the effectiveness of the information infrastructure of the agency for automated, continuous monitoring of the state of compliance of its information infrastructure with regulations promulgated under section 3554 and standards promulgated under section 3558 in a representative subset of—

''(i) the information infrastructure used or operated by the agency; and

''(ii) the information infrastructure used, operated, or supported on behalf of the agency by a contractor of the agency, a subcontractor (at any tier) of such contractor, or any other entity;

''(B) an assessment (made on the basis of the results of the testing) of compliance with—

''(i) the requirements of this subchapter; and

''(ii) related information security policies, procedures, standards, and guidelines;

''(C) separate assessments, as appropriate, regarding information security relating to national security systems; and

''(D) a conclusion regarding whether the information security controls of the agency are effective, including an identification of any significant deficiencies in such controls.

''(3) Each audit under this section shall be performed in accordance with applicable generally accepted Government auditing standards.

''(b) INDEPENDENT AUDITOR.—Subject to subsection (c)—

''(1) for each agency with an Inspector General appointed under the Inspector General Act of 1978 or any other law, the annual audit required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency; and

''(2) for each agency to which paragraph (1) does not apply, the head of the agency shall engage an independent external auditor to perform the audit.

''(c) NATIONAL SECURITY SYSTEMS.—For each agency operating or exercising control of a national security system, that portion of the audit required by this section directly relating to a national security system shall be performed—

''(1) only by an entity designated head; and

''(2) in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

''(d) EXISTING AUDITS.—The audit required by this section may be based in whole or in part on another audit relating to programs or practices of the applicable agency.

''(e) AGENCY REPORTING.—(1) Each year, not later than such date established by the Director of the National Office for Cyberspace, the head of each agency shall submit to the Director the results of the audit required under this section.

''(2) To the extent an audit required under this section directly relates to a national security system, the results of the audit submitted to the Director of the National Office for Cyberspace shall contain only a summary and assessment of that portion of the audit directly relating to a national security system.

''(f) PROTECTION OF INFORMATION.—Agencies and auditors shall take appropriate steps to ensure the protection of information which, if disclosed, may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws and regulations.

''(g) NATIONAL OFFICE FOR CYBERSPACE REPORTS TO CONGRESS.—(1) The Director of the National Office for Cyberspace shall summarize the results of the audits conducted under this section in the annual report to Congress required under section 3555(a)(8).

''(2) The Director's report to Congress under this subsection shall summarize information regarding information security relating to national security systems in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

''(3) Audits and any other descriptions of information infrastructure under the authority and control of the Director of Central Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

''(h) COMPTROLLER GENERAL.—The Comptroller General shall periodically evaluate and report to Congress on—

''(1) the adequacy and effectiveness of agency information security policies and practices; and

''(2) implementation of the requirements of this subchapter.

''(i) CONTRACTOR AUDITS.—Each year each contractor that operates, uses, or supports an information system or information infrastructure on behalf of an agency and each subcontractor of such contractor—

''(1) shall conduct an audit using an independent external auditor in accordance with subsection (a), including an assessment of compliance with the applicable requirements of this subchapter; and

''(2) shall submit the results of such audit to such agency not later than such date established by the Agency.

''§ 3558. Responsibilities for Federal information systems standards

''(a) REQUIREMENT TO PRESCRIBE STANDARDS.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Except as provided under paragraph (2), the Secretary of Commerce shall, on the basis of proposed standards developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)) and in consultation with the Secretary of Homeland Security, promulgate information security standards pertaining to Federal information systems.

''(B) REQUIRED STANDARDS.—Standards promulgated under subparagraph (A) shall include—

''(i) standards that provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

''(ii) such standards that are otherwise necessary to improve the efficiency of operation or security of Federal information systems.

''(C) REQUIRED STANDARDS BINDING.—Information security standards described under subparagraph (B) shall be compulsory and binding.

''(2) STANDARDS AND GUIDELINES FOR NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems, as defined under section 3552(b), shall be developed, promulgated, enforced, and overseen as otherwise authorized by law and as directed by the President.

''(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of an agency may employ standards for the cost-effective information security for all operations and assets within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards—

''(1) contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary; and

''(2) are otherwise consistent with policies and guidelines issued under section 3555.

''(c) REQUIREMENTS REGARDING DECISIONS BY THE SECRETARY.—

''(1) DEADLINE.—The decision regarding the promulgation of any standard by the Secretary of Commerce under subsection (b) shall occur not later than 6 months after the submission of the proposed standard to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

''(2) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

''§ 3559. Federal information security incident center

''(a) IN GENERAL.—The Director of the National Office for Cyberspace shall ensure the operation of a central Federal information security incident center to—

''(1) provide timely technical assistance to operators of agency information systems and information infrastructure regarding security incidents, including guidance on detecting and handling information security incidents;

''(2) compile and analyze information about incidents that threaten information security;

''(3) inform operators of agency information systems and information infrastructure about current and potential information security threats, and vulnerabilities; and

''(4) consult with the National Institute of Standards and Technology, agencies or offices operating or exercising control of national security systems (including the National Security Agency), and such other agencies or offices in accordance with law and as directed by the President regarding information security incidents and related matters.

''(b) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about information security incidents, threats, and vulnerabilities with the Federal information security incident center to the extent consistent with standards and guidelines for national security systems, issued in accordance with law and as directed by the President.

(c) REVIEW AND APPROVAL.—In coordination with the Administrator for Electronic Government and Information Technology, the Director of the National Office for Cyberspace shall review and approve the policies, procedures, and guidance established in this subchapter to ensure that the incident center has the capability to effectively and efficiently detect, correlate, respond to, contain, mitigate, and remediate incidents that impair the adequate security of the information systems and information infrastructure of more than one agency. To the extent practicable, the capability shall be continuous and technically automated.

''§ 3560. National security systems

''The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

''(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system;

''(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President; and

''(3) complies with the requirements of this subchapter.''.

SEC. 1702. INFORMATION SECURITY ACQUISITION REQUIREMENTS.

(a) IN GENERAL.—Chapter 113 of title 40, United States Code, is amended by adding at the end of subchapter II the following new section:

''§ 11319. Information security acquisition requirements.

''(a) PROHIBITION.—Notwithstanding any other provision of law, beginning one year after the date of the enactment of the Federal Information Security Amendments Act of 2010, no agency may enter into a contract, an order under a contract, or an interagency agreement for—

''(1) the collection, use, management, storage, or dissemination of information on behalf of the agency;

''(2) the use or operation of an information system or information infrastructure on behalf of the agency; or

''(3) information technology;

unless such contract, order, or agreement includes requirements to provide effective information security that supports the operations and assets under the control of the agency, in compliance with the policies, standards, and guidance developed under subsection (b), and otherwise ensures compliance with this section.

''(b) COORDINATION OF SECURE ACQUISITION POLICIES.—

''(1) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Standards and Technology, the Director of the National Office for Cyberspace, and the Administrator of General Services, shall oversee the development and implementation of policies, standards, and guidance, including through revisions to the Federal Acquisition Regulation and the Department of Defense supplement to the Federal Acquisition Regulation, to cost effectively enhance agency-information security, including—

''(A) minimum information security requirements for agency procurement of information technology products and services; and

''(B) approaches for evaluating and mitigating significant supply chain security risks associated with products or services to be acquired by agencies.

''(2) REPORT.—Not later than two years after the date of the enactment of the Federal Information Security Amendments Act of 2010, the Director shall submit to Congress a report describing—

''(A) actions taken to improve the information security associated with the procurement of products and services by the Federal Government; and

''(B) plans for overseeing and coordinating efforts of agencies to use best practice approaches for cost-effectively purchasing more secure products and services.

''(c) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

''(1) REQUIREMENT FOR INITIAL VULNERABILITY ASSESSMENTS.—The Director shall require each agency to conduct an initial vulnerability assessment for any major system and its significant items of supply prior to the development of the system. The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

''(A) identify vulnerabilities;

''(B) define exploitation potential;

''(C) examine the system's potential effectiveness;

''(D) determine overall vulnerability; and

''(E) make recommendations for risk reduction.

''(2) SUBSEQUENT VULNERABILITY ASSESSMENTS.—

''(A) The Director shall require a subsequent vulnerability assessment of each major system and its significant items of supply within a program if the Director determines that circumstances warrant the issuance of an additional vulnerability assessment.

''(B) Upon the request of a congressional committee, the Director may require a subsequent vulnerability assessment of a particular major system and its significant items of supply within the program.

''(C) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in subparagraphs (A) through (E) of paragraph (1).

''(3) CONGRESSIONAL OVERSIGHT.—The Director shall provide to the appropriate congressional committees a copy of each vulnerability assessment conducted under paragraph (1) or (2) not later than 10 days after the date of the completion of such assessment.

''(d) DEFINITIONS.—In this section:

''(1) ITEM OF SUPPLY.—The term 'item of supply'—

''(A) means any individual part, component, subassembly, assembly, or subsystem

integral to a major system, and other property which may be replaced during the service life of the major system, including a spare part or replenishment part; and

''(B) does not include packaging or labeling associated with shipment or identification of an item.

''(2) VULNERABILITY ASSESSMENT.—The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.

''(3) MAJOR SYSTEM.—The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).''.

SEC. 1703. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS IN TITLE 44.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the matter relating to subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''3551. Purposes.
''3552. Definitions.
''3553. National Office for Cyberspace.
''3554. Federal Cybersecurity Practice Board.
''3555. Authority and functions of the Director of the National Office for Cyberspace.
''3556. Agency responsibilities.
''3557. Annual independent audit.
''3558. Responsibilities for Federal information systems standards.
''3559. Federal information security incident center.
''3560. National security systems.''.

(b) TABLE OF SECTIONS IN TITLE 40.—The table of sections for chapter 113 of title 40, United States Code, is amended by inserting after the item relating to section 11318 the following new item:

''Sec. 11319. Information security acquisition requirements.''.

(c) OTHER REFERENCES.—

(1) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking ''section 3532(3)'' and inserting ''section 3552(b)''.

(2) Section 2222(j)(6) of title 10, United States Code, is amended by striking ''section 3542(b)(2))'' and inserting ''section 3552(b)''.

(3) Section 2223(c)(3) of title 10, United States Code, is amended, by striking ''section 3542(b)(2))'' and inserting ''section 3552(b)''.

(4) Section 2315 of title 10, United States Code, is amended by striking ''section 3542(b)(2))'' and inserting ''section 3552(b)''.

(5) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(A) in subsections (a)(2) and (e)(5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)'';

(B) in subsection (e)(2), by striking ''section 3532(1)'' and inserting ''section 3552(b)''; and

(C) in subsections (c)(3) and (d)(1), by striking ''section 11331 of title 40'' and inserting ''section 3558 of title 44''.

(6) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking ''section 3534(b)'' and inserting ''section 3556(b)''.

(d) REPEAL.—

(1) Subchapter III of chapter 113 of title 40, United States Code, is repealed.

(2) The table of sections for chapter 113 of such title is amended by striking the matter relating to subchapter III.

(e) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Director of the National Office for Cyberspace.''.

(f) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) the Director of the National Office for Cyberspace;''.

SEC. 1704. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise specified in this section, this subtitle (including the amendments made by this subtitle) shall take effect 30 days after the date of enactment of this Act.

(b) NATIONAL OFFICE FOR CYBERSPACE.—Section 3553 of title 44, United States Code, as added by section 1701 of this division, shall take effect 180 days after the date of enactment of this Act.

(c) FEDERAL CYBERSECURITY PRACTICE BOARD.—Section 3554 of title 44, United States Code, as added by section 1701 of this division, shall take effect one year after the date of enactment of this Act.

Subtitle B—Federal Chief Technology Officer

SEC. 1711. OFFICE OF THE CHIEF TECHNOLOGY OFFICER.

(a) ESTABLISHMENT AND STAFF.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Executive Office of the President an Office of the Federal Chief Technology Officer (in this section referred to as the ''Office'').

(B) HEAD OF THE OFFICE.—

(i) FEDERAL CHIEF TECHNOLOGY OFFICER.—The President shall appoint a Federal Chief Technology Officer (in this section referred to as the ''Federal CTO'') who shall be the head of the Office.

(ii) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Federal Chief Technology Officer.''.

(2) STAFF OF THE OFFICE.—The President may appoint additional staff members to the Office.

(b) DUTIES OF THE OFFICE.—The functions of the Federal CTO are the following:

(1) Undertake fact-gathering, analysis, and assessment of the Federal Government's information technology infrastructures, information technology strategy, and use of information technology, and provide advice on such matters to the President, heads of Federal departments and agencies, and government chief information officers and chief technology officers.

(2) Lead an interagency effort, working with the chief technology and chief information officers of each of the Federal departments and agencies, to develop and implement a planning process to ensure that they use best-in-class technologies, share best practices, and improve the use of technology in support of Federal Government requirements.

(3) Advise the President on information technology considerations with regard to Federal budgets and with regard to general coordination of the research and development programs of the Federal Government for information technology-related matters.

(4) Promote technological innovation in the Federal Government, and encourage and oversee the adoption of robust cross-governmental architectures and standards-based information technologies, in support of effective operational and management policies, practices, and services across Federal departments and agencies and with the public and external entities.

(5) Establish cooperative public-private sector partnership initiatives to achieve knowledge of technologies available in the marketplace that can be used for improving governmental operations and information technology research and development activities.

(6) Gather timely and authoritative information concerning significant developments and trends in information technology, and in national priorities, both current and prospective, and analyze and interpret the information for the purpose of determining whether the developments and trends are likely to affect achievement of the priority goals of the Federal Government.

(7) Develop, review, revise, and recommend criteria for determining information technology activities warranting Federal support, and recommend Federal policies designed to advance the development and maintenance of effective and efficient information technology capabilities, including human resources, at all levels of government, academia, and industry, and the effective application of the capabilities to national needs.

(8) Any other functions and activities that the President may assign to the Federal CTO.

(c) POLICY PLANNING; ANALYSIS AND ADVICE.—The Office shall serve as a source of analysis and advice for the President and heads of Federal departments and agencies with respect to major policies, plans, and programs of the Federal Government in accordance with the functions described in subsection (b).

(d) COORDINATION OF THE OFFICE WITH OTHER ENTITIES.—

(1) FEDERAL CTO ON DOMESTIC POLICY COUNCIL.—The Federal CTO shall be a member of the Domestic Policy Council.

(2) FEDERAL CTO ON CYBER SECURITY PRACTICE BOARD.—The Federal CTO shall be a member of the Federal Cybersecurity Practice Board.

(3) OBTAIN INFORMATION FROM AGENCIES.—The Office may secure, directly from any department or agency of the United States, information necessary to enable the Federal CTO to carry out this section. On request of the Federal CTO, the head of the department or agency shall furnish the information to the Office, subject to any applicable limitations of Federal law.

(4) STAFF OF FEDERAL AGENCIES.—On request of the Federal CTO, to assist the Office in carrying out the duties of the Office, the head of any Federal department or agency may detail personnel, services, or facilities of the department or agency to the Office.

(e) ANNUAL REPORT.—

(1) PUBLICATION AND CONTENTS.—The Federal CTO shall publish, in the Federal Register and on a public Internet website of the Federal CTO, an annual report that includes the following:

(A) Information on programs to promote the development of technological innovations.

(B) Recommendations for the adoption of policies to encourage the generation of technological innovations.

(C) Information on the activities and accomplishments of the Office in the year covered by the report.

(2) SUBMISSION.—The Federal CTO shall submit each report under paragraph (1) to—

(A) the President;

(B) the Committee on Oversight and Government Reform of the House of Representatives;

(C) the Committee on Science and Technology of the House of Representatives; and

(D) the Committee on Commerce, Science, and Transportation of the Senate.

AMENDMENT NO. 63 OFFERED BY MR. MCMAHON OF NEW YORK

The text of the amendment is as follows:

Page 389, after line 7, insert the following:

SEC. 1025. EXPRESSING THE SENSE OF CONGRESS REGARDING THE NAMING OF A NAVAL COMBAT VESSEL AFTER FATHER VINCENT CAPODANNO.

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

(1) Father Vincent Capodanno was born on February 13, 1929, in Staten Island, New York.

(2) After attending Fordham University for a year, he entered the Maryknoll Missionary Seminary in upstate New York in 1949, and was ordained a Catholic priest in June 1957.

(3) Father Capodanno's first assignment as a missionary was working with aboriginal Taiwanese people in the mountains of Taiwan where he served in a parish and later in a school. After several years, Father Capodanno returned to the United States for leave and then was assigned to a Maryknoll school in Hong Kong.

(4) Father Vincent Capodanno volunteered as a Navy Chaplain and was commissioned a Lieutenant in the Chaplain Corps of the United States Naval Reserve in December 28, 1965.

(5) Father Vincent Capodanno selflessly extended his combat tour in Vietnam on the condition he was allowed to remain with the infantry.

(6) On September 4, 1967, during a fierce battle in the Thang Binh District of the Que-Son Valley in Vietnam, Father Capodanno went among the wounded and dying, giving last rites and caring for the injured. He was killed that day while taking care of his Marines.

(7) On January 7, 1969, Father Vincent Capodanno was awarded the Medal of Honor posthumously for comforting the wounded and dying during the Vietnam conflict. For his dedicated service, Father Capodanno was also awarded the Bronze Star, the Purple Heart, the Presidential Unit Citation, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Gallantry Cross with Palm, and the Vietnam Campaign Medal.

(8) In his memory, the U.S.S. Capodanno was commissioned on September 17, 1973. It is the only Naval vessel to date to have received a Papal blessing by Pope John Paul II in Naples, Italy, on September 4, 1981.

(9) The U.S.S. Capodanno was decommissioned on July 30, 1993.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should name a combat vessel of the United States Navy the ''U.S.S. Father Vincent Capodanno'', in honor of Father Vincent Capodanno, a lieutenant in the Navy Chaplain Corps.

AMENDMENT NO. 70 OFFERED BY MR. TONKO OF NEW YORK

The text of the amendment is as follows:

Page 79, after line 6, insert the following:

SEC. 244. SENSE OF CONGRESS AFFIRMING THE IMPORTANCE OF DEPARTMENT OF DEFENSE PARTICIPATION IN DEVELOPMENT OF NEXT GENERATION SEMICONDUCTOR TECHNOLOGIES.

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

(1) The next generation of weapons systems, battlefield sensors, and intelligence platforms will need to be lighter, more agile, consume less power, and have greater computational power, which can only be achieved by decreasing the feature size of integrated circuits to the nanometer scale.

(2) There is a growing concern in the Department of Defense and the United States intelligence community over the offshore shift in development and production of high capacity semiconductors. Reliance on providers of semiconductors in the United States high tech industry will mitigate the security risks of such an offshore shift.

(3) The use of extreme-ultraviolet lithography (EUVL) is recognized in the semiconductor industry as critical to the development of the next generation of integrated circuits.

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

(1) the United States should establish research and development facilities to take the lead in producing the next generation of integrated circuits;

(2) the Department of Defense should support the establishment of a public-private partnership of defense laboratory scientists and engineers, university researchers, integrated circuit designers and fabricators, tool manufacturers, material and chemical suppliers, and metrology and inspection tool fabricators to develop extreme-ultraviolet lithography (EUVL) technologies on 300 micrometer and 450 micrometer wafers; and

(3) the targeted feature size of integrated circuits for EUVL development in the United States should be the 15 nanometer node.

The Acting CHAIR. Pursuant to House Resolution 1404, 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.

Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. First I would like to take the opportunity to salute my dear friend, Chairman SKELTON, for being the kind of leader on a committee as challenging as providing for the men and women of the United States military, to ensure the listening ear to those of us who represent soldiers and their families across America. I think our State of Texas can count itself as having the highest population, one of the highest populations of current and active duty military as well as veterans. I thank the ranking member for his leadership.

In saying that, before we honor them on Memorial Day, I believe that this legislation is a tough initiative on providing for the families and the men and women of the United States military. I also think it's important to note that the Defense Department can be a job creator, create opportunities for Americans across this Nation. And my amendment simply asks that a report be provided to the Congressional Black Caucus towards establishing a report on the numbers of small, medium, minority and women-owned businesses that are doing business with the Defense Department. There are 57.4 million Americans employed by small businesses.

This amendment will be beneficial to small businesses by providing cohesive information in this sector and by encouraging and strengthening competition between businesses. More importantly, with this report I would like to encourage the Department of Defense to get out beyond the Beltway and to establish outreach centers or outreach programs that would explain to these small businesses, whether in Appalachia or whether in the Delta, whether in Houston, whether in urban centers, how to do business effectively, efficiently, and with integrity with the Department of Defense. This amendment creates jobs.

And as I look for greater opportunities, Mr. Chairman, I would like to add that I believe that we are moving in the right direction to eliminate Don't Ask, Don't Tell. To my dismay, it has been characterized as breaking a trust, a breach of our responsibility to our military. It is not. It is giving everyone a chance to be an American, to swear to the oath of service. I believe it's an important step for liberty in our Nation.

Mr. MCKEON. Mr. Chair, I rise in opposition to the amendment, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 10 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I appreciate and respect the debate that's going on today, and I want to thank the Rules Committee for making in order an amendment to this bill.

Mr. Chairman, currently private health care providers are treating brain injury patients with new and innovative treatments with remarkable results. And I am disappointed, however, to report that many of these treatments are currently not available within the military and veterans medical facilities across this country for our heroes who are suffering from traumatic brain injuries.

I have engaged the military now at the senior military leadership for quite some time, and I am not satisfied with the military's response to TBI, traumatic brain injuries. With that said, in an effort to further aid our military members and to fix this delinquency, I introduced the TBI, Traumatic Brain Injury, Treatment Act, H.R. 4568, in February of this year. I am offering it as an amendment today.

The TBI Treatment Act establishes a 5-year pay for performance pilot program. Essentially, what would happen is that any member of the military or who is being treated today by the Veterans' Administration would be able to ask for being able to go outside the military system to a private or free enterprise market system and to be able to have the latest innovative procedures applied to them.

Private health care providers would be authorized and reimbursed to provide proven treatments to active duty soldiers and veterans at no cost to the

patient. I believe, and I believe the Members of this body believe, that it is important to work with the military leadership however they need help in getting to the correct answer.

□ 1500

I am asking for each of us today as Members to look very carefully at this issue and to join me in supporting this amendment. This amendment helps to expedite these groundbreaking treatments to make sure that, effective immediately and quickly, our Nation's veterans, who are suffering from TBI and the myriad of problems that come with that, will receive the most leading-edge answers available in medicine today.

So I ask my colleagues to please join with me in this bipartisan amendment.

Mr. Chairman, I also note as I stand that I am opposed to the provisions known as Don't Ask, Don't Tell changes. Yesterday at the Rules Committee we had a rather vigorous debate, and at the end of that debate when I had an opportunity to talk with members of the committee who were there, I said, Please tell me about the debate that took place in the committee. There was none. It should have been in the committee.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. SESSIONS. Mr. Chairman, I believe that this issue really demanded an opportunity for the members of the Armed Services Committee to fully debate and vet and lead the way on this issue rather than it being part of a political issue that is dominated by the Democratic Party.

I believe that the members of the military, honored heroes of this great Nation, should not be a part of a political agenda but rather be a part of good policy for this Nation. I think it's a slap in the face to the members of the military to be driven down a road that is driven by a political agenda from the left in this country rather than wise policy. I am disappointed. I related that to the committee and its leadership yesterday, and I will say it on the floor of the House today, that I believe that when we go forth in dealing with the military, we should go forth altogether and not as a political agenda.

Mr. SKELTON. I yield 1 minute to my colleague, the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Mr. Chairman, I thank you for the minute. I have a longer statement which I will submit to the RECORD.

I rise today to urge my colleagues to adopt the sense of Congress in this amendment which would recognize Father Vincent Robert Capodanno, a decorated hometown hero from my district in Staten Island, in Brooklyn, New York, for his military accomplishments and his commitment to faith. We would like the Department of the Navy to commission a Navy destroyer in his name.

Father Capodanno, to put it in summation, received a Congressional Medal of Honor for his heroism in the line of fire in Vietnam. He was sent there as a chaplain, but he quickly became much more than a chaplain as he became the friend and accompanier of every soldier on the battlefield.

He could have come home after a year's service, but instead he stayed and earned the name of ''the grunt padre,'' because with his fellow Marines, he raced into battle and was at their side all the way.

On the morning of September 4, 1967, during Operation Swift in the Thang Binh district of the Que Son Valley, the 1st Battalion, 5th Marines encountered a large North Vietnamese unit of approximately 2,500 men.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SKELTON. I yield the gentleman an additional 15 seconds.

Mr. MCMAHON. On that day, Father Capodanno lost his life. He could have come home. But as a great priest, as a great man of faith, he stayed by his fellow soldiers and gave his life that day. He won the Congressional Medal of Honor. We are asking the Navy to name a ship after him. I thank the chairman.

Mr. Chair, I urge my colleagues to adopt a sense of Congress recognizing Father Vincent Robert Capodanno, a decorated hometown hero from my district for his military accomplishments and commitment to his faith. We would like the Department of Navy to commission a Navy Destroyer in his name.

On June 7, 1957, Father Capodanno was ordained by the late Cardinal Spellman and shortly after, fervently devoted eight years of Catholic Missionary service to the needy peoples of Taiwan and Hong Kong.

Volunteering his services as Navy Chaplain on December 28, 1965, Father Capodanno received his commission as a Lieutenant in the Chaplain Corps of the United States Naval Reserve.

After completing orientation at the Naval Chaplain's School, Newport, Rhode Island, Lieutenant Capodanno requested duty with the Marines in Vietnam.

His first assignment was the First Marine Division in 1966, where he immediately began making his presence in the combat operation of Chu Lai a regular part of his duties as Battalion Chaplain.

To stay with his men, Chaplain Capodanno relinquished thirty days of Christmas holiday leave and after serving one year, he extended his tour of duty for six months as the condition that he be allowed to remain with the infantry.

Father Capodanno's greatest desire was just that—to remain with his troops and to give them moral support.

Then on the morning of September 4, 1967, the decision was no longer his to make. During Operation Swift in the Thang Binh District of the Que Son Valley the 1st battalion, fifth Marines encountered a large North Vietnamese unit of approximately 2500 men.

Father Capodanno went among the wounded and dying, giving last rites and taking care of his Marines. Wounded once in the face and having his hand almost severed, he went to help a wounded corpsman only yards from an enemy machinegun and was killed.

For his selfless acts and bravery beyond the call of duty, a man fellow marines referred to on the battlefield as the ''the 'grunt' padre,'' Father Vincent R. Capodanno was awarded the Medal of Honor posthumously.

In 1973, Father Capodanno had a ship commissioned in his honor. The USS *Capodanno*'s lifespan was just as decorated as her namesake's, being the only naval vessel to be blessed by the Pope and saving approximately 22 lives in her first deployment as a search and rescue vessel in the Mediterranean. Unfortunately, this ship was decommissioned and then sold to Turkey in 2005:

Today, Father Capodanno's legacy in the Navy goes untold. The people of New York's 13th District and I would be incredibly honored if the Department of Navy the recognize these amazing accomplishments by commissioning the next Navy Destroyer in the memory of Father Capodanno, an American Hero.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank Mr. MCKEON and Chairman SKELTON for allowing our amendment to be a part of this en bloc amendment. Congresswoman NAPOLITANO and I introduced this amendment, and we have, I think, 57 or 58 cosponsors. And I'd like to tell the Members why this is such an important amendment.

Last summer, a 25-year-old Hoosier Army specialist on his second tour of duty in Iraq named Chancellor Keesling died by suicide in Baghdad. His mother and father went to Dover Air Force base, and they received their son. He got a full military honor burial and a 21-gun salute. The family received all kinds of letters of condolence from the Secretary of the Department of Veterans Affairs and a three-star general, but they did not receive any kind of a comment or letter of condolence from the President of the United States, the Commander in Chief. And I think it's very important that this policy be changed.

It's been the policy for a long time that if a person dies by suicide in the military, the Commander in Chief does not send a letter of condolence to the family. But the family's the one that's really suffering. And right now with members of the military serving one, two, and maybe even three tours of duty in Afghanistan or Iraq or around the world, there's tremendous pressure on them. Tremendous pressure. And a lot of them succumb to the pressures and commit suicide.

Now this is not an isolated case. In 2008, there were 260 suicides, 140 in the Army; 41 in the Navy, 38 in the Air Force and 41 in the Marines. In 2009, it was 160 in the Army, 47 in the Navy, 34 in the Air Force and 42 in the Marines. And so far this year, 71 young men and women have committed suicide in the military.

And I think it's only fitting and proper that the Commander in Chief, the President of the United States, who sends these young people into combat for extraordinarily long periods of time, ought to understand that the

grieving families, like the Keeslings, deserve a letter from the Commander in Chief saying we understand the pressure that your son or daughter was under. We understand that they served their country well, and we want to express condolence to you for your loss and for the service they gave their country. After all, they voluntarily joined the service. They voluntarily served in combat and in combat areas. And because they couldn't handle the pressure, over months and months and sometimes years, they succumbed to that pressure. They should still receive condolence from the Commander in Chief.

And I want to thank once again the ranking member and the chairman of the committee for supporting this, and I hope that the President, after this resolution is passed en bloc with the other amendments, will see fit to send letters of condolence to every young man and woman's family who died in the service of their country, whether they died in combat or by their own hand.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I want to thank the gentleman from Indiana, Mr. BURTON, for his work on this, acknowledging the families of those who have died really in combat, because these suicides are a result of combat.

And the greatest signature wound in this war on terrorism in Iraq and Afghanistan is a wound that involves both the psyche with traumatic brain injury, with the concussions they are serving as a result of these IEDs—improvised explosive devices—and the stress and strain of constantly worrying about your life being in jeopardy, which is posttraumatic stress.

And there's nothing that is abnormal about having the stress of worrying about your life being taken, and these people have to live with it constantly nonstop because this country keeps asking them to go back and back and back and back again.

This is something that's long overdue. I thank the gentleman from Indiana. Let's study, let's serve, let's make the commitment not to forget the families left behind as a result of these terrible tragedies.

Mr. MCKEON. May I inquire as to how much time we have left.

The Acting CHAIR. The gentleman has 3 minutes remaining; the gentleman from Missouri has 5¾ minutes remaining.

Mr. MCKEON. I reserve the balance of my time.

Mr. SKELTON. I yield 2 minutes to my friend and colleague, the gentleman from New York (Mr. TONKO).

Mr. TONKO. My amendment, to which I would like to speak, encourages the Department of Defense to help develop the next generation of semiconductors. It allows us to embrace the American intellect and put it into an investment towards better outcomes in our military.

These new technologies will focus on scaling. Scaling of processors to the point that the next generation of weapons systems would be lighter, more agile, consume less power, and at the same time be more powerful.

As important as our future weapons systems are, so, too, is it essential for us to maintain our global competitiveness in nanotechnology to achieve both of these goals for the military, and for business creation and innovation. We need to achieve these goals through the Department of Defense and having them critically involved.

This amendment asks the Department of Defense to support the creation of a public-private partnership of defense laboratory scientists and engineers, university researchers, integrated circuit designers and fabricators, tool manufacturers, material and chemical suppliers, and metrology and inspection tool fabricators to develop extreme ultraviolet lithography technologies on 300- and 450-micrometer wafers.

A partnership of such would bring all the stakeholders and financial resources to one location and would be vital to our Nation if we're going to compete in the global race for the next generation of semiconductors.

I ask my colleagues to support this very key amendment.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding.

I rise in strong support of the Watson-Langevin amendment. I am happy to be working with Chairwoman WATSON to join strong cybersecurity authorities with important updates to our federal information security policies, otherwise known as the FISMA Act, which is long outdated and needs this updating provision.

But a portion of our amendment is drawn from my Executive Cyberspace Authorities Act and focuses on coordination of efforts to secure Federal networks, develop smarter cyberpolicies, and lead the world in standards and practices for responsible actions in cyberspace.

Clearly, cybersecurity and our cybervulnerabilities is one of the biggest threats facing the country today. We're so interconnected by use of the Internet, but it also provides real vulnerabilities because of cyberpenetrations.

The provisions in this act follow recommendations by the CSI's Commission on Cyber Security, which I cochaired. By establishing a national office for cyberspace and the executive office of the President, this office will include strong authorities over agency information security policies, and responsibility for coordinating the defense of our Federal networks and establishing a national strategy for international engagement.

Again, this will provide the right authorities for the cybercoordinator, who now would become the cyberdirector and do incredible work in making sure that we have the right authorities in place to make sure that all of our departments and agencies are secure as possible in cyberspace.

So I want to thank the committee for including my amendment in the en bloc package, and I urge Members to support this passage. I, again, want to thank Chairman WATSON for her work on this amendment. We joined forces, and it's going to take us in the right direction in securing the Nation's cyberspace.

□ 1515

Mr. MCKEON. Mr. Chairman, I yield myself 1 minute.

Again, because we weren't given the opportunity to have more than 5 minutes to debate Don't Ask, Don't Tell, I would like to continue on with my diatribe.

I have a letter from General Casey, Chairman of the Army. He says:

''My views on the repeal of section 654 of title 10''—which is the Murphy amendment—''United States Code, have not changed since my testimony.''

He was opposed to that when he testified before our committee.

''I continue to support the review and timeline offered by Secretary Gates.

''I remain convinced that it is critically important to get a better understanding of where our soldiers and families are on this issue and what the impacts on readiness and unit cohesion might be, so that I can provide informed military advice to the President and the Congress.

''I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.''

Mr. SKELTON. I yield myself such time as I may consume.

The Acting CHAIR. The gentleman from Missouri has 2 minutes remaining.

Mr. SKELTON. The gentleman from Indiana spoke about the challenge of those returning from the Gulf and facing the depression that often ends in suicide. The gentleman from Rhode Island did the same.

The tragedy of a serviceman or woman and suicide came home to many of us in the State of Missouri not long ago when a young marine from Sedalia, Missouri, suffered that tragedy. It breaks the heart of not just the family but of all who knew him.

I think it's up to us to do our very best to continue to study this issue and make preparation for those who come home so that these tragedies can be put behind us that they can come back to a grateful Nation and warm and loving home and fit in and continue to

perform their duties in uniform and duties at home. So those of us who knew this young marine from Sedalia understand fully the comments of the gentleman from Rhode Island and the comments of the gentleman from Indiana.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, how much time remains?

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. MCKEON. I yield 1 minute at this time to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I just find it so appalling that the defense committee, which has always had a strong bipartisan relationship and a problem-solving ability, has only been given 10 minutes to uproot a longstanding policy on Don't Ask, Don't Tell, 5 minutes per side, to make a major social change in America, a change that will change the dynamic in the barracks, in the field, the morale, the tension.

What will you do about spousal benefits in the face of DOMA, Don't Ask, Don't Tell? It would certainly be unfair to have somebody in combat and not cover his husband. So you are going to have spousal benefits.

And when you do that, what do you do about the Defense of Marriage Act, DOMA? That's the law of the land. You will have to change the State laws to allow same-sex marriages. That's how profound this change is today that we will be voting on after a 10-minute debate.

What about the issue of religious freedom? We have already seen the military uninvite people like Tony Perkins and Franklin Graham for speaking at prayer breakfasts.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 15 additional seconds.

Mr. KINGSTON. If you just cut out everything else on the repeal of Don't Ask, Don't Tell and say what do you do about the spouse benefits and what do you do about the religious freedom that's so important to all soldiers, how do you deal with that, you need more than 10 minutes.

I appeal to all Members of Congress, wherever you are on this, to realize we need more than 10 minutes and reject the amendment so we can get it.

The Acting CHAIR. The time of the gentleman has again expired.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to, again, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman.

I wanted to say, we have an issue with military chaplains who actually work for their denomination. They do not necessarily answer straight to the military. They are supposed to have their loyalty to their denomination.

If their denomination believes a certain thing that is not in alignment with a potential new policy of the defense, then they are going to be censored. How do you deal with that censorship matter and that freedom of religion issue? Again, Tony Perkins, a marine, a chaplain, the president of Family Research Council, and Franklin Graham, son of Billy Graham, have both been uninvited already because of their views. They are politically incorrect.

So the military invited them to speak at prayer breakfasts and they were uninvited. It would not have happened without this debate. That's why we need more than 10 minutes.

Mr. MCMAHON. Mr. Chair, I urge my colleagues to adopt a sense of Congress recognizing Father Vincent Robert Capodanno, a decorated hometown hero from my district, for his military accomplishments and commitment to his faith. We ask that Department of Navy commission the next Navy Destroyer in the memory of Father Capodanno.

On June 7, 1957, Father Capodanno was ordained by the late Cardinal Spellman and shortly after, fervently devoted 8 years of Catholic Missionary service to the needy peoples of Taiwan and Hong Kong.

Volunteering his services as Navy Chaplain on December 28, 1965, Father Capodanno received his commission as a Lieutenant in the Chaplain Corps of the United States Naval Reserve. After completing orientation at the Naval Chaplain's School, Newport, Rhode Island, Lieutenant Capodanno requested duty with the Marines in Vietnam.

His first assignment was the First Marine Division in 1966, where he immediately began making his presence in the combat operation of Chu Lai a regular part of his duties as Battalion Chaplain. To stay with his men, Chaplain Capodanno relinquished 30 days of Christmas holiday leave and after serving one year, he extended his tour of duty for 6 months on the condition that he be allowed to remain with the infantry.

Father Capodanno's greatest desire was just that—to remain with his troops and to give them moral support. Then on the morning of September 4, 1967, the decision was no longer his to make. During Operation Swift in the Thang Binh District of the Que Son Valley the 1st battalion, fifth Marines encountered a large North Vietnamese unit of approximately 2500 men.

Father Capodanno went among the wounded and dying, giving last rites and taking care of his marines. Wounded once in the face and having his hand almost severed, he went to help a wounded corpsman only yards from an enemy machinegun and was killed. For his selfless acts and bravery beyond the call of duty, a man fellow marines referred to on the battlefield as the ''the 'grunt' padre,'' Father Vincent R. Capodanno was awarded the Medal of Honor posthumously.

In 1973, Father Capodanno had a ship commissioned in his honor. The USS *Capodanno*'s lifespan was just as decorated as her namesake's, being the only naval vessel to be blessed by the Pope and saving approximately 22 lives in her first deployment as a search and rescue vessel in the Mediterranean. Unfortunately, this ship was decommissioned and then sold to Turkey in 2005.

Today, Father Capodanno's legacy in the Navy goes untold. The people of New York's 13th district and I would be incredibly honored if the Department of Navy would recognize these amazing accomplishments by commissioning the next Navy Destroyer in the memory of Father Capodanno, an American Hero!

Mr. TOWNS. Mr. Chair, I rise in strong support of this amendment to H.R. 5136. This is a good addition to the National Defense Authorization Act for Fiscal Year 2011 and one that will go a long way toward improving our federal information security posture.

This language is nearly identical to H.R. 4900, the Federal Information Security Amendments Act of 2010, which was introduced by Ms. WATSON on March 22, 2010. That bill was just ordered favorably reported by tile Committee on Oversight & Government Reform last week by a voice vote.

The Federal Information Security Management Act was enacted in 2002 as part of the E-Government Act. FISMA requires federal agencies to assess the state of their information security management each year by conducting periodic risk assessments, categorizing risk, maintaining a detailed inventory of all information systems, and training employees in security awareness. While FISMA has been an effective tool in improving information security, GAO continues to report persistent weaknesses that this legislation is intended to address.

Cyber threats and attacks against information systems have continued to grow in both volume and intensity in recent years. In 2009 the U.S. electrical grid was reportedly infiltrated by hackers and denial of service attacks brought down the websites of a number of federal agencies including the Department of State, the Secret Service and the Federal Trade Commission. Cyber attacks are escalating quickly and we must do more to defend the Federal government against them.

This amendment represents an important step toward remedying the problem. It codifies multiple policy recommendations made by the Obama administration, public-private sector working groups and GAO for fixing information security deficiencies throughout the federal government.

Among other things, it would permanently elevate the significance of cyber security to the executive level by establishing a National Office for Cyberspace, with a director to be appointed by the President and confirmed by the Senate. This amendment also requires agencies to begin automated and continuous monitoring of their information technology systems, a requirement that the Obama administration issued guidance on in April. It also includes provisions codifying the position of chief technology officer and establishing a national strategy to engage with the international community on information security.

In closing, I want to take the time to acknowledge two of my colleagues from California. First, I want to thank Ms. WATSON, for introducing H.R. 4900 and offering this amendment. Second, I thank Mr. ISSA for working with us in a bipartisan manner to improve this amendment and move it forward in the legislative process. This is a good amendment and I strongly urge the rest of my colleagues to join me in supporting it.

Ms. GIFFORDS. Mr. Chair, since 9/11, we have put an increased focus on tearing down boundaries to intel sharing and building networks that ensure critical information reaches decision makers. Information sharing on the

battlefield saves lives and intelligence sharing along our border promotes national security.

The longstanding barriers that built roadblocks between local law enforcement, Federal agencies and the Department of Defense are slowly crumbling. Critical information is beginning to flow but stovepipes remain.

Each day in places all along the border, illegal immigrants are smuggling guns, drugs and people into the United States. And each day, the Border Patrol apprehends people here illegally from places like North Korea, Iran, and Syria.

All along the border at military outposts charged with training our best and our brightest, ground forces and UAV pilots learn to identify targets, track movements and pass actionable intelligence.

But stovepipes within the system continue to prevent some sharing of potentially crucial data.

My amendment is focused on alleviating some of that urgent need for effective and efficient intelligence sharing. This need is recognized by our military leaders, program managers, intel analysts, and law enforcement officials.

As our military trains for battle and conducts field exercises in preparation for deployments, they collect data points that can be crucial to locating and stopping smuggling lanes into our country.

If only they were permitted to share that information with the people who can target these smuggling trails and shut traffickers down.

That is the goal of this amendment.

Whether it is soldiers from Fort Huachuca who uncover tunnel networks while learning to fly UAVs, or A–10 pilots from Davis-Monthan transiting out to the Goldwater Range, or Navy exercises on the Pacific or Gulf coasts that locate and intercept submersibles, this information must be shared and fused with the ground and airborne intelligence already flowing into se ors along the border.

My amendment will permit exactly that by authorizing those who routinely conduct training operations to share with Joint Task Force North any of the critical data they collect.

We know that more information, more intelligence and more resources will help stop smugglers, guns, drugs and human cargo from crossing the border and lead to captures and convictions that make our country more secure.

I urge my colleagues to vote in favor of this amendment.

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.

AMENDMENT NO. 13 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111–498.

Mr. MCGOVERN. 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. 13 offered by Mr. MCGOVERN:

Add at the end of subtitle F of title X, the following:

SEC. 1065. FINDINGS AND SENSE OF CONGRESS ON OBESITY AND FEDERAL CHILD NUTRITION PROGRAMS.

(a) FINDINGS.—Congress find the following:

(1) According to the April 2010 report, ''Too Fat to Fight'', more than 100 retired generals and admirals wrote that, ''[o]besity among children and young adults have increased so dramatically that they threaten not only the overall health of America but the future strength of our military.''

(2) Twenty-seven percent, over 9,000,000, 17-24-year-olds in the United States are too fat to serve in the military.

(3) Between 1995 and 2008, the military had 140,000 individuals who showed up at the centers for processing but failed their entrance physicals because they were too heavy.

(4) Being overweight is now the leading medical reason for rejection from military service.

(5) Between 1995 and 2008, the proportion of potential recruits who failed their physicals each year because they were overweight rose nearly 70 percent.

(6) The military annually discharges over 1,200 first-term enlistees before their contracts are up because of weight problems.

(7) The military must then recruit and train their replacements at a cost of $50,000 for each man or woman.

(8) Training replacements for those discharged because of weight problems adds up to more than $60,000,000 annually.

(10) Overweight adolescents are more likely to become overweight adults.

(11) Overweight adolescents and overweight adults are at risk of developing obesity-related, life-threatening diseases including cancer, type 2 diabetes, stroke, heart disease, arthritis, and breathing problems.

(12) According to the American Public Health Association, ''left unchecked, obesity will add nearly $344 billion to the nations annual health care costs by 2018 and account for more than 21 percent of health care spending''.

(13) Overweight and undernourished adolescents face academic challenges due to poor health behaviors, resulting in even greater risk to their future health and earing and the Nation's economic growth and worldwide competition.

(14) For decades military leaders have championed efforts to improve the nutrition of young people in America.

(15) During World War II, 40 percent of rejected recruits were turned away because of poor or under nutrition.

(16) The preamble to the Richard B. Russell National School Lunch Act (42 U.S.C. 1751) states ''It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants in aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation and expansion of nonprofit school lunch programs''.

(17) Over 17 million children were food insecure, or hungry, in 2008, according to data collected by the Department of Agriculture.

(18) The Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are proven to be effective in combating both hunger and obesity.

(19) President Obama has called for a historic investment in the Federal Child Nutrition Programs in order to respond to 2 of the greatest child health challenges of our time, hunger and poor nutrition.

(20) Two hundred twenty-one Members of Congress signed a letter to Speaker Pelosi in support of President Obama's budget request for the Federal Child Nutrition Programs.

(21) This same letter requested identification of possible offsets for the new investments in these important anti-hunger and nutrition programs.

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

(1) reducing domestic childhood obesity and hunger is a matter of national security;

(2) obesity and hunger will continue to negatively impact recruitment for Armed Forces without access to physical activity, healthy food, and proper nutrition;

(3) Congress should act to reduce childhood obesity and hunger;

(4) the Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) should be funded at the President's request; and

(5) the increases in funding for such programs should be properly offset.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, hunger and obesity are serious problems in this country. Over 49 million Americans go hungry every year, 17 million of which are children. Now we have a new problem—obesity. Most people think obesity is a simple problem of eating the wrong food, and this is mostly correct. But there are many cases where obese people are also hungry, that they are feeding themselves and their families with empty calories simply because they are inexpensive.

We must address hunger and obesity, and I am pleased that the First Lady is working on these issues. But now obesity is a national security issue. Twenty-seven percent of young adults are too fat to serve in the military and being overweight is now the leading cause for rejection from military service.

Our amendment is simple. It says that hunger and obesity are national security problems and must be addressed, and it says that we should do so in part with the reauthorization of the Child Nutrition Act. The school lunch program was created in World War II because 40 percent of the rejected recruits were underweight. In fact, the preamble to the School Lunch Act states that the school lunch program was created ''as a measure of national security.''

Healthy school meals, along with more exercise and better access to food at home, will help combat the national security crisis of obesity.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I yield such time as she may consume to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Thank you, Ranking Member MCKEON.

My colleague, JIM MCGOVERN, made a couple of remarks with regard to the challenges the military is facing with regard to potential enlistees.

I could go down and continue talking about some of these, but one of the most interesting facts is that every year the military annually discharges over 1,200 first-term enlistees before their contracts are up because of weight problems. Then the military must recruit and train their replacements at a cost of $50,000 for each man or woman.

This begs the question, and which is why this amendment from my colleague is so very important, and that is because 16 million children or 22.5 percent of all children in the United States live in a home where access to food is an uncertainty. In these homes, child nutrition programs literally serve as a lifeline to proper nutrition and a better future.

We know that hungry children are sick more often. They suffer growth impairment and even developmental impairment. They do poorer in school, they are less prepared to join the workforce, and for purposes of this debate, they are less prepared to serve their country in the Armed Forces.

The facts of life for too many of our children are hard to hear but they are, in fact, true.

The first step in achieving greater success must be to ensure adequate funds are dedicated to this challenge.

I support the sense of Congress language in this amendment calling for a $1 billion increase in funding for the child nutrition programs, and I share its belief that we need to pay for it.

I would like to thank my colleagues, JIM MCGOVERN of Massachusetts and SANFORD BISHOP of Georgia, for their leadership on this issue.

To support the goals of this important program, I would ask colleagues to support the sense of Congress language and continue working to make this message a reality.

The reauthorization of the Child Nutrition Act must be a tool for reducing the number of hungry and obese children in the United States. GAO recently analyzed domestic food assistance and found: (quote) "participation in 7 of the programs we reviewed—including WIC, the National School Lunch Program, the School Breakfast Program, and SNAP—is associated with positive health and nutrition outcomes consistent with programs' goals, such as raising the level of nutrition among low-income households, safeguarding the health and wellbeing of the nation's children, and strengthening the agricultural economy." These are goals I believe we can all support.

Mr. MCGOVERN. Mr. Chairman, I want to thank the gentlelady from Missouri for her leadership and her cosponsorship of this amendment.

I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to join Representatives MCGOVERN and EMERSON as an original cosponsor of this bipartisan amendment, which affirms the intention of Congress to combat domestic childhood obesity and hunger in the interest of our national security.

According to the July 2009 Trust for America's Health Report, the percentage of obese and overweight children ages 10 to 17 is at or above 30 percent in 30 States. Seven of the top 10 States are in the South, with my State of Georgia ranked third, with 37.3 percent of obese and overweight youngsters.

Obesity is especially prevalent in the African American and Latino communities. Overweight and obese teens are at risk of developing diabetes, heart disease, cancer, stroke, arthritis and breathing problems and American children are disproportionately impacted.

In a recent report, Too Fat to Fight, over 100 retired generals and admirals wrote that obesity among children and young adults has increased so dramatically that it threatens not only our Nation's health but the future of our military. Between 1995 and 2008, the military had 140,000 individuals, a 70 percent increase, who showed up at the centers for processing but failed their entrance physicals because they were too heavy, and 1,200 enlistees were discharged before their contracts were up. And now being overweight is the leading medical cause for rejection from military service.

Mr. Chairman, proper nutrition, healthy food, ending hunger and access to physical activity for our youth are vital to ensuring that our Nation's military remains strong into the future.

I urge my colleagues to support this important amendment and the strong effort to support and maintain a strong national defense by assuring strong and healthy servicemembers.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. FORBES), a member of the committee.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. FORBES. Thank you, Mr. Chairman.

I would like to thank the ranking member for yielding that time.

Mr. Chairman, I was excited, as I was reading some articles in my office before I came over here, the leadership of the House has finally moved us up to where we now have an 18 percent approval rating across the country.

That means that only 82 percent of the Americans feel that this body doesn't have a clue about where we need to go or why. The reason is because, as hard as they try to find it, there is one thing they can't find in any of these walls and under any these chairs, and that is just simple common sense.

□ 1530

Because, Mr. Chairman, when they go to buy something, they know the first thing they need to do is ask how much does it cost? And yet we pass a health care bill, and we don't even really look at all the facts. We just want to get out of here. And later we find out it costs a whole lot more than what we thought it would, and we just come back up and say, well, that's just too bad. And we're getting ready to do the same thing, because when they take any action in their business, one of the first things they want to do is say, What's the effect going to be on that particular action?

Mr. Chairman, as we look at this provision on trying to remove the Don't Ask, Don't Tell policy that is currently the policy for DOD, we hear our Chiefs of Staff in one voice: Admiral Roughead saying, just wait and get the facts before you make a decision. Just some common sense. We hear General Schwartz, the Chief of Staff of the Department of Air Force saying, just wait and get the facts. Let us do the study before you make a decision. Just some common sense. We have General Conway who says, just wait and get the facts before you make a decision. Just some common sense. And we have General Casey from the Army saying, just get the facts before you make a decision. Let us complete the study. Just some common sense.

But what some individuals want to do on this House floor is—same thing we do with so many other things—bury the common sense: let's just push forward, we'll get the facts later, let's just pass the provision now. And that's why, Mr. Chairman, I hope that this body will protect this authorization bill and not pass the amendment to remove Don't Ask, Don't Tell.

Mr. MCGOVERN. Mr. Chairman, I yield myself the balance of the time.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. MCGOVERN. Mr. Chairman, if we want to do something that is common sense, we should pass this amendment before us.

Hunger and obesity are critical issues to our military and to the health and well-being of our Nation. Sixty-nine years ago, military recruits were turned away because they were undernourished. Today they are rejected because they are fat. The school lunch program allows our children to eat during the school day. We must improve it so that more nutritious meals are served at schools and so that every child has access to school meals.

We talk a lot about health care in this Chamber. I should point out to my colleagues that according to the American Public Health Association: ''Left unchecked, obesity will add nearly $344 billion to the Nation's annual health care costs by 2018 and account for more than 21 percent of health care spending.''

This is a health issue. This is a commonsense issue. This is a national security issue. This amendment expresses the House's support for this effort to end hunger and to make sure

our young people have nutritious meals. I urge my colleagues to vote ''yes'' on the McGovern-Emerson-Bishop amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

I support this amendment; I think it's a good thing. I think that our whole country could use a little help in this area.

Now, back to Don't Ask, Don't Tell. Again, I think it's very important that we do as Mr. FORBES said, a little common sense. When we tell the military we're going to get their viewpoint and then we say, never mind, we're going to move ahead, your viewpoint really doesn't matter, I think that that's a big mistake.

I think this amendment is a good one, but I think only giving us 10 minutes to debate Don't Ask, Don't Tell is a mistake.

Mr. BISHOP. Mr. Chair, I am pleased to join Representatives MCGOVERN and EMERSON as an original co-sponsor of this bipartisan amendment, which affirms the intention of Congress to combat domestic childhood obesity and hunger in the interests of our national security.

According to a July 2009 Trust for America's Health Report, the percentage of obese and overweight children (ages 10 to 17) is at or above 30% in 30 states. Seven of the top ten states are in the South, with my state of Georgia ranking third with 37.3% of obese and overweight youngsters. Obesity is especially prevalent in the African-American and Latino communities.

Overweight and obese teens are at risk of developing diabetes, heart disease, cancer, stroke, arthritis, and breathing problems; and American children are disproportionately impacted.

In a recent report, ''Too Fat to Fight,'' over 100 retired generals and admirals wrote that obesity among children and young adults has increased so dramatically that it threatens not only the Nation's health, but the future of our military.'' Between 1995 and 2008, the military had 140,000 individuals, a 70% increase, who showed up at the centers for processing, but failed their entrance physicals because they were too heavy; 1,200 enlistees were discharged before their contracts were up; and now being overweight is the leading medical cause for rejection from military service.

Proper nutrition, healthy food, ending hunger, and access to physical activity for our youth are vital to ensuring that our nation's military remains strong for the future. I urge my colleagues to support this important amendment, in an effort to support and maintain a strong national defense by assuring strong and healthy service members.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. 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 Massachusetts will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SKELTON.

Mr. SKELTON. Mr. Chairman, pursuant to House Resolution 1404, I offer amendments en bloc No. 2.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 offered by Mr. SKELTON consisting of amendments numbered 20, 22, 23, 26, 27, and 45 printed in House Report 111–498:

AMENDMENT NO. 20 OFFERED BY MR. BURTON OF INDIANA

The text of the amendment is as follows:

Page 452, after line 10, insert the following:

SEC. 1065. SENSE OF CONGRESS REGARDING PRESIDENTIAL LETTERS OF CONDOLENCE TO THE FAMILIES OF MEMBERS OF THE ARMED FORCES WHO HAVE DIED BY SUICIDE.

(a) FINDINGS.—Congress finds that—

(1) suicide is a growing problem in the Armed Forces that cannot be ignored;

(2) a record number of military suicides was reported in 2008, with 128 active-duty Army and 48 Marine deaths reported;

(3) the number of military suicides during 2009 is expected to equal or exceed the 2008 total;

(4) long-standing policy prevents President Obama from sending a condolence letter to the family of a member of the Armed Forces who has died by suicide;

(5) members of the Armed Forces sacrifice their physical, mental, and emotional well-being for the freedoms Americans hold dear;

(6) the military family also bears the cost of defending the United States, with military spouses and children sacrificing much and standing ready to provide unending support to their spouse or parent who is a member of the Armed Forces;

(7) the loss of a member of the Armed Forces to suicide directly and tragically affects military spouses and children, as well as the United States;

(8) much more needs to be done to protect and address the mental health needs of members of the Armed Forces, just as they serve to protect and defend the freedoms of the United States;

(9) a presidential letter of condolence is not only about the deceased because it also serves as a sign of respect for the grieving family and an acknowledgment of the family for their personal loss; and

(10) a lack of acknowledgment and condolence from the President only leaves these families with an emotional vacuum and a feeling that somehow their sacrifices have been less than the sacrifices of others.

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

(1) the current policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide only serves to perpetuate the stigma of mental illness that pervades the Armed Forces; and

(2) the President, as Commander-in-Chief, should overturn the policy and treat all military families equally.

AMENDMENT NO. 22 OFFERED BY MR. HOLDEN OF PENNSYLVANIA

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

SEC. 5___. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

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

''3757. Combat Medevac Badge''.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6259. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

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

''6259. Combat Medevac Badge''.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

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

''8757. Combat Medevac Badge''.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the

badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

AMENDMENT NO. 23 OFFERED BY MR. POMEROY OF NORTH DAKOTA

The text of the amendment is as follows:

At the end of subtitle I of title V, add the following new section:

SEC. 5___. CODIFICATION AND CONTINUATION OF JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) CODIFICATION AND CONTINUATION.—Chapter 88, of title 10, United States Code, is amended by inserting after section 1788 the following new section:

''§ 1788a. Joint Family Support Assistance Program

''(a) PROGRAM REQUIRED.—The Secretary of Defense shall continue to carry out the program known as the 'Joint Family Support Assistance Program' for the purpose of providing to families of members of the armed forces the following types of assistance:

''(1) Financial and material assistance.

''(2) Mobile support services.

''(3) Sponsorship of volunteers and family support professionals for the delivery of support services.

''(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other Federal agencies, State and local agencies, and non-profit entities.

''(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

''(6) Non-medical counseling.

''(7) Such other assistance that the Secretary considers appropriate.

''(b) LOCATIONS.—The Secretary of Defense shall carry out the program in at least six areas of the United States selected by the Secretary. Up to three of the areas selected for the program shall be areas that are geographically isolated from military installations.

''(c) RESOURCES AND VOLUNTEERS.—The Secretary of Defense shall provide personnel and other resources of the Department of Defense necessary for the implementation and operation of the program and may accept and utilize the services of non-Government volunteers and non-profit entities under the program.

''(d) PROCEDURES.—The Secretary of Defense shall establish procedures for the operation of the program and for the provision of assistance to families of members of the Armed Forces under the program.

''(e) RELATION TO FAMILY SUPPORT CENTERS.—The program is not intended to operate in lieu of other family support centers, but is instead intended to augment the activities of the family support centers.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 1788a the following new item:

''1788a. Joint Family Support Assistance Program.''.

(c) REPEAL OF SUPERCEDED PROVISION.—Section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 119 Stat. 2273; 10 U.S.C. 1781 note) is repealed.

AMENDMENT NO. 26 OFFERED BY MR. LATHAM OF IOWA

The text of the amendment is as follows:

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

SEC. 6___. SENSE OF CONGRESS CONCERNING AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR SERVICE.

It is the sense of Congress that—

(1) the amendments made to section 12731 of title 10, United States Code, by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 160) were intended to reduce the minimum age at which members of a reserve component of the Armed Forces would begin receiving retired pay according to time spent deployed, by three months for every 90-day period spent on active duty over the course of a career, rather than limiting qualifying time to such periods wholly served within the same fiscal year, as interpreted by the Department of Defense; and

(2) steps should be taken to correct this erroneous interpretation by the Department of Defense in order to ensure reserve component members receive the full retirement benefits intended to be provided by such section 12731.

AMENDMENT NO. 27 OFFERED BY MR. KENNEDY OF RHODE ISLAND

The text of the amendment is as follows:

Page 274, after line 13, insert the following: (E) neurology;

Page 274, line 14, strike ''(E)'' and insert ''(F)''.

Page 274, line 15, strike ''(F)'' and insert ''(G)''.

Page 274, line 16, strike ''(G)'' and insert ''(H)''.

Page 274, line 17, strike ''(II)'' and insert ''(I)''.

AMENDMENT NO. 45 OFFERED BY MR. TIM MURPHY OF PENNSYLVANIA

The text of the amendment is as follows:

At the end of title VI, add the following new section:

SEC. 6__. REPORT ON PROVISION OF ADDITIONAL INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS FOR RESERVE COMPONENTS.

Not later than 90 days after the date of the enactment of this Act, the Surgeons General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. The report shall specifically identify the positions in most critical need for additional health care professionals, including the number of physicians needed and whether additional behavioral health professionals, such as psychologists and psychiatrists, are needed to treat members of the Armed Forces for the growing concerns of post traumatic stress disorder and traumatic brain injury. The report shall include recommendations for providing incentives for health care professionals with more than 20 years of clinical experience to join the active or reserve components, including whether changes in age or length of service requirements to qualify for partial retired pay for non-regular service could be used as a recruitment or retention incentives.

The Acting CHAIR. Pursuant to House Resolution 1404, 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.

Mr. Chairman, I yield 2 minutes to my friend, the gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. I thank the esteemed Chairman SKELTON, my dear friend, for yielding.

Mr. Chairman, over eight terms in Congress I have served on every security committee, including three terms on the Armed Services Committee whose bill I am once again proud to support.

As a rookie Member of Congress in 1993, I sat in the most junior chair on the HASC, just a few feet away from the witness table. Then-Chairman of the Joint Chiefs, Colin Powell, testified in favor of the Clinton administration's Don't Ask, Don't Tell policy. I drew a deep breath and told the general that I thought Don't Ask, Don't Tell was unconstitutional. I opposed it then, and I oppose it now.

No good has ever come of that policy. And I applaud the personal courage of current Joint Chiefs Chairman Admiral Mike Mullen who told Congress, ''No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.''

The en bloc amendment which we are now debating includes language I coauthored with Rules Committee Chair SLAUGHTER to give victims of military sexual trauma the ability to seek a base transfer. MST is an epidemic which subjects a growing number of servicemembers to serious assault and rape. It is horrifying that women in our military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq or Afghanistan. MST must end, and this bill makes a very good start.

Let me make some general comments about our national security. We can't wish away the threats facing our Nation. We, like generations of Americans before us, must rise to meet them. We must be realistic about our vulnerabilities, about the capabilities of our adversaries, and of our allies to help us. We must be wise enough to recognize that we will not prevail through military might alone.

Our military, diplomatic, and development efforts are tools to an end—security, and eventually peace. These are dangerous times, and they require a tough response. We have the strategy in this bill, we have the strength in men and women who serve courageously in our military and intelligence services, and we have our values. We will not fail.

Support this bill. Support the Murphy amendment. Support the en bloc amendment.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 10 minutes.

There was no objection.

Mr. MCKEON. At this time, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY), sponsor of one of the amendments.

Mr. TIM MURPHY of Pennsylvania. I thank the ranking member for yielding.

One of the amendments in there I'd like to talk about here.

According to a RAND study, there are more than several hundred thousand potential cases of post-traumatic stress disorder in our veterans from operations in Iraq and Afghanistan, and suicide rates among them are also higher than that of the general population. The Department of Defense has rightly doubled its budget for treatment and research of PTSD and traumatic brain injury and set higher goals for the number of behavior health providers. And although care has also been supplemented through TRICARE and contract providers, the military remains understaffed to meet the needs.

Combat veterans should not be placed on a waiting list, especially dealing with mental health problems and suicide. And servicemembers who need care can only get care if they are near care. Now, a huge investment has been made into many of the great clinicians in medical services at the dawn of their careers. Stipends, bonuses, educational expenses are paid in hopes we can recruit and retain them for 20 or 30 years, although many do not remain that long. Sometimes we discourage those from signing up later in their careers who, because of their age, they can't remain for 20 years or so. Yet there are those who are at the peak of their career who we could look to not only to fill the immediate needs with highly skilled and ready-trained experiences, but to provide mentorship and training to those starting out in their medical and behavioral medicine careers.

This amendment simply calls upon the Surgeons General of the Army, Navy, and Air Force to report on other incentives that can be offered to recruit and retain those with 20 or more years of nonmilitary clinical experience to serve in active or reserve duty. This might include, but is not limited to, offering a 10-year retirement instead of the traditional 20- or 30-year retirement.

I might add that we are very proud of our servicemen and -women and want to make it very clear that all of us in Congress—and I know all the military—are absolutely dedicated to making sure that we take care of all of their wounds, whether they are visible or invisible wounds of war. We are proud of their service, and we will continue to support them. And along those lines, I hope my colleagues will also support this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank my friend, the chairman, for yielding.

I rise in support of amendment No. 23, which reauthorizes the Joint Family Support Assistance Program. This program has been providing critical support to the unsung heroes of the global war on terror, the families left behind of deploying Guard and Reserve soldiers.

As the Department of Defense stated in its report to Congress on the implementation of this program: ''The Guard and Reserve are experiencing significantly increased mobilizations as a result of the global war on terrorism, and families who have previously had limited exposure to the demands resulting from separations due to military deployments must now deal with the likelihood of longer and often multiple deployments to the servicemember.''

Issues like single parenting, keeping a house running through all kinds of weather conditions, traumatized children missing a parent, all of these issues have been dealt with through the scopes of these joint family support systems programs. They work by compiling a Military OneSource program, one location coordinating the many resources available within our local community in support of these families, a one-stop shop able to make certain there is coordination for military, Federal, State and local resources.

For families on military bases who are deployed, it's very clear the support systems are there and what they are. For families of Guard and Reserve soldiers, especially spread across rural areas like North Dakota, it's less clear sometimes where the support can come from.

I am so proud of the North Dakota National Guard and Reserve families that have stood in support of their deploying soldiers, and we've had a bunch of them—3,500 soldiers, 1,800 airmen on multiple deployments. We need to support their families, and I urge permanent authorization of this program.

Mr. Chair, I rise today in support of the Pomeroy Amendment to permanently reauthorize the Joint Family Support Assistance Program, JFSAP.

This program has been providing critical support to the unsung heroes of Global War on Terror families of deployed soldiers.

Since its inception three years ago, the JFSAP program has been providing critical support to Guard and Reserve families, especially those families who do not live near military installations. Since the beginning of the wars in Iraq and Afghanistan the Guard and Reserve have seen a significant increase in deployments. Many of these service members and their families do not live near military installations and therefore do not have access to many of the family support functions available on those bases.

As the Department of Defense stated in its initial report to Congress on the implementation of this program, "The Guard and Reserve are experiencing significantly increased mobilization as a result of the Global War on Terrorism, and families who have previously had limited exposure to the demands resulting from separations due to military deployments, must now deal with the likelihood of longer and often multiple deployments of the service member." These families are now coping with the stress of separation from a loved one for up to a year, which can lead to many difficult issues. A spouse may now be faced with single parenting for the first time, children being separated from one or both of their parents may have a difficult time coping with that separation and when the service member returns home they sometimes have a difficult time readjusting to civilian life. Families located on or near a military installation have access to a wide range of programs to deal with these issues, which may not necessarily be the case for Guard and Reserve families spread across the country, especially in rural States like North Dakota.

The Joint Family Support Assistance Program, JFSAP program works by compiling Military One Source programs into one location and coordinating those programs with resources that maybe available in the local community. By having a one stop shop that is able to help coordinate military, Federal, State, and local resources this program is able to provide families with comprehensive support for many of the issues that regularly arise due to the deployment of a loved one. Without a coordinated program families are faced with the requirement to seek this assistance out through a patchwork of entities increasing the possibility that they do not receive aid when they need it most.

Once fully implemented the JFSAP in North Dakota will offer a Military OneSource Specialist to coordinate programs, a Financial Military Life Consultant, MFLC, to help families with financial issues, a Youth MFLC to help coordinate services for children, an Adult MFLC to assist with the needs of service members, spouses and other family members and an Operation Military Kids consultant to help set up programs and activities for the children of service members. The North Dakota National Guard has seen significant deployments since September 11, 2001 deploying more than 3,500 soldiers and over 1,800 Airmen, many of those individuals have been deployed multiple times. This program's continuation is vital to providing the services and support that those families deserve.

The N.D. Nat'l Guard Families know there will be more deployments on the future which means the work of this program has that begun.

This critical program was originally authorized in the 2007 National Defense Authorization Act for three years and it must now be reauthorized. My amendment would make this program permanent so that it can be allowed to continue to provide critical support for Guard and Reserve families. I believe that this amendment will have broad bipartisan support and I urge its passage.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), a member of the committee.

Mr. HUNTER. I thank the ranking member for yielding.

America right now is locked in combat against a dangerous enemy in Afghanistan, facing the constant threat of ambush and roadside bombs. The last thing our soldiers and marines need is any unnecessary or harmful distractions.

As a marine who has served downrange in both Iraq and Afghanistan, I have personally witnessed that the current policy of Don't Ask, Don't Tell works and the repeal of current law does not work. I have lived with, eaten with, dived for cover with, and fought with my fellow marines overseas three times. Some military lawyers may think that this amendment looks good on paper, but in effect it will destroy the combat readiness of our fighting force. Our focus right now should be on achieving victory and returning our military home safely.

While America possesses the best military equipment in the entire world and the most technologically advanced weaponry on Earth, the true strength of our might is derived from the core set of values and principles that is shared by our frontline combat troops. It is these shared beliefs that lead to the comradery and the instinct of our troops to risk their lives to protect one another every single day.

The commandant of the Marine Corps stands opposed to repealing current law, and each of the other service chiefs have expressed concerns with taking any action on Don't Ask, Don't Tell until the year-long study under way at the Pentagon is completed. With all due respect, Secretary of Defense Gates and the Chairman of the Joint Chiefs of Staff, Admiral Mullen, have and are performing a great service to our Nation, but they work for this administration and as such are required to follow President Obama's lead and not necessarily speak for the men and women who have volunteered to fight for our Nation and put themselves in harm's way.

Evidently, the White House and congressional Democrats think they are doing our military a favor by rewarding them for victory in Iraq and continued hard fighting in Afghanistan by forcing a liberal social agenda on them and furthermore ignoring our military's input on this matter by not having this vote after the Pentagon study is completed so that at least this would be an informed vote. Our time would be better spent on evaluating the real threats facing our military in Afghanistan, starting with the roadside bomb threat and ensuring our troops have the resources that they need.

The debate on Don't Ask, Don't Tell is just another distraction on these and other priorities, and I urge my colleagues here in the House to vote ''no'' on this amendment. We need to listen to our military leaders, listen to the commandant of the Marine Corps and the actual generals and admirals in charge of our military fighting for us, not people who work for this administration and are going to tow the line for this administration. We've got to do what's right. Support the military. We need victory, not social change, in the military.

□ 1545

The Acting CHAIR. The Chair will note that the gentleman from Missouri has 6 minutes remaining and the gentleman from California has 5½ minutes remaining.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), the sponsor of one of the amendments en bloc.

Mr. LATHAM. I thank the gentleman from California, my good friend.

Mr. Chairman, the amendment I offered to my colleagues, along with the gentleman from Oklahoma, is included in the block of amendments we are considering.

I thank the Rules Committee, the chairman—Mr. SKELTON—and the ranking member for considering this amendment, which addresses an issue brought to my attention by members of the Iowa National Guard.

The 2008 Defense Authorization Act included a provision narrowing the gap between active duty and reserve retirement benefits by allowing Guard and Reserve members to begin receiving retired pay earlier than the age of 60 if they had spent significant periods of time in deployments. This provision was based on legislation that I introduced, the National Guard and Reserve Retirement Modernization Act.

The intent of the original legislation was to reduce the retirement age for time spent deployed, by 3 months for every 90 days spent on active duty over the course of a career, as an incentive to retain our best and brightest men and women. However, an erroneous legal interpretation has limited the qualifying time to 90-day periods wholly served within the same fiscal year, which causes many members of the Guard and Reserve to lose credit for some of the months that they've served.

My amendment states that it is the sense of Congress that steps should be taken to correct this interpretation in order to ensure Reserve component members receive the full retirement benefits that they have earned. The committee has indicated in its report that it believes the current interpretation of the law to be inaccurate. I look forward to working with the committee and the Department of Defense to address and to correct this issue of fairness to our guardsmen and reservists who are being asked to meet increasing demands.

I urge my colleagues to support this effort.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the ranking member on the Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I want to congratulate both of you on a job well done on your bill.

To my friend IKE SKELTON, IKE, I support the policy that you came up with years ago when I first came to Congress 18 years ago—the DOD's Don't Ask, Don't Tell—and we should not be repealing it.

In a unified voice, all of the service chiefs have asked us to give them time to properly seek out the right answers on how to move forward regarding a major policy shift that will affect every soldier, sailor, airman, and marine.

Mr. Chairman, our heroes are performing valiantly in a two-front war. Now is not the time for Congress to be voting on an amendment to repeal Don't Ask, Don't Tell. Now is the time to strengthen our resolve to support our servicemen and -women and to help them fight and defeat terrorism around the world.

Now, the Constitution permits Congress to discriminate. We actually are designated with the power to raise and support armies, to provide and maintain a Navy, and to make the rules for government regulation for land and naval forces. There is nothing in the Constitution that guarantees a citizen the right to serve in the Armed Forces. As a matter of fact, pursuant to the powers conferred by section 8 of Article I of the Constitution, it lies within the discretion of Congress to establish qualifications for and conditions for service in the Armed Forces. You can't be too tall. You can't be too short. You can't be overweight. I mean, we make these decisions. Why?

The purpose of the military is to kill and break things. Unit cohesion is pretty important. The conduct of military operations requires the members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense of this Nation. Success in combat requires military units that are characterized by high morale, good order and discipline and unit cohesion.

One of the most critical elements in combat capability is unit cohesion defined at the small unit level, which is the bonds of trust among individual servicemembers that make the combat effectiveness of our military unit greater than the sum of the combat effectiveness of the individual unit members, themselves.

Military life is fundamentally different from civilian life in that the extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion require that the military community, while subject to civilian control, exist in a specialized society. The military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior that would not be acceptable in civilian society.

The standards of conduct for members of the Armed Forces regulate a member's life for 24 hours each day, beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces. Those standards of conduct, including the Uniform Code of Military

Justice, apply to a member of the Armed Forces at all times if the member has military status, whether or not the individual is on base or not or in uniform or not.

The pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment. The worldwide deployment of the United States military forces, the international responsibilities of the United States and the potential for involvement of the Armed Forces in actual combat routinely make it necessary for members of the Armed Forces involuntarily to accept living conditions and work conditions that are often spartan, primitive and that are characterized by forced intimacy with little or no privacy.

The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in unique circumstances of the military service. Tolerance does not require a moral equivalency.

Do not repeal this.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent to reclaim my time.

The Acting CHAIR. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Acting CHAIR. The gentleman from Missouri has 6 minutes remaining.

Mr. SKELTON. I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Thank you, Mr. SKELTON, for yielding.

Mr. Chairman, I would just like to correct a couple of issues that Mr. MCKEON and others have brought up.

The committee has held hearings on Don't Ask, Don't Tell. In fact, my subcommittee has held two hearings on this very topic. Every Member of the House and even those not on the committee were welcomed to attend. Unfortunately, most of the Republicans who have criticized this process failed to show up to either hearing.

The Members who did attend the second hearing, held on March 3 of this year, heard one of the cochairs of the DOD working group say, ''The issue is not whether but how best'' to implement repeal.

All along, the purpose of the study has been ''how'' to implement repeal, not ''if'' to end this policy. That is the purpose of the working group's meetings, and that is why it is so important for our servicemembers and their families to participate in whatever activities they choose which are related to this.

I just wanted to make that correction, Mr. Chairman.

Mr. SKELTON. I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I want to thank Chairman SKELTON and Mr. MCKEON for their good work on this legislation, helping to provide for our soldiers, sailors, airmen, coastguardsmen, and for all of those who serve our country in this war on terrorism.

Mr. Chairman, as we approach Memorial Day, I want to thank our servicemen and -women for their service to our great country.

When they come home, the war that they fought on our behalf sometimes just begins. It begins for them personally. That is the war to try to cope, to cope with the many challenges healthwise that they have been encumbered with because of their service to our country, and they shouldn't have to worry one bit that they don't have us to back them up 100 percent. They need to know that we are there for them just as they have been for us.

That is why, in this legislation, we have the best and the latest in medicine for brain research and for neuroscience technology in order to make sure that the signature wounds in this war, traumatic brain injury and posttraumatic stress disorder, are researched properly and that they are researched at the evidence-based level by the Department of Defense.

Our soldiers deserve no less than the best when it comes to making sure that their challenges and their wounds are addressed. The Department of Defense needs to do that.

We make it a priority in this authorization bill. When we do that in this bill, we also do that for this country because, just as they did overseas, they are not only going to kick down the doors over there; they are going to kick down the doors here at home when it comes to advancing mental health and neuroscience for all Americans.

What we are learning is thanks to these great soldiers who are serving this country so proudly. God bless all of our men and women. Let them know that we stand behind them over there and when they get back here at home as well.

The Acting CHAIR. The gentleman from Missouri has 3 minutes remaining.

Mr. SKELTON. I yield 1 minute to a friend, the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the chairman for yielding.

Certainly, the debate the minority keeps bringing up about Don't Ask, Don't Tell is very important, and we will have that vigorous debate.

Mr. Chairman, I think many Americans don't really place whether gays and lesbians can serve in the military as the number one thing they worry about in national security. I think they're probably more worried about something like a nuclear IED going off in Times Square.

It is important to look at the work that the two parties have done together that is reflected in this bill to prevent that day from happening. There is a program which identifies, gathers up, secures, and eventually disposes of the material that could make a nuclear bomb which would make that horror story happen.

In 2008, we devoted $199 million to that program. Frankly, it was lagging behind. We weren't identifying, securing, or disposing of enough of it. This year, we are putting $559 million into that, which means more nuclear material will be identified, locked down, disposed of, and the risk that we will have a terrible situation like I just described will be diminished.

This is the real work of the defense committee, and it deserves everyone's support.

Mr. SKELTON. I yield 2 minutes to my friend, the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Thank you, Mr. Chairman, for yielding.

Mr. Chairman, we will soon be considering an amendment, the Pingree amendment, which would strip away competition in the F–35, the Joint Strike Fighter, with the competitive engine program.

This Congress, on nine different occasions, has stood up for competition, and as recently as this Congress with the Weapon Systems Acquisition Reform Act of 2009, where the House passed the conference report 411–0. In section 202, we talk about the acquisition strategies to ensure competition throughout the life cycle of major defense acquisition programs.

It is estimated, Mr. Chairman, that 5,000 engines will be ordered for the Joint Strike Fighter—5,000 engines. The proponents of this amendment would have us do away with the competition despite the fact that this Congress has invested almost $3 billion in this competition today. Now that we are up and ready, now that the competitive engine is ready to move forward, they want to say, Stop. Stop the race before it even starts.

We know better than that, Mr. Chairman. We know better because we learned on the F–15 and on the F–16. We know that this will reduce costs in the long term. As my grandmother would say, this is a penny wise and a pound foolish.

Also, just this year, in March of 2010, the GAO report suggests that this goes beyond financial speculation. We know that this is going to save money. Beyond the finances, there are nonfinancial benefits—better performance, increased reliability, and improved contractor responsiveness.

This is critically important. If for the next couple of decades we are going to rely upon this knowledge for our men and women in uniform, we need to make sure that it is reliable. We need to make sure that there is competition.

I urge my colleagues to reject the Pingree amendment.

□ 1600

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.

AMENDMENT NO. 80 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. (Mr. BLUMENAUER). It is now in order to consider amendment No. 80 printed in House Report 111–498.

Ms. PINGREE of Maine. 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. 80 offered by Ms. PINGREE of Maine:

Page 35, strike line 9 and all that follows through page 37, line 13, and insert the following:

(b) CERTIFICATIONS.—Not later than January 15, 2011—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify in writing to the congressional defense committees that—

(A) each of the 11 scheduled system development and demonstration aircraft planned in the schedule for delivery during 2010 has been delivered to the designated test location;

(B) the initial service release has been granted for the F135 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F–35 aircraft for fiscal year 2011;

(D) block 1.0 software has been released and is in flight test; and

(E) the Secretary of Defense has—

(i) determined that two F–35 aircraft from low-rate initial production 1 have met established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) the F–35C aircraft designated as CF–1 has effectively accomplished its first flight;

(B) the 394 F–35 aircraft test flights planned in the schedule to occur during 2010 have been completed with sufficient results;

(C) 95 percent of the 3,772 flight test points planned for completion in 2010 were accomplished; and

(D) the conventional take-off and land variant low observable signature flight test has been conducted and the results of such test have met or exceeded threshold key performance parameters.

Page 49, strike line 7 and all that follows through page 52, line 3, and insert the following (and redesignate section 214 as section 213):

SEC. 212. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.

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

(1) will—

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

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

(2) will not—

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

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

(d) OFFSETS.—

(1) NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $242,500,000, with the amount of the decrease to be derived from the amounts available for the Joint Strike Fighter (PE #0604800N) for F136 development.

(2) AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $242,500,000, with the amount of the decrease to be derived from the amounts available for the Joint Strike Fighter (PE #0604800F) for F136 development.

Page 286, strike line 17 and all that follows through page 288, line 23, and insert the following:

SEC. 802. DESIGNATION OF F135 ENGINE DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.

(a) DESIGNATION AS MAJOR SUBPROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the engine development and procurement program described in subsection (b) as a major subprogram of the F–35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) DESCRIPTION.—For purposes of subsection (a), the engine development and procurement program is the F135 engine development and procurement program.

(c) ORIGINAL BASELINE.—For purposes of reporting requirements referred to in section 2430a(b) of title 10, United States Code, for the major subprogram designated under subsection (a), the Secretary shall use the Milestone B decision for the subprogram as the original baseline for the subprogram.

(d) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the F–35 Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to the F135 engine development and procurement program (including related reporting based on the original baseline as defined in subsection (c)), the requirements of section 2433a of such title with respect to the major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect to the major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentlewoman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maine.

Ms. PINGREE of Maine. Mr. Chairman, this amendment prohibits any further funding for the alternate F–35 engine.

In 2001, Pratt & Whitney won the award for the primary engine for the Joint Strike Fighter through a competitive bidding process. This process was set up to save millions in taxpayer dollars. Since then, Congress has authorized an astonishing $1.3 billion of unrequested funds for the development of this extra unnecessary engine. The Bush administration opposed this program. The Obama administration opposes this program. And yet if this amendment fails today, we will continue to fund a defense program that is a complete waste of money.

I could not put it any better than the Secretary of Defense put it himself: Given the many pressing needs facing our military and the fiscal challenges facing our country, we cannot afford a ''business as usual'' approach to the defense budget. Tough choices must be made by both the Department and Congress to ensure that current and future military capabilities can be sustained over time. This means programs and initiatives of marginal or no benefit, like the F136 engine, are unaffordable luxuries.

I urge my colleagues to vote ''yes'' and finally end this wasteful, unnecessary program.

Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. LARSON) and thank him for his leadership on this incredibly important issue.

The Acting CHAIR. Without objection, the gentleman from Connecticut will control the balance of the time.

There was no objection.

Mr. LARSON of Connecticut. I would inquire of the Chair how much time we have on each side.

The Acting CHAIR. The gentleman from Connecticut has 3½ minutes remaining. There will be 5 minutes for an opponent.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I yield myself 15 seconds.

I strongly believe that a $110 billion noncompetitive sole source 25–40 year contract should not be permitted.

Therefore, I strongly support the inclusion of funding to complete the development of the F–136 competitive engine for the Joint Strike Fighter.

I reserve the balance of my time.

Mr. LARSON of Connecticut. At this time I yield 45 seconds to the distinguished gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I thank my friend for yielding.

I rise today in support of the Pingree amendment to the National Defense Authorization Act. I understand and respect the passions expressed by my friends on both sides of this issue, but I believe today we must stand firmly on the side of fiscal responsibility and refuse to fund a redundant engine that our military leaders and our Commander in Chief all said is unnecessary and unwarranted.

When I am back home in my district, I often hear my constituents say that we never cut anything, and we never can say no. Today I am saying no, and I think this House should as well. I don't think we need two engines on this plane.

I believe that we need to save $3 billion every time we get a chance. Today we can make a difference for this deficit. Our country cannot afford to waste precious tax dollars funding this program the military says they don't need.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. SMITH), the chairman of the Air and Land Forces Subcommittee of the committee.

Mr. SMITH of Washington. Mr. Chairman, the second engine is all about fiscal responsibility and saving the taxpayers money. The Pentagon themselves funded this program for 10 years, and they funded it because they knew that competition mattered.

One thing has already been said in this debate that simply isn't true: The first engine was not competitively bid. It was the engine that Lockheed had when they won the bid. There was no competition. They didn't win that. That is why the Pentagon originally created the second engine program, to make sure that over the 30- to 40-year lifecycle of a $100 billion program, they had options.

A GAO study on the competitive engine program for the F–16 from the early 1980s showed savings of almost 20 percent over the lifetime of that program. Those of us who for years have supported this second engine program, have support it precisely because we want to save the taxpayers money.

The simple argument is competition works, and being penny-wise and pound-foolish doesn't. We have already spent $3 billion. To save $2 billion on the front end, we risk a $100 billion program. Please oppose this amendment.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the distinguished chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I speak in favor of the committee position, which is to have an alternate engine for the F–35. If one looks at the graph of the F–16 alternate engine program, one will clearly notice that from the mid-1980s, the cost of the engines went down because of the competition. Competition is important. Single source often causes a steep increase in price.

Last year, this House passed the Weapons System Acquisition Reform Act, which requires more competition in Department of Defense programs, not less. What this position of the Armed Services Committee does is live up to that reform act, requiring more competition. It is as simple as that.

Mr. LARSON of Connecticut. Mr. Chairman, may I inquire as to how much time we have remaining.

The Acting CHAIR (Mr. SERRANO). Both sides have 2¾ minutes remaining.

Mr. LARSON of Connecticut. I yield 45 seconds to the distinguished gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, let me say that there has been some competition in the engine for the F–35, and that competition is when the bids were due. That bid was perfectly legal and honest and upfront, and the bid was awarded.

Now we have got somebody that actually has a contract for 14 of the 28 military aircraft engines, sole source, complaining about competition. They lost the competition.

Mr. Chairman, if they lost the competition in an open and honest bid, having the sole source of 14 of the 28 military aircraft engines, what can be the argument?

Mr. MCKEON. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. CONAWAY), a member of committee.

Mr. CONAWAY. Mr. Chairman, I thank the ranking member for yielding.

I want to speak in favor of competition. Competition works. Our work on the IMPROVE Act shows that. I am against this amendment. There was no competition. Under Secretary Ashton Carter, on the record in front of the committee, said there was no competition between these two engines. Competition works. It drives down the costs, and we need those cost savings over the term of a 40-year program.

I rise in opposition to amendment #80 offered by Representative PINGREE and others. The Pingree amendment would result in a sole source contract to a single engine manufacturer for the Joint Strike Fighter. But few can argue with the premise that competition is good for the taxpayer.

In fact, the Department of Defense has training materials for its acquisition workforce to teach them the benefits of competition and how to cultivate it. For example, here are a few highlights from DoD's required training on competition, dated May 5, 2010. These training materials capture the benefits of competition: Drives cost savings; Improves quality of product/service; Enhances solutions and the industrial base; Promotes fairness and openness leading to public trust; Prevents waste, fraud, and abuse, because contractors know they must perform at a high level or else be replaced; Healthy competition is the lifeblood of commerce—it increases the likelihood of efficiencies and innovations.

It also notes what the key drivers of competition are. Principally, it's the law! The Competition in Contracting Act of 1984 requires competition in contracting. Competition isn't an alternative, it's required!

The emphasis on competition comes from the top. On March 4, 2009 in a memorandum for the Heads of Executive Departments and Agencies, President Barak Obama stated, ''It is the policy of the Federal Government that executive agencies shall not engage in noncompetitive contracts except in those circumstances where their use can be fully justified and where appropriate safeguards have been put in place to protect the taxpayer.'' Yet, we have yet to see such a justification, nor have we seen any evidence of additional safeguards being put into place.

In fact, in DoD's training materials, they note what circumstances lead to barriers to competition. In this instance, none of these circumstances apply:

Unique/critical mission or technical requirements (We have 2 contractors capable of meeting technical requirements.)

Industry move toward consolidation (We still have 2 viable engine manufacturers.)

Urgent requirements in support of war operations (The JSF is not being procured to support today's operations.)

Congressional adds or earmarks (Unless this amendment passes, Congress will not have directed funding for the engine to go to a particular manufacturer.)

Proprietary data rights developed at private expense (Does not apply. These are new engines.)

Insufficient technical data packages (Does not apply.)

Contracting personnel shortages and increased workload (The competitive engine was funded by DoD until 2006 and continues to be funded by Congress. There is no increase in work load.) Time Restraints (The competitive engine is already under development and there is time. At best, the F–25 will not reach initial operational capability for 2–4 years.)

But the emphasis on competition comes not only from the President. This Congress, just one year ago, unanimously passed the Weapon Systems Acquisition Reform Act of 2009. The bill states that:

Major Defense Acquisition Programs shall adopt acquisition strategies that ensure competition . . . At prime & subcontract level throughout program life-cycle

When a decision is made to award maintenance & sustainment contract for major weapon system, DoD will ensure to maximum extent possible & consistent with law that the sustainment contract be competitively awarded.

Likewise, less than one month ago, this Congress passed the IMPROVE Acquisition Act of 2010, by a vote of 417–3. This bill also focused on the need to expand the industrial base, provide training on competition, and to ensure competition is maintained in services contracts.

What's more, since DoD stopped funding the competitive engine in 2006, Congress has

provided funding for the competitive engine in 2007, 2008, 2009, and 2010. Nothing has changed. A vote to oppose the Pingree amendment is a vote to support the policy Congress has clearly articulated—competition is good, it's the law, and it's required for the F–35 engine.

It's also interesting to note that of the 33 members who co-sponsored this amendment, 24 of them have voted for every single piece of legislation I just cited (when they cast a vote). None voted against the Weapon System Acquisition Reform Act. In fact, Ms. PINGREE, voted for each of these bills while she's been in Congress, and was also co-sponsor of the Weapon System Acquisition Reform Act in the House.

We cannot send a mixed message. Competition is possible here. We should not direct funding to a single source. I urge my colleagues to oppose the amendment.

Mr. LARSON of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

All across America, families are tightening their belts, making do with less. They expect the same from Congress. Imagine their utter frustration when they hear Congress is pushing forward an unwanted and unnecessary $3 billion program. Only in Washington, D.C., could a company that lost the competition in the private sector and already controls 88 percent of the military engine market come seeking a government-directed subsidy and call that competition. I guess competition in this town means buying two of everything with the taxpayers' money.

The Marines, the Navy, and the Air Force have all said they don't want it. They don't need it. The President has called this program an example of unnecessary defense programs that do nothing to keep us safe.

Why are we moving ahead with it? If we can't cut spending here, where can we cut it? If we don't make the tough choices to rein in wasteful spending now, when will we make them?

This is about whose side you are on. Are you on the side of excessive spending, or are you on the side of saving the taxpayers money and supporting our troops?

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I have heard it all. To say that competition causes wasteful use of taxpayers' money is a perfidious argument. Are you kidding me?

I defended Connecticut when it came to Electric Boat. You came to the floor and you argued about competition, competition against Newport News. I am glad we did, now that we have got welding problems with those submarines.

Now you think sole source and competition is bad? Are you kidding me, Mr. Chairman? Do not be dishonest. Let's be honest about the debate, all right? Let's defend our industrial base. That is what is extremely important. Let's also protect the Transatlantic Alliance.

Mr. MCKEON. Mr. Chairman, I now yield 30 seconds to the gentleman from Georgia (Mr. SCOTT), the vice chair of the Terrorism, Nonproliferation and Trade Subcommittee of the Committee on Foreign Affairs.

Mr. SCOTT of Georgia. Mr. Chairman, I want to speak on something that we have not touched upon, and that is what we need to touch upon the most, and that is what is in the best interests of our national security.

Here we are debating this issue: Do we want to put the future of an engine production in the hands of one monopoly company for 30 years and put $100 billion in it?

Ladies and gentlemen, by the year 2035, the F–35 will account for 95 percent of our entire aircraft fleet for our fighter squadrons. It is very important that we have this balanced in the hands of more than one manufacturer. We need to vote down this amendment.

The Acting CHAIR. The gentleman from Connecticut has 30 seconds remaining.

Mr. LARSON of Connecticut. I yield the balance of my time to the distinguished gentleman from Florida (Mr. ROONEY).

Mr. ROONEY. Mr. Chairman, I rise in support of the amendment.

Ladies and gentlemen, we were sent here in a Republic to represent you as trustees with issues like this. I am new to Congress, but this is a wasteful spending earmark.

We have 27 planes that use one engine that had a competitive bid, and now we are talking about adding a second engine to our F–35 for $2.9 billion. Why? Because we slipped in an earmark in 1996, and nobody in Congress, the Congress with the great approval rating, has ever decided to take it out.

The time to change Washington is now, and this is a perfect example of why. Vote yes on the amendment.

I rise today in strong support of the Pingree/Rooney/Larsen amendment. With a $1.6 trillion dollar deficit the "extra" engine is a luxury we cannot afford.

I would like to point out a few things very briefly:

(1) this is a $2.9 billion dollar program the DOD does not want or need.

(2) We can build 53 jets for the cost of the "extra" engine

(3) There are 27 aircraft that operate with a sole source engine.

(4) Sole sourced engines are the norm.

(5) The F–16 is the only other aircraft in the history of U.S. military aviation with two simultaneous engine manufacturers.

(5a) There was fair competition for the bid; the incumbent engine won but here we are also funding the second place engine too. The "everybody gets a trophy philosophy has to end. Everyone doesn't get an "A." We can't afford it.

(6) The Navy, Air Force and Marine Corps service chiefs do not want this extra engine.

(7) There has been support from both Bush and Obama administrations to end this wasteful program.

(8) Independent agencies including the GAO and OMB have found that there is no evidence to support the extra engine will produce any significant cost savings, despite earlier projections.

This extra engine is a luxury we simply cannot afford and I urge my colleagues to vote Yes on the Amendment.

The Acting CHAIR. The gentleman from California has 1¼ minutes remaining.

Mr. MCKEON. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I rise in opposition to the efforts to eliminate the engine competition for the F–35 Joint Strike Fighter. In the interest of full disclosure, let me say how proud I am of the more than 4,000 Hoosier employees of Rolls Royce who worked to develop this engine. But that is not why I am here.

I am here because I really do believe, as the Heritage Foundation has cited, that the essential choice between us today is competition or sole-source contracting. Either we can require two companies to engage in head-to-head competition each year for the next 30 years, or we can give one company a sole-source contract worth $100 billion for the next 30 years. Which do you think is more in the interests of the taxpayers?

Oppose this amendment.

I rise in opposition to efforts to eliminate the engine competition for the F–35 Joint Strike Fighter.

In the interests of full disclosure, let me say first how proud I am of the more than 4,000 Hoosier employees of Rolls Royce, which teamed with General Electric to develop the F136 engine for the F–35.

But let's look at the facts regarding this competitive engine program, which began 15 years ago and today is 70 percent complete,.

History tells us that competition serves the taxpayer well and this is no less the case when it comes to fighter engines.

In its study, the non-partisan Government Accountability Office found that the F–16 engine competition yielded savings of 21 percent in overall lifecycle costs. Using that as a model, we might anticipate a 20 percent benefit from the JSF engine competition, but it would only need to generate 1 percent to 2 percent cost benefit to recoup the remaining investment needed to complete the F136 program.

In addition to the outstanding opportunity for cost savings, competition also improves operational readiness and contractor responsiveness.

Building the F–35 using two interchangeable engines from two separate manufacturers provides insurance against fleet-wide engine problems down the road. As the Heritage Foundation noted recently, without the F136, it is estimated that by 2035 nearly 90 percent of our fighters will use a single engine, the F135 baseline engine.

A competing engine program also hedges against the risks posed by testing failures, required redesigns, cost growth and delays in the primary engine program. And because it is a follow-on program, the F136 provides growth

paths for propulsion systems and technological innovation that can address problems that arise such as potential aircraft weight growth.

The essential choice before us is between competition and sole source contracting. Either we can require two companies to engage in head-to-head competition each year for the next 30 years—or give one company a sole source contract worth $100 billion for the next 30 years. Which do you think is most likely to control costs and deliver the best engine to the American taxpayer?

The answer is clear: competition provides an important cost-control mechanism in defense procurement, it encourages innovation, and mitigates risk.

I urge my colleagues to support competition and military flexibility, and oppose the Pingree Amendment.

□ 1615

Mr. MCKEON. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, Members should ask themselves these questions in deciding this issue: When it comes to saving money, would you rather have two people competing or one for your business?

When it comes to protecting the fleet, the ability to fly, would you rather rely upon one company or two to keep the fleet flying?

When it comes to competition, should you presume that competition works or presume that it shouldn't?

To save money, to protect the fleet, to promote competition, we should oppose this amendment.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. MCINTYRE), a member of the committee.

(Mr. MCINTYRE asked and was given permission to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Chairman, this amendment would add $20 billion to the deficit by eliminating the savings that GAO says will occur with competition. Congress is not required to give a rubber stamp to the Department of Defense, which is opposed to other programs like the formation of the U.S. Special Operations Command and funding for the V–22 Osprey.

If this amendment passes, our national security will be put at grave risk as 90 percent of our fighter jet fleets will be dependent on just one engine. That's not wise and it's not fair.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maine (Ms. PINGREE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. PINGREE of Maine. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Maine will be postponed.

AMENDMENT NO. 82 OFFERED BY MR. INSLEE

The Acting CHAIR. (Mr. BLUMENAUER). It is now in order to consider amendment No. 82 printed in House Report 111–498.

Mr. INSLEE. 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. 82 offered by Mr. INSLEE:

At the end of title VIII, add the following new section:

SEC. 839. CONSIDERATION OF UNFAIR COMPETITIVE ADVANTAGE IN EVALUATION OF OFFERS FOR KC–X AERIAL REFUELING AIRCRAFT PROGRAM.

(a) REQUIREMENT TO CONSIDER UNFAIR COMPETITIVE ADVANTAGE.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall, in evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for such program, consider any unfair competitive advantage that an offeror may possess.

(b) REPORT.—Not later than 60 days after submission of offers in response to any such solicitation, the Secretary of Defense shall submit to the congressional defense committees a report on any unfair competitive advantage that any offeror may possess.

(c) REQUIREMENT TO TAKE FINDINGS INTO ACCOUNT IN AWARD OF CONTRACT.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall take into account the findings of the report submitted under subsection (b).

(d) UNFAIR COMPETITIVE ADVANTAGE.—In this section, the term ''unfair competitive advantage'', with respect to an offer for a contract, means a situation in which the cost of development, production, or manufacturing is not fully borne by the offeror for such contract.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we, all Americans, believe in a strong national defense; and all Americans believe in a fair, level playing field in economic competition.

And in the competition for the procurement contract for the Air Force tanker to preserve national defense infrastructure, to preserve fairness, we need to amend this bill to ensure that unfair competitive advantage, illegal subsidies, in fact, are taken into consideration in this bidding process.

We have prepared an amendment that will do that, that will insist that in this bidding process that it be conducted fairly; that when any bidder, domestic or foreign, has an unfair competitive advantage, that is taken into consideration.

Now, why do we need to do this?

Well, there's 50,000 American jobs at stake, and nothing in international law compels us to provide a stimulus program for France. We are required to do this because we know American aerospace workers can compete if they have a level playing field with workers in Europe.

Our bill is, number one, fair. It applies to both domestic and foreign bidders. Number two, it's WTO compliant.

Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, every day it becomes more and more difficult to create and keep jobs here in America. We've got the best aerospace workers in the world. But over the last few years, 65,000 aerospace jobs have left America and migrated to France.

The European Government has subsidized building jets, and finally the World Trade Organization ruled that those start-up subsidies are illegal.

And now our own Pentagon is buying a new air refueling tanker a new jet, and they have decided to turn their backs on the American aerospace workers by ignoring these illegal start-up subsidies and putting another 65,000 jobs at risk.

This amendment is about fairness to the American aerospace workers. It simply says, in spite of all the lobbying efforts that have occurred by the French, Mr. Secretary, if you insist on receiving a bid from the French, then you have to take into consideration the dollar impact of the illegal subsidies. Support this amendment, and it's a matter of fairness to the American aerospace workers.

Mr. Chairman, for the purposes of a colloquy, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE, is it your intention and your understanding that the language in the amendment regarding the unfair competitive advantage describes illegal subsidies such as illegal launch aid provided by EADS and Airbus by the European governments as ruled by the World Trade Organization?

Mr. INSLEE. Yes. And it is our intent, with this amendment, to ensure that illegal and unfair competitive advantages, such as the launch aid provided to EADS/Airbus by the European governments, are factored into the bid price of recipients of those illegal subsidies.

Mr. TIAHRT. Thank you. That's also my intent and understanding of this language.

Mr. INSLEE. Mr. Chairman, I reserve the balance of my time.

Mr. BONNER. Mr. Chairman, I rise to claim time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BONNER. It's interesting listening to both sides of this debate. We actually, I think, see this amendment in two different ways, and yet we are going to end up being on the same side.

This amendment, as it has been revised, is far superior to the form in which it existed less than 24 hours ago.

The amendment now applies in an evenhanded way to both competitors in the tanker competition and, for that reason, I think we have made the amendment better.

However, allow me to offer a word of caution to my colleagues that merits our consideration. As my colleagues know, this ongoing procurement process that, in fact, was mandated by Congress, is just weeks away, July 9, in fact, from where both companies are going to turn in their final bid. And unless we muddy this process up, we are only a few months away from selecting a winner and finally moving forward to building the replacement for the Air Force's 50-plus-year-old fleet of tankers.

The word of caution to my friends is this: Congress needs to be very careful that we do not inadvertently build obstacles or additional delay into this program. After all, our warfighters have waited long enough.

And we must be extremely careful that we maintain a level playing field that is essential for vigorous competition. We all know that competition will dramatically increase the odds of a better tanker at a better price, and there are only two companies in the world that are qualified to build these tankers.

To that point, on Tuesday of this week, the Department of Defense reiterated that ''we would not have welcomed EADS North America's participation into this important competition unless they were a company in good standing with the Department of Defense.''

Those of us who support EADS' bid have long argued for a level playing field, one in which both sides can compete fairly. Some on one side, however, appear to fear that fair competition is not possible unless it is a sole-source contract, a blank check signed by the American taxpayer.

Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BRIGHT), my friend and my distinguished colleague who serves on this committee of jurisdiction.

Mr. BRIGHT. Mr. Chairman, I rise today to thank the Armed Services, Rules, and Ways and Means Committees for intervening on this amendment to make it much less harmful than it was originally written.

The committees recognize, as do I, that the Fair Defense Competition Act, on which this amendment is based, is deeply flawed and would have significant international trade implications. Considering the fact that the original bill has been deemed unworkable, I hope we can put this issue to rest and proceed to get our warfighters the best tanker available for the best value to the taxpayer.

For nearly a decade, the Defense Department has sought to replace its aging fleet of aerial refueling tankers. There have been numerous problems with that process, and a source selection effort that should have ended years ago is only now getting close to final resolution.

If anything, Congress should avoid doing anything that would complicate an already drawn out competition. The Department of Defense should be able to award a contract based on the merits and the best value, without political or parochial considerations.

That said, I do not believe this particular amendment will have a significant impact on the process. The American warfighter and taxpayer deserves the best possible aerial refueling tanker. Let's get out of the way and let the Department of Defense make a decision based on the facts, not distractions.

Mr. INSLEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, we can give a $35 billion contract for the next generation tanker to an American company, Boeing, creating an estimated 62,000 to 70,000 U.S. jobs over the life of the contract. Or we can give the contract to a European company, Airbus/EADS, thus creating tens of thousands of jobs in Europe.

This should be an easy call, a no-brainer. In fact, the decision is even clearer. We now know that Airbus has been provided almost $6 billion in illegal subsidies from European governments, subsidies which have cost us an estimated 65,000 U.S. aerospace jobs.

The amendment before us directs the Department of Defense to take any unfair competitive advantage into account in the Air Force tanker competition. The Pentagon should not be rewarding bad behavior. U.S. taxpayers should not be asked to pay for an overseas jobs creation program for the European aerospace industry.

I urge my colleagues, support this amendment, stand up for American workers and basic fairness in tanker competition.

Mr. BONNER. Mr. Chairman, I would just like to respond briefly to the gentlelady from Connecticut, our friend and distinguished colleague, to set the record straight.

When EADS wins the competition this time, as they did the previous time, they intend to create almost 48,000 jobs in the United States, many of which, quite honestly, will be in my district in Alabama. But they will be in all 50 States. So this is not a competition between American jobs and European jobs. This is American jobs throughout the country between two great competitors.

Mr. Chairman, I reserve the balance of my time.

Mr. INSLEE. I yield 30 seconds to the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Chairman, during this time of record unemployment, granting a $35 billion contract to a company that has received over $5 billion in illegal subsidies, according to the WTO, makes no common sense.

In the end, this is about what is fair for the American taxpayer, fair for companies. Tens of thousands of Boeing employees and suppliers throughout the U.S. have been affected by these continual subsidies provided by European governments that have put American workers at a disadvantage.

I call on every Member of this House to support full and fair competition in the tanker program to support American workers.

Mr. BONNER. In response to my friend from Missouri, and in agreement that we need to be assured of fair competition, that's why I do not oppose this amendment. I believe this amendment was made better last night.

Mr. Chairman, I reserve the balance of my time.

Mr. INSLEE. I yield 30 seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I want my friend from Alabama to recognize that nobody would have objected to him getting additional time.

The biggest point here is that Airbus received $5.7 billion in subsidy from the governments of Europe. This gives it an unfair advantage in the bidding on this airplane, and that's why we want the Secretary of Defense to at least take that into account.

The WTO has already determined that this was an illegal subsidy that harmed the United States of America and has cost us thousands of jobs. We must pass this amendment.

□ 1630

Mr. BONNER. With that, I would like to respond to my distinguished chairman and my friend from Washington State with this point. The WTO has only had an interim ruling, and everyone knows that. And within weeks, the WTO should be able to consider the complaint of the European Union against Boeing.

To that point, $16.6 billion in R&D subsidies have been recorded for Boeing versus $3.7 billion for Airbus, $2 billion in export-related tax subsidies, $6 billion in local and State government subsidies, and $2 billion in foreign government subsidies for moving manufacturing jobs out of your State, my friend, into Japan and into Italy.

I yield back the balance of my time.

Mr. INSLEE. I just want my colleagues to realize there is a clear difference between these two bidders. One has been adjudicated as having received over $5 billion of illegal subsidies. That is the same contractor that will take tens of thousands of jobs to Europe that would otherwise be in the United States of America. It is untenable in today's world for the Pentagon to not take that into consideration.

Here is one message to the people who are doing such a great job for us in the Department of Defense. We realize the hour of this debate, but we will not finish until this is taken into consideration.

The Acting CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. INSLEE. Mr. 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 Washington will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–498 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SKELTON of Missouri.

Amendment No. 4 by Mr. MARSHALL of Georgia.

Amendment No. 13 by Mr. MCGOVERN of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. SKELTON) 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 vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 16, as follows:

[Roll No. 310]

AYES—421

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Berkley
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Deutch
Graves
Gutierrez
Herger
Lowey
Melancon
Nadler (NY)
Pierluisi
Ryan (WI)
Sablan
Schiff

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1703

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. SCHIFF. Mr. Chair, on rollcall No. 310, had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. MARSHALL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. MARSHALL) 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 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 14, as follows:

[Roll No. 311]

AYES—423

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt

DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Boren
Brown-Waite, Ginny
Cardoza
Davis (AL)
Davis (KY)
Deutch
Graves
Herger
Melancon
Olver
Pierluisi
Ryan (WI)
Sablan
Shuster

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1711

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 341, noes 85, not voting 11, as follows:

[Roll No. 312]

AYES—341

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Bordallo
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—85

Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett
Bishop (UT)
Blackburn
Boehner
Boozman
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell
Carter
Cassidy
Chaffetz
Coble
Conaway
Culberson
Duncan
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Hall (TX)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
Mica
Miller (FL)
Miller, Gary

Moran (KS)	Posey	Shimkus
Myrick	Price (GA)	Stearns
Neugebauer	Rohrabacher	Terry
Nunes	Rooney	Thornberry
Paul	Royce	Tiahrt
Pence	Scalise	Westmoreland
Pitts	Sessions	Young (AK)
Poe (TX)	Shadegg	

NOT VOTING—11

Boren	Davis (KY)	Pierluisi
Brown-Waite, Ginny	Graves	Ryan (WI)
Davis (AL)	Klein (FL)	Sablan
	Melancon	Schmidt

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1720

Messrs. TIAHRT and HOEKSTRA changed their vote from ''aye'' to ''no.''

Mr. COFFMAN of Colorado changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, pursuant to House Resolution 1404, as the designee of the chairman of the Committee on Armed Services, I offer amendments en bloc No. 3.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 offered by Mr. ANDREWS consisting of amendments numbered 29, 34, 40, 46, 48, 52, and 54 printed in House Report 111–498:

AMENDMENT NO. 29 OFFERED BY MR. PASCRELL OF NEW JERSEY

The text of the amendment is as follows:

Page 279, after line 16, insert the following:

(e) COGNITIVE IMPAIRMENT SCREENINGS.—Until the comprehensive policy under subsection (a) is implemented, the Secretary shall use the same cognitive screening tool for pre-deployment and post-deployment screening to compare new data to previous baseline data for the purposes of detecting cognitive impairment (as described in section 1618(e)(6) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note)) for each member of the Armed Forces—

(1) who returns from a deployment in support of a contingency operation; and

(2) who completed a neurocognitive assessment prior to the implementation of a new pre-deployment and post-deployment screening tool.

(f) CONCLUSION OF STUDIES ON COGNITIVE ASSESSMENT TOOLS.—Not later than September 30, 2011, the Secretary of Defense shall complete any outstanding comparative studies on the effectiveness of various cognitive screening tools, including existing tools used for pre-deployment and post-deployment screenings, for the implementation of the comprehensive policy under subsection (a).

AMENDMENT NO. 34 OFFERED BY MS. HARMAN OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle C of title XVI, add the following new section:

SEC. 1648. EXPEDITED CONSIDERATION AND PRIORITY FOR APPLICATION FOR CONSIDERATION OF A PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONDITIONS FOR VICTIM OF SEXUAL ASSAULT.

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

''§ 673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault

''(a) EXPEDITED CONSIDERATION AND PRIORITY FOR APPROVAL.—To the maximum extent practicable, the Secretary concerned shall provide for the expedited consideration and approval of an application for consideration of a permanent change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920 of this title (article 120) so as to reduce the possibility of retaliation against the member for reporting the sexual assault.

''(b) REGULATIONS.—The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

''673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault''.

AMENDMENT NO. 40 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

SEC. 579. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 46 OFFERED BY MR. SPACE OF OHIO

The text of the amendment is as follows:

At the end of subtitle C of title V (page 151, after line 12), add the following new section:

SEC. 523. SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

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

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

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

''(b) SECURE METHOD OF ELECTRONIC DELIVERY.—

''(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (a)(2). The Secretary of Veterans Affairs shall ensure that the method permits such offices to access the forms electronically using current computer operating systems.

''(2) AUTHORITY TO CEASE DELIVERY.—In developing the secure electronic method of forwarding DD Forms 214, the Secretary of Veterans Affairs shall ensure that the information provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms electronically to an office specified in subsection (a)(2) if demonstrated problems arise.''.

AMENDMENT NO. 48 OFFERED BY MR. WALZ OF MINNESOTA

The text of the amendment is as follows:

Strike subtitle F of title VI and insert the following new subtitle:

Subtitle F—Alternative Career Track Pilot Program

SEC. 661. PILOT PROGRAM TO EVALUATE ALTERNATIVE CAREER TRACK FOR COMMISSIONED OFFICERS TO FACILITATE AN INCREASED COMMITMENT TO ACADEMIC AND PROFESSIONAL EDUCATION AND CAREER-BROADENING ASSIGNMENTS.

(a) PROGRAM AUTHORIZED.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

''§ 673. Alternative career track for commissioned officers pilot program

''(a) PROGRAM AUTHORIZED.—(1) Under regulations prescribed pursuant to subsection (g) and approved by the Secretary of Defense, the Secretary of a military department may establish a pilot program for an armed force under the jurisdiction of the Secretary under which an eligible commissioned officer, while on active duty—

''(A) participates in a separate career track characterized by expanded career opportunities extending over a longer career;

''(B) agrees to an additional active duty service obligation of at least five years to be served concurrently with other active duty service obligations; and

''(C) would be required to accept further active duty service obligations, as determined by the Secretary, to be served concurrently with other active duty service obligations, including the active duty service obligation accepted under subparagraph (B), in connection with the officer's entry into education programs, selection for career broadening assignments, acceptance of additional special and incentive pays, or selection for promotion.

''(2) The Secretary of the military department concerned may waive an active duty service obligation accepted under subparagraph (B) or (C) of paragraph (1) to facilitate the separation or retirement of a participant in the program.

''(3) The program shall be known as the 'Alternative Career Track Pilot Program' (in this section referred to as the 'program').

''(b) ELIGIBLE OFFICERS.—Commissioned officers with between 13 and 18 years of service are eligible to volunteer to participate in the program.

''(c) NUMBER OF PARTICIPANTS.—No more than 50 officers of each armed force may be selected per year to participate in the program.

''(d) ALTERNATIVE CAREER ELEMENTS OF PROGRAM.—(1) The Secretaries of the military departments may establish separate basic pay and special and incentive pay and promotion systems unique to the officers participating in the program, without regard to the requirements of this title, title 37, or administrative year group cohort designation..

''(2) The Secretaries of the military departments may establish separation and retirement policies for officers participating in the program without regard to grade and years of service requirements established under this title.

''(3) Participants serving in a grade below brigadier general or rear admiral (lower half) may serve in the grade without regard to the limits on the number of officers in the grade established under this title.

''(e) TREATMENT OF GENERAL AND FLAG OFFICER PARTICIPANTS.—(1) A participant serving in a grade above colonel, or captain in the Navy, but below lieutenant general or vice admiral, shall be—

''(A) counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position requiring the assignment of a military officer; but

''(B) excluded from limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position not typically occupied by a military officer.

''(2) A participant serving in the grade of lieutenant general, vice admiral, general, or admiral shall be counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers.

''(f) RETURN TO STANDARD CAREER PATH; EFFECT.—(1) The Secretaries of the military departments retain the authority to involuntarily return an officer to the standard career path.

''(2) The Secretary of the military department concerned may return an officer to the standard career path at the request of the officer.

''(3) If the program is terminated pursuant to paragraph (4) or (5) of subsection (i), officers participating in the program at the time of the termination shall be returned to the standard career path with appropriate adjustments to their administrative record to ensure they are not penalized for participating in the pilot program.

''(4) An officer returned to the standard career path under paragraph (1), (2), or (3) shall retain the grade, date-of-rank, and basic pay level earned while a participant in the program but shall revert to the special and incentive pay authorities established in title 37 upon the expiration of the agreement between the Secretary and the officer providing any special and incentive pays under the program. Subsequent increases in the officer's rate of monthly basic pay shall conform to the annual percentage increases in basic pay rates provided in the basic pay table.

''(5) Services will adjust the participating officer's cohort year group to the appropriate year to ensure the officer remains competitive for all promotions and command opportunities in their standard career path.

''(g) ANNUAL REPORT.—(1) The Secretaries of the military departments, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing the findings and recommendations of the Secretary of Defense and the Secretaries of the military departments concerning the progress of the program for each armed force.

''(2) The Secretary of a military department, with the consent of the Secretary of Defense, may include in the report for a year a recommendation that the program be made permanent for an armed force under the jurisdiction of that Secretary.

''(h) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out the program. The regulations shall be subject to the approval of the Secretary of Defense.

''(i) COMMENCEMENT; DURATION.—(1) Before authorizing the commencement of the program for an armed force, the Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed program structure of the alternative career track, associated personnel and compensation policies, implementing instructions and regulations, and a summary of the specific provisions of this title and title 37 to be waived under the program. The authority to conduct the program for that armed force commences 120 days after the date of the submission of the report.

''(2) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may authorize revision of the program structure, associated personnel and compensation policies, implementing instructions and regulations, or laws waived, as submitted by the Secretary under paragraph (1). The Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit the proposed revisions to the Committees on Armed Services of the Senate and House of Representatives. The revisions shall take effect 120 days after the date of their submission.

''(3) If the program for an armed force has not commenced before December 31, 2015, as provided in paragraph (1), the authority to commence the program for that armed force terminates.

''(4) No officer may be accepted to participate in the program after December 31, 2026.

''(5) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may terminate the pilot program for an armed force before the date specified in paragraph (4). Not later than 90 days after terminating the pilot program, the Secretary of the military department concerned, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the reasons for the termination.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

''673. Alternative career track for commissioned officers pilot program.''.

AMENDMENT NO. 52 OFFERED BY MR. CARSON OF INDIANA

The text of the amendment is as follows:

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

SEC. 5___. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''job placement counseling for the spouse'' and inserting ''inclusion of the spouse when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs'';

(2) in paragraph (9), by inserting before the period the following: '', including information on budgeting, saving, credit, loans, and taxes'';

(3) in paragraph (10), by striking ''and employment'' and inserting '', employment, and financial'';

(4) by striking paragraph (16) and inserting the following new paragraph:

''(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.''; and

(5) in paragraph (17), by inserting before the period the following: '', and information regarding the means by which the member can receive additional counseling regarding the member's actual entitlement to such benefits and apply for such benefits''.

AMENDMENT NO. 54 OFFERED BY MR. HARE OF ILLINOIS

The text of the amendment is as follows:

Page 219, after line 5, insert the following:

SEC. 599. REPORT ON EXPANSION OF NUMBER OF HEIRLOOM CHEST AWARDED TO SURVIVING FAMILIES.

The Secretary of the Army shall submit to the congressional defense committees a report on the heirloom chest policy of the Army, including—

(1) a detailed explanation of such policy;

(2) the plans of the Secretary to continue the heirloom chest program; and

(3) an estimate of the procurement costs to expand the number of such chests to additional family members.

The Acting CHAIR. Pursuant to House Resolution 1404, the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, this en bloc amendment represents a contribution by Members in both parties: very thoughtful, a lot of excellent ideas the committee is pleased to support. So I would urge the committee to adopt the amendments en bloc, each of which has been examined by both the majority and the minority.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIR. The gentleman from California is recognized.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman from California for yielding.

I rise in support of the en bloc amendments, but I rise in opposition to the Murphy amendment, which will repeal Don't Ask, Don't Tell, which is the current law for the U.S. military.

Our Nation is at war, and after making the continuous sacrifice of fighting two wars over the course of 8 years, the men and women of our military deserve

to be heard. This December, the Pentagon's Don't Ask, Don't Tell Working Group will return a survey of over 300,000 of our members of our military concerning that policy. We should listen to the men and women in uniform first before we act in the Congress.

This decision should not be based on a campaign promise made to a particular constituent base, but on thoughtful consideration of readiness, morale, and cohesion. We owe that to the men and women who serve us in harm's way.

In the committee, we have heard from all four of our service chiefs expressing their concerns on this amendment, and it is unanimous. The Chiefs and Secretary Gates and Admiral Mullen recently sent a letter to the chairman of the committee, Chairman SKELTON, saying that they believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change, develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. That is Admiral Mullen and Secretary Gates.

Further, Admiral Roughead has sent a letter. It says he shares the views of Secretary Gates that the best approach would be to complete the Department of Defense review before there is any legislative change made.

Further, General Schwartz has said that as a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before any legislative act is done to repeal Don't Ask, Don't Tell.

General Casey has the same type of response. He goes further saying, ''Repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.''

And, finally, General Conway stated that he believes the current policy works, and at this point his best military advice to the House committee and to the Secretary and to the President would be to keep the law as it stands today.

In addition, Congress is giving up its powers, surrendering, abdicating its constitutional authority to the executive branch in order to appease a political agenda.

□ 1730

This amendment, as drafted, puts a conditional future on an important defense policy and law, which would then only be decided by the administration.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. SHUSTER. I believe Congress should maintain its authority to review and debate this policy implication of repealing Don't Ask, Don't Tell before a final decision is made. We owe that to the men and women of the Armed Forces.

To my colleagues, I urge them: Don't shoot before we aim. I urge a ''no'' vote on the Murphy amendment.

THE SECRETARY OF DEFENSE,
Washington, DC, April 30, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of April 28 requesting my views on the advisability of legislative action to repeal the so-called ''Don't Ask Don't Tell'' statute prior to the completion of the Department of Defense review of this matter.

I believe in the strongest possible terms that the Department must, prior to any legislative action, be allowed the opportunity to conduct a thorough, objective, and systematic assessment of the impact of such a policy change; develop an attentive comprehensive implementation plan, and provide the President and the Congress with the results of this effort in order to ensure that this step is taken in the most informed and effective manner. A critical element of this effort is the need to systematically engage our forces, their families, and the broader military community throughout this process. Our military must be afforded the opportunity to inform us of their concerns, insights, and suggestions if we are to carry out this change successfully.

Therefore, I strongly oppose any legislation that seeks to change this policy prior to the completion of this vital assessment process. Further, I hope Congress will not do so, as it would send a very damaging message to our men and women in uniform that in essence their views, concerns, and perspectives do not matter on an issue with such a direct impact and consequence for them and their families.

Adm. MICHAEL G. MULLEN,
Chairman of the Joint Chiefs of Staff.
ROBERT M. GATES,
Secretary of Defense.

CHIEF OF NAVAL OPERATIONS,
MAY 26, 2010.

Hon. HOWARD P. ''BUCK'' MCKEON,
House of Representatives, Washington, DC.

DEAR MR. MCKEON: As a follow-up to our phone call today, the following represents my personal views about the proposed amendment concerning section 654 of title 10, United States Code.

I testified in February about the importance of the comprehensive review that began in March and is now well underway within the Department of Defense. We need this review to fully assess our force and carefully examine potential impacts of a change in the law. I have spoken with Sailors and fellow flag officers alike about the importance of conducting the review in a thoughtful and deliberate manner. Our Sailors and their families need to clearly understand that their voices will be heard as part of the review process. and I need their input to develop and provide my best military advice.

I share the view Secretary Gates that the best approach would be to complete the DOD review before there is any legislation to change the law. My concern is that legislative changes at this point, regardless of the precise language used, may cause confusion on the status of the law in the Fleet and disrupt the review process itself by leading Sailors to question whether their input matters. Obtaining the views and opinions of the force and assessing them in light of the issues involved will be complicated by a shifting legislative backdrop and its associated debate.

Sincerely,

G. ROUGHEAD,
Admiral, U.S. Navy.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, May 26, 2010.

Hon. BUCK P. MCKEON,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCKEON: The President has clearly articulated his intent for the ''Don't Ask, Don't Tell'' (DA/DT) law to be repealed, and should this law change, the Air Force will implement statute and policy faithfully. However, as I testified to you and the HASC at the AF Posture hearing on 23 February 2010, my position remains that DOD should conduct a review that carefully investigates and evaluates the facts and circumstances, the potential implications, the possible complications, and potential mitigations to repealing this law.

Further I believe it is important, a matter of keeping faith with those currently serving in the Armed Forces, that the Secretary of Defense commissioned review be completed before there is any legislation to repeal the DA/DT law. Such action allows me to provide the best military advice to the President, and sends an important signal to our Airmen and their families that their opinion matters. To do otherwise, in my view, would be presumptive and would reflect an intent to act before all relevant factors are assessed, digested and understood.

Sincerely

NORTON A. SCHWARTZ,
General, USAF Chief of Staff

U.S. ARMY,
THE CHIEF OF STAFF,
May 26, 2010.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Service, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: My views on the repeal of section 654 of Title 10, United States Code, have not changed since my testimony. I continue to support the review and timeline offered by Secretary Gates.

I remain convinced that it is critically important to get a better understanding of where our Soldiers and Families are on this issue, and what the impacts on readiness and unit cohesion might be, so that I can provide informed military advice to the President and the Congress.

I also believe that repealing the law before the completion of the review will be seen by the men and women of the Army as a reversal of our commitment to hear their views before moving forward.

Sincerely,

GEORGE W. CASEY, JR.,
General, United States Army.

MAY 26, 2010.

Hon. HOWARD P. ''BUCK'' MCKEON,
Ranking Member, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCKEON: During testimony, I spoke of the confidence I had as a Service Chief in the DoD Working Group that Secretary Gates laid out in the wake of President Obama's guidance on ''Don't Ask—Don't Tell.'' I felt that an organized and systematic approach on such an important issue was precisely the way to develop ''best military advice'' for the Service Chiefs to offer the President.

Further, the value of surveying the thoughts of Marines and their families is

that it signals to my Marines that their opinions matter.

I encourage the Congress to let the process the Secretary of Defense created to run its course. Collectively, we must make logical and pragmatic decisions about the long-term policies of our Armed Forces—which so effectively defend this great Nation.

Very Respectfully,

JAMES T. CONWAY,
General, U.S. Marine Corps,
Commandant of the Marine Corps.

Mr. ANDREWS. I yield myself 2 minutes before I yield to my friend from New Jersey.

Mr. Chairman, the minority, for understandable reasons, wants to continue talking about the Murphy amendment, which is not on the floor.

Again, to set the record straight, the Murphy amendment has reflected the views of the joint Chiefs of Staff and of the Secretary of Defense for a very long time. The question has been not ''if'' we are going to repeal Don't Ask, Don't Tell but when and how.

The Murphy amendment says that the policy will not be repealed. It will stay in effect until such time as the chairman of the Joint Chiefs of Staff and the Secretary of Defense certify that nothing about that repeal will in any way undermine the security of the country, the efficiency of the Armed Forces or their effectiveness.

Now, the minority wants to keep talking about this. I think the American people, Mr. Chairman, are a lot more interested in some of the terrorism threats this country is actually facing.

By the way, one of the reasons those terrorism threats are more difficult is that we don't have enough Arabic speakers in the intelligence units of our Armed Forces. At least several dozen, perhaps several hundred, Arabic-speaking persons have been expelled from the Armed Forces because of their sexual orientation. That doesn't strike me as a particularly good way to protect national security.

Beyond that, though, a good way to protect national security, which is in this bill, is to strengthen our special forces. This legislation spends $9.8 billion on our Special Operations Command, the highest in the history of the country.

So, when we call upon brave Americans to kick down that door or to do a commando raid in any dark corner of the world, which is going to prevent a terrorist attack in this country, this bill supports them. Both parties support that and both bills fund it. That is the issue that is actually before the American people.

At this time, I yield 2 minutes to someone who has done tremendous work on dealing with brain injuries and other traumas associated with brain injuries, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. I thank my friend from New Jersey for yielding.

Mr. Chairman, 7 years into war, we are still not properly screening and treating our troops for traumatic brain injury, known as the signature injury of those wars. This is unacceptable.

My amendment today builds on the requirements for the cognitive screening outline in the 2008 defense authorization bill, which most of us voted for, to identify soldiers for possible brain injury.

My amendment ensures the same tool is used for pre-and post-deployment cognitive screenings. It requires the Department of Defense to complete comparative studies in order to find the best cognitive screening tool for our troops. The fiscal year 2008 defense authorization bill required predeployment and postdeployment screenings of soldiers' cognitive ability.

It is right in the law. Congress passed it. The President at that time, President Bush, signed it. Two years later, the law has not been fulfilled. The Department of Defense has implemented predeployment screening using a computerized tool known as ANAM, the Automated Neuropsychological Assessment Metrics.

The Army released a memo in November 2008, which just came to our attention 2 months ago. It states, ''Routine postdeployment ANAM testing is not authorized.'' We came upon this totally by accident. This is not what Congress passed in bipartisan support.

As a result, less than 1 percent of the 550,000 members of the Armed Forces have been given postdeployment cognitive screenings. This is in violation of the intent of the 2008 defense authorization.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ANDREWS. I yield 1 additional minute to the gentleman from New Jersey.

Mr. PASCRELL. Instead of using the same test, the military uses a simple questionnaire for postdeployment screenings—a written questionnaire.

These assessments are not comparable. They do not detect changes to a soldier's brain. Just like in sports, the key to pre- and postinjury assessment is to use the same tool. When you have a baseline, you are better able to compare.

As cochair of the Congressional Brain Injury Task Force, I recognize the need to help both our military and civilian populations in addressing brain injury. My amendment, which is endorsed by the Iraq and Afghanistan Veterans of America, which has bipartisan support, ensures our troops are given the proper cognitive screenings today and in the future.

I ask my colleagues to support my amendment.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I rise in opposition to the Murphy amendment.

PARLIAMENTARY INQUIRY

Mr. ANDREWS. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman may state his parliamentary inquiry.

Mr. ANDREWS. Is the Murphy amendment before the committee at this point?

The Acting CHAIR. The Committee is debating en bloc amendments as previously announced.

Mr. ANDREWS. The gentleman said he was rising in opposition to the Murphy amendment. Would those remarks be in order at this time?

The Acting CHAIR. That is a hypothetical question at this stage of the proceedings.

Mr. ANDREWS. I understand. Thank you.

Excuse me for interrupting, sir.

Mr. PENCE. I'm pleased to yield to the gentleman from New Jersey for a parliamentary inquiry at any time.

I rise in opposition to the Murphy amendment.

Let me say I do so because I believe the American people don't want to see the American military used to advance a liberal political agenda, especially when the men and women who serve in the military haven't had a say in the matter, and they have been promised to have a say. We've received correspondence from leading voices in the American military who have suggested, were the Congress today to enact this legislation, it would break faith with our men and women in uniform.

Now, let me concede to the point. I was raised by a combat veteran. I did not wear the uniform of the United States, but I have strong objections to repealing Don't Ask, Don't Tell. I believe that that compromise of 17 years ago has been a successful compromise. It has preserved unit cohesion. It has preserved morale. It has enabled us to go forward with readiness and recruitment without interruption. It, of course, itself, was a compromise that represented an historic change from the policy of the American military.

Yet what is being advanced here today in repealing Don't Ask, Don't Tell would represent a fundamental change in the nature and in the culture of our military. It ought to be carefully and thoroughly explored among the men and women who are doing the work in uniform, and it is being explored today.

The Department of Defense has commissioned, as we all know here, a confidential survey of some 350,000 servicemen and their families—100,000 active duty, 70,000 duty spouses, 100,000 reserve component military, 80,000 reserve component spouses—to determine their input on the effects and concerns if Don't Ask, Don't Tell is repealed. Yet here we are in Congress, even though this survey will not be completed until August and the report, itself, will not be delivered to Congress until December, and we are hurrying along what is, for all intents and purposes, the legislation that will enable the full repeal of Don't Ask, Don't Tell.

I urge my colleagues in Congress to take a breath, to stop, particularly

here, as we stand just a few days before that day in which we, all of us, Republicans and Democrats, will set aside all politics, and we will remember those who did not come home.

Why can't we today also show respect for the men and women who wear the uniform today and listen to what they have to say?

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman 1 additional minute.

Mr. PENCE. I urge my colleagues to oppose the Murphy amendment.

Let me say again: The American people don't want the American military used as a vehicle to advance a liberal political agenda, especially when the men and women who serve in our military haven't had a say in the matter. That is what this Congress is poised to do today. Make no mistake about it.

I urge my colleagues, regardless of what one thinks about social issues and social values, to respect our military. Let's respect men and women in uniform. Let's hear them out before we introduce such an enormous change in the culture and in the practice of the American military, one that would be represented by the repeal of Don't Ask, Don't Tell.

Mr. ANDREWS. Mr. Chairman, before I yield to my friend, I yield myself 90 seconds.

The gentleman from Indiana's point about the servicemembers being listened to is absolutely right, which is why Mr. MURPHY's amendment says—I will comment since he did—if after hearing the comments of the servicemembers the Secretary of Defense and the chairman of the Joint Chiefs of Staff believe that there would be an impairment of their ability to defend the country, they would not certify to the change in the policy.

There is an echo in this debate, which is a quote from prior debate: The President's move would seriously impair the morale of the Army at a time when our Armed Forces should be at their strongest and most efficient. Such an action is most unfortunate, the Senator declared.

The quote is taken from Senator Lister Hill in 1948. The issue was the racial integration of the Armed Forces in 1948. I think this is the same issue.

Mr. PENCE. Would the gentleman yield?

Mr. ANDREWS. Yes, I would yield.

Mr. PENCE. I thank the gentleman for the courtesy.

Mr. Chairman, I would simply pose a question to the gentleman: Did not the author of this amendment say that it is not whether we will repeal Don't Ask, Don't Tell but how and when, from recent press reports?

Mr. ANDREWS. Reclaiming my time, I don't know precisely what the author said—he will speak—but I do know that Secretary Gates and Admiral Mullen have said that. Admiral Mullen has said he feels repeal is the right policy. The issue is when and how, which is what Mr. MURPHY's amendment addresses.

I would at this time be happy to yield 2 minutes to my friend who is focused on the issue of departing servicemembers, when they separate from service, and their knowing their rights and opportunities, the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Mr. Chairman, thousands of active duty servicemembers are returning home from Afghanistan and Iraq every year, many of these individuals serving continuously, having enlisted right out of high school or college.

For years, they have lived a structured military life on bases and abroad. This structure makes for a well-disciplined and a well-trained military force, but it can also make for a difficult transition back to civilian life. Many returning servicemembers have no experience with saving or budgeting or with credit, taxes, and/or mortgages. As a result, many military families are falling into unmanageable debt, bankruptcy, and foreclosure.

My amendment, which is part of this en bloc amendment, seeks to alleviate these concerns. It simply expands the military's existing preseparation counseling program to include a personal finances component. When this takes effect, military families will reenter civilian life with the information they need to build a stable, long-term financial future.

I encourage all of my colleagues to support our military families by supporting this amendment.

Secondly, Mr. Chairman, throughout both of our Democratic and Republican administrations, the White House has maintained a policy against providing letters of condolences to the families of suicide victims. This is a major issue for my constituency, which I have been working on for months.

I have had a number communications with the White House and with the Department of Defense expressing these concerns. Fortunately, the President was kind enough to send a personal letter of condolence to a local family who was affected by suicide.

I would like to wholeheartedly thank President Obama for this meaningful gesture, and I encourage him to continue on this path and to finally overturn this misguided White House policy.

Our men and women in uniform sacrifice for our country both physically and mentally, but despite the occasional exception, the current policy ignores the sacrifice these men and women make, and it disregards the suffering of their families.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for today after 6 p.m. and the balance of the week.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of personal medical issues.

Mr. DAVIS of Kentucky (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending the funeral of a family member.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHRADER) to revise and extend their remarks and include extraneous material:)

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2711. An act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3634. An act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 4017. An act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

H.R. 4139. An act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4214. An act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

H.R. 4238. An act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

H.R. 4425. An act to designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

H.R. 4547. An act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4628. An act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Friday, May 28, 2010, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7665. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2009 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

7666. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8127] received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7667. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7668. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary during the period January 1, 2009, through December 31, 2009; to the Committee on Financial Services.

7669. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report on three modifications to the auction process in 2009 that are deemed significant, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

7670. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; General Provisions [EPA-R05-OAR-2009-0290; FRL-9142-1] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7671. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Indiana; Redesignation of the Ohio and Indiana Portions of the Cincinnati-Hamilton Area to Attainment for Ozone [EPA-R09-OAR-2009-0928; EPA-R05-OAR-2010-0026; FRL-9147-3] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7672. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans, State of California, San Joaquin Valley Unified Air Pollution Control District, New Source Review [EPA-R09-OAR-2010-0062; FRL-9141-3] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7673. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Lake and Porter Counties to Attainment for Ozone [EPA-R05-OAR-2009-0512; FRL-9147-2] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7674. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval of State Implementation Plan Revisions, South Coast Air Quality Management District [EPA-R09-OAR-2009-0573; FRL-9146-5] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7675. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2010 [EPA-HQ-OAR-2009-0566; FRL-9147-8] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7676. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program [EPA-HQ-OAR-2005-0161; FRL-9147-6] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7677. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel and Gasoline Benzene Technical Amendment [EPA-HQ-OAR-2007-1158; FRL-9147-4] (RIN: 2060-AO71) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7678. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District [EPA-R09-OAR-2010-0286; FRL-9138-6] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7679. A letter from the Managing Associate General Counsel, Government Accountability Office, transmitting a report on the Major final rule ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents''; to the Committee on Energy and Commerce.

7680. A letter from the Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7681. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Italy (Transmittal No. 02-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7682. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report for 2009 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307(a) of the Foreign Assistance Act, pursuant to Public Law 105-277, section 2809(c)(2); to the Committee on Foreign Affairs.

7683. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's Fiscal Year 2009 Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report; to the Committee on Oversight and Government Reform.

7684. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7685. A letter from the Assistant General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Contribution Elections and Contribution Allocations; Methods of Withdrawing Funds from the Thrift Savings Plan [BILLING CODE 6760-01-P] received May 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7686. A letter from the Acting President, Overseas Private Investment Corporation, transmitting the Department's Fiscal Year 2009 Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report; to the Committee on Oversight and Government Reform.

7687. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the Oregon Chub From Endangered to Threatened [Docket No.: FWS-R1-ES-2009-0005] (RIN: 1018-AW42) received May 5, 2010, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7688. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Revised Critical Habitat for Hine's Emerald Dragonfly (Somatochlora hineana) [Docket No.: FWS-R3-ES-2009-0017] (RIN: 1018-AW47) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7689. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties, pursuant to Public Law 110-53, section 803 (121 Stat. 266, 360); to the Committee on the Judiciary.

7690. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's second quarter report for fiscal year 2010 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

7691. A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7692. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year 2009''; jointly to the Committees on Ways and Means and Energy and Commerce.

7693. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2009 and Federal Fiscal Year 2010 [CMS-2309-N] (RIN: 0938-AP90) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5297. A bill to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes; with an amendment (Rept. 111–499). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BROUN of Georgia (for himself and Mr. SHADEGG):

H.R. 5421. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, repeal the 7.5 percent threshold on the deduction for medical expenses, provide for increased funding for high-risk pools, allow acquiring health insurance across State lines, and allow for the creation of association health plans; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, Rules, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 5422. A bill to authorize the Secretary of Agriculture to make grants for the prevention of cruelty to animals to States that have enacted laws prohibiting the devocalization of dogs and cats for purposes of convenience; to the Committee on Agriculture.

By Mr. FOSTER (for himself, Mr. BARTLETT, and Mr. EHLERS):

H.R. 5423. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for an annual electric production cost report; to the Committee on Energy and Commerce.

By Mr. HERGER (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. BLUNT, Mr. CAMP, Mr. BARTON of Texas, Mr. KLINE of Minnesota, Mr. SHIMKUS, Mr. PRICE of Georgia, Mr. BRADY of Texas, Mr. LINDER, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. BOUSTANY, Mr. HELLER, and Mr. ROSKAM):

H.R. 5424. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and enact the Common Sense Health Care Reform and Affordability Act; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLEMING:

H.R. 5425. A bill to amend the Patient Protection and Affordable Care Act to permit a State to elect not to establish an American Health Benefit Exchange; to the Committee on Energy and Commerce.

By Mrs. MILLER of Michigan (for herself, Mr. LUCAS, Mr. GRAVES, Mr. CONAWAY, Mr. MORAN of Kansas, Mr. THOMPSON of Pennsylvania, Ms. JENKINS, Mr. HOEKSTRA, Mr. LUETKEMEYER, and Mr. NEUGEBAUER):

H.R. 5426. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Washington:

H.R. 5427. A bill to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 5428. A bill to direct the Secretary of Veterans Affairs to educate certain staff of the Department of Veterans Affairs and to inform veterans about the Injured and Amputee Veterans Bill of Rights, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HARMAN (for herself and Mr. DREIER):

H.R. 5429. A bill to provide a retroactive increase in deposit insurance for depositors in certain institutions; to the Committee on Financial Services.

By Mrs. MCCARTHY of New York (for herself, Mr. HINOJOSA, Mrs. DAVIS of California, and Mr. WU):

H.R. 5430. A bill to direct the Secretary of Agriculture to award grants to eligible entities for projects that leverage community resources and support student access to physical activity, nutrition education, and nutritious foods during the regular school calendar; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mr. WU):

H.R. 5431. A bill to amend section 17 of the Richard B. Russell National School Lunch Act to promote health and wellness in child care, and for other purposes; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself, Mr. HINOJOSA, and Mr. WU):

H.R. 5432. A bill to authorize the Secretary of Agriculture to enter into an interagency agreement with the Corporation for National and Community Service to support a Nutrition Corps; to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. SESSIONS, Mr. OLSON, Mr. SAM JOHNSON of Texas, and Mr. BURGESS):

H.R. 5433. A bill to repeal certain provisions of the Patient Protection and Affordable Care Act relating to the limitation on the Medicare exception to the prohibition on certain physician referrals for hospitals and to transparency reports and reporting of physician ownership or investment interests; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. GERLACH, Mrs. CAPPS, and Mr. YOUNG of Florida):

H.R. 5434. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture.

By Mr. BRALEY of Iowa:

H.R. 5435. A bill to amend the Internal Revenue Code of 1986 to extend certain renewable fuel, and energy, tax incentives, and to deny the deduction for income attributable to domestic production of oil, or primary products thereof; to the Committee on Ways and Means.

By Mr. BUCHANAN:

H.R. 5436. A bill to prohibit the Minerals Management Service from issuing permits or environmental or safety waivers for any deepwater drilling rig in the Gulf of Mexico until the discharge of oil from the last Deepwater Horizon well has stopped and a congressional committee has issued a report finding the cause of the explosion on and sinking of the Deepwater Horizon; to the Committee on Natural Resources.

By Mr. CROWLEY:

H.R. 5437. A bill to amend the Internal Revenue Code of 1986 to provide that the treatment of tenant-stockholders in cooperative housing corporations also shall apply to stockholders of corporations that only own the land on which the residences are located; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana (for himself and Mr. MCCOTTER):

H.R. 5438. A bill to amend title 23, United States Code, to direct the Administrator of the Environmental Protection Agency to publish annually a list of vehicles that satisfy requirements for certification as a low emission and energy-efficient vehicle, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE (for himself and Mr. FRANK of Massachusetts):

H.R. 5439. A bill to require that United States contributions to the fund established by the United States and Brazil to provide technical assistance and capacity building be offset by reductions in direct payments for cotton producers under the Farm Bill; to the Committee on Agriculture.

By Mr. KENNEDY (for himself and Ms. ESHOO):

H.R. 5440. A bill to secure the promise of personalized medicine for all Americans by expanding and accelerating genomics research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. CASTLE, and Mrs. CAPPS):

H.R. 5441. A bill to authorize assistance to aid in the prevention and treatment of obstetric fistula in foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY of Massachusetts (for himself, Mrs. BIGGERT, Mr. MCNERNEY, and Ms. ESHOO):

H.R. 5442. A bill to establish programs to accelerate, provide incentives for, and examine the challenges and opportunities associated with the deployment of electric drive vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Science and Technology, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NYE (for himself and Mr. GARAMENDI):

H.R. 5443. A bill to amend title 38, United States Code, to provide for the entitlement of surviving spouses of members of the Armed Forces who die while serving on active duty to educational assistance under the Post-9/11 Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL:

H.R. 5444. A bill to amend the Internal Revenue Code of 1986 to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and to replace it with provisions reforming the health care system by putting patients back in charge of health care; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, House Administration, Ways and Means, Education and Labor, Natural Resources, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself and Mr. COFFMAN of Colorado):

H.R. 5445. A bill to establish a program for providing loan guarantees and interest rate subsidies for successful companies to establish and implement long-term United States growth plans, and for other purposes; to the Committee on Financial Services.

By Mr. POSEY (for himself, Mr. HASTINGS of Florida, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. PUTNAM, Ms. WASSERMAN SCHULTZ, Mr. STEARNS, Mr. BOYD, Mr. MICA, Mr. MEEK of Florida, Mr. MILLER of Florida, Ms. CASTOR of Florida, Mr. CRENSHAW, Mr. KLEIN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. KOSMAS, Ms. ROS-LEHTINEN, Mr. DEUTCH, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ROONEY, Mr. BILIRAKIS, Mr. BUCHANAN, and Mr. MACK):

H.R. 5446. A bill to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''; to the Committee on Oversight and Government Reform.

By Mr. ROSS:

H.R. 5447. A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT (for himself, Mr. BISHOP of New York, Mrs. MCMORRIS RODGERS, and Mr. GEORGE MILLER of California):

H.R. 5448. A bill to amend section 466(b) of the Higher Education Act of 1965 to extend the deadline for the distribution of late collections for the Federal Perkins Loan program; to the Committee on Education and Labor.

By Ms. SUTTON (for herself, Mr. JONES, Mr. HARE, Mr. WALZ, Ms. KILROY, Mr. COURTNEY, and Mr. BOCCIERI):

H.R. 5449. A bill to amend section 310 of the Supplemental Appropriations Act, 2009 to extend the period of time during which claims for retroactive stop-loss special pay may be submitted; to the Committee on Armed Services.

By Ms. WATSON (for herself, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. ROYCE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WOOLSEY, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. ZOE LOFGREN of California, Mr. BACA, Mr. SHERMAN, and Mr. WAXMAN):

H.R. 5450. A bill to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:

H.R. 5451. A bill to provide for the application of the Recreation and Public Purposes Act to the Connell Lake area of the Ketchikan Gateway Borough, Alaska, so that the Borough may obtain that land under the basic terms and conditions of that Act; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 5452. A bill to establish a Native American Economic Advisory Council, and for other purposes; to the Committee on Natural Resources.

By Ms. PINGREE of Maine:

H. Con. Res. 282. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. CARNEY (for himself, Mr. HOLDEN, Mr. SESTAK, Mr. PITTS, Mr. BRADY of Pennsylvania, Ms. SCHWARTZ, and Mr. DOYLE):

H. Con. Res. 283. Concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; to the Committee on Armed Services.

By Mr. RUSH (for himself, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. RANGEL, Mr. FILNER, Mr. CLAY, Mrs. CHRISTENSEN, Mr. FATTAH, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. CLEAVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Ms. NORTON, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mr. GARAMENDI, Mr. COHEN, Mr. MEEKS of New York, Ms. JACKSON LEE of Texas, Ms. DELAURO, Mr. REYES, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. SIRES, Mr. SALAZAR, Mr. BACA, Mrs. NAPOLITANO, Mr. TOWNS, Mr. RODRIGUEZ, Ms. EDWARDS of Maryland, Mr. TONKO, and Mr. GONZALEZ):

H. Res. 1405. A resolution congratulating the people of the 17 African nations that in 2010 are marking the 50th year of their national independence; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Washington (for himself and Mr. BISHOP of Utah):

H. Res. 1406. A resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. CARNAHAN, Mr. KIRK, Mr. LOEBSACK, Mr. SCHOCK, Mr. EHLERS, Mr. BAIRD, and Ms. SCHWARTZ):

H. Res. 1407. A resolution supporting the goals and ideals of High-Performance Building Week; to the Committee on Science and Technology.

By Ms. BEAN (for herself, Mr. ALTMIRE, Mr. BURTON of Indiana, Mr. DELAHUNT, Mr. GALLEGLY, Mr. MCMAHON, Mr. JACKSON of Illinois, Mr. ROSKAM, Mr. FOSTER, Mr. QUIGLEY, Mr. SCHOCK, and Mr. POMEROY):

H. Res. 1408. A resolution congratulating the Republic of Serbia's application for European Union membership and recognizing Serbia's active efforts to integrate into Europe and the global community; to the Committee on Foreign Affairs.

By Mr. ROE of Tennessee (for himself and Mr. DUNCAN):

H. Res. 1409. A resolution expressing support for designation of June 20, 2010, as ''American Eagle Day'', and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Ms. SPEIER, Mr. CASTLE, Mr. SESTAK, Mr. JOHNSON of Georgia, Mr. PITTS, Mr. SHULER, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Ms. NORTON,

Ms. ESHOO, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. KUCINICH, Mr. WU, Mr. ROE of Tennessee, Mr. BARROW, Mrs. BIGGERT, Mr. KIRK, and Mr. DENT):

H. Res. 1410. A resolution expressing support for designation of May 2010 as National Brain Tumor Awareness Month; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ:

H. Res. 1411. A resolution honoring the service and commitment of the 111th Fighter Wing, Pennsylvania Air National Guard; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself, Ms. GRANGER, and Mrs. MALONEY):

H. Res. 1412. A resolution congratulating the Government of South Africa upon its first two successful convictions for human trafficking; to the Committee on Foreign Affairs.

By Mr. TIAHRT:

H. Res. 1413. A resolution expressing the sense of the House of Representatives that the holding in Miranda v. Arizona may be interpreted to provide for the admissibility of a terrorist suspect's responses in an interrogation without administration of the Miranda warnings, to the extent that the interrogation is carried out to acquire information concerning other threats to public safety; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

301. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 125 memorializing the Congress to allow farmers the opportunity to purchase adequate sweet potato crop insurance; to the Committee on Agriculture.

302. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 127 memorializing the Congress to take such actions as are necessary to support passage of and fund the Agent Orange Equity Act of 2009, H.R. 2254; to the Committee on Veterans' Affairs.

303. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 101 commending the efforts of the United States Government to support the export of goods and services by the small businesses of Louisiana; jointly to the Committees on Small Business and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 270: Mr. CLAY.

H.R. 413: Mr. KANJORSKI, Ms. BEAN, and Mr. KENNEDY.

H.R. 442: Mr. WOLF.

H.R. 613: Mr. BILIRAKIS.

H.R. 1189: Mr. BISHOP of Georgia.

H.R. 1250: Mr. TIM MURPHY of Pennsylvania.

H.R. 1337: Mr. COHEN.

H.R. 1420: Mr. GARRETT of New Jersey.

H.R. 1686: Mr. COSTELLO.

H.R. 1691: Mr. DONNELLY of Indiana.

H.R. 1806: Mrs. MILLER of Michigan and Ms. LEE of California.

H.R. 2067: Mrs. NAPOLITANO and Mr. LANGEVIN.

H.R. 2160: Mr. MCINTYRE.

H.R. 2240: Mr. CALVERT.

H.R. 2324: Mr. DEUTCH.

H.R. 2363: Mr. BARTLETT.

H.R. 2417: Ms. WOOLSEY.

H.R. 2447: Mr. BUCHANAN.

H.R. 2642: Mr. MICHAUD.

H.R. 2727: Ms. ROS-LEHTINEN.

H.R. 2746: Mr. MCCOTTER and Mr. REHBERG.

H.R. 2766: Mr. KILDEE.

H.R. 2850: Mr. TIM MURPHY of Pennsylvania.

H.R. 2980: Mr. LUJÁN.

H.R. 3001: Mrs. DAVIS of California.

H.R. 3040: Mr. DELAHUNT and Mr. HILL.

H.R. 3147: Mr. LEWIS of Georgia.

H.R. 3202: Mr. PALLONE.

H.R. 3212: Mr. BOREN.

H.R. 3225: Mr. MINNICK.

H.R. 3301: Mr. PETRI, Mrs. EMERSON, Mr. CARNEY, and Mr. BURTON of Indiana.

H.R. 3421: Mr. YARMUTH and Mr. DAVIS of Illinois.

H.R. 3441: Mr. LIPINSKI.

H.R. 3564: Mr. MARKEY of Massachusetts and Mr. ENGEL.

H.R. 3577: Mr. ARCURI.

H.R. 3666: Mr. PAULSEN.

H.R. 3668: Ms. BORDALLO, Mr. HONDA, Mr. LATOURETTE, Ms. WOOLSEY, Mr. ETHERIDGE, Mr. DUNCAN, Mr. GORDON of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. NUNES, Mr. DICKS, Mr. MCKEON, and Mr. BOUCHER.

H.R. 3734: Ms. WATSON.

H.R. 3936: Ms. GIFFORDS.

H.R. 3974: Mr. LANGEVIN and Mr. CLAY.

H.R. 3989: Mr. BOREN, Mr. YOUNG of Alaska, and Mr. GALLEGLY.

H.R. 4144: Mr. HELLER.

H.R. 4197: Mr. ROHRABACHER.

H.R. 4237: Mr. ACKERMAN.

H.R. 4264: Mr. HONDA.

H.R. 4278: Mr. COHEN and Mr. SALAZAR.

H.R. 4296: Mrs. MCCARTHY of New York.

H.R. 4306: Mr. MANZULLO.

H.R. 4347: Mr. YOUNG of Alaska and Mrs. NAPOLITANO.

H.R. 4352: Mr. NUNES.

H.R. 4371: Mr. SCHOCK.

H.R. 4375: Ms. WOOLSEY.

H.R. 4386: Mrs. MALONEY and Mr. BLUMENAUER.

H.R. 4420: Mr. ARCURI.

H.R. 4427: Mr. BOOZMAN.

H.R. 4489: Ms. LINDA T. SÃNCHEZ of California.

H.R. 4525: Mr. CONNOLLY of Virginia.

H.R. 4530: Ms. JACKSON LEE of Texas.

H.R. 4544: Mr. MURPHY of New York and Mr. SESTAK.

H.R. 4594: Ms. SHEA-PORTER, Mr. MCMAHON, Mr. MCDERMOTT, Mr. HOLDEN, Mr. FALEOMAVAEGA, and Mr. BARROW.

H.R. 4662: Mr. ELLISON, Ms. MCCOLLUM, Mr. KING of New York, Mr. RUPPERSBERGER, and Mr. BERMAN.

H.R. 4684: Ms. BEAN, Mr. FRANK of Massachusetts, Mr. LATHAM, Mr. LYNCH, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. GRIJALVA, Mr. DELAHUNT, and Mr. MARCHANT.

H.R. 4689: Mr. MARSHALL, Ms. JENKINS, Mr. RAHALL, and Ms. WOOLSEY.

H.R. 4717: Mr. MINNICK.

H.R. 4787: Ms. PINGREE of Maine.

H.R. 4790: Mr. PERLMUTTER.

H.R. 4804: Ms. TITUS.

H.R. 4818: Mr. COHEN.

H.R. 4879: Mr. HODES, Ms. BERKLEY, Mr. JOHNSON of Georgia, Mr. CROWLEY, Ms. PINGREE of Maine, Mr. BOUCHER, Mr. CONNOLLY of Virginia, Mr. SCHIFF, and Mr. SCOTT of Virginia.

H.R. 4914: Mr. RANGEL and Mr. BLUMENAUER.

H.R. 4939: Mrs. EMERSON.

H.R. 4940: Mrs. BIGGERT.

H.R. 4946: Mr. CHAFFETZ and Mr. MANZULLO.

H.R. 4961: Mr. HONDA.

H.R. 4985: Mr. LAMBORN and Mr. PITTS.

H.R. 5000: Mr. TEAGUE.

H.R. 5008: Mr. MOORE of Kansas.

H.R. 5016: Mr. WITTMAN, Mr. REHBERG, Mr. KLINE of Minnesota, Mr. MCCAUL, Mr. HOEKSTRA, Mr. HALL of Texas, Mrs. MYRICK, and Mr. COBLE.

H.R. 5028: Mr. COHEN.

H.R. 5032: Mrs. MCCARTHY of New York.

H.R. 5034: Mr. HOEKSTRA, Mrs. MILLER of Michigan, and Mr. SAM JOHNSON of Texas.

H.R. 5040: Ms. NORTON.

H.R. 5041: Mr. COHEN, Ms. LEE of California, Ms. CLARKE, and Mr. LARSON of Connecticut.

H.R. 5081: Mr. CLAY and Mr. HONDA.

H.R. 5092: Mr. CAO, Mr. ROSS, Mr. MCHENRY, Mr. BOEHNER, Mr. TURNER, and Mr. CARTER.

H.R. 5095: Mr. CAMPBELL.

H.R. 5107: Mr. GRIJALVA.

H.R. 5117: Mr. CONNOLLY of Virginia, Mr. GRIJALVA, Mr. YARMUTH, Mr. STARK, Mr. JOHNSON of Georgia, and Mrs. MALONEY.

H.R. 5121: Mr. FRANK of Massachusetts and Mr. KUCINICH.

H.R. 5141: Mr. THOMPSON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, and Mr. GALLEGLY.

H.R. 5155: Mr. FRANK of Massachusetts.

H.R. 5156: Mr. CLAY.

H.R. 5173: Mr. PLATTS.

H.R. 5177: Mr. CONAWAY.

H.R. 5191: Mr. MAFFEI and Ms. NORTON.

H.R. 5197: Ms. CHU and Mr. COHEN.

H.R. 5213: Mrs. NAPOLITANO and Ms. HIRONO.

H.R. 5258: Mr. FRANKS of Arizona and Mr. MCCLINTOCK.

H.R. 5259: Mr. MICHAUD.

H.R. 5268: Mr. CARNAHAN and Mr. DOGGETT.

H.R. 5270: Mr. PAUL.

H.R. 5283: Mr. SMITH of Texas and Mr. RANGEL.

H.R. 5294: Mrs. MCMORRIS RODGERS.

H.R. 5298: Mr. BOREN, Mr. TURNER, Mr. MICA, Ms. SHEA-PORTER, Ms. KILROY, Mr. PETERSON, Mr. HOLDEN, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. MCCOTTER, and Mr. FATTAH.

H.R. 5300: Mr. MCNERNEY.

H.R. 5313: Mr. SKELTON.

H.R. 5318: Mr. WESTMORELAND.

H.R. 5340: Mr. SENSENBRENNER.

H.R. 5353: Mr. HASTINGS of Florida and Ms. SLAUGHTER.

H.R. 5355: Mrs. NAPOLITANO, Mr. POLIS, and Ms. HIRONO.

H.R. 5371: Mr. ROGERS of Alabama, Mr. ROTHMAN of New Jersey, Mr. MARCHANT, and Mr. MCGOVERN.

H.R. 5372: Ms. BERKLEY.

H.R. 5377: Mr. LAMBORN.

H.R. 5395: Mr. DEUTCH.

H.J. Res. 76: Mr. LUCAS.

H.J. Res. 86: Mr. BURTON of Indiana, Mr. CONAWAY, Mr. MCCAUL, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. GARRETT of New Jersey, Mr. BRIGHT, Mrs. BACHMANN, Mr. CAPUANO, Mr. MCKEON, Ms. SPEIER, Mr. NUNES, Mr. THOMPSON of Pennsylvania, Mr. INGLIS, Mr. WESTMORELAND, Mr. FRANKS of Arizona, Mr. CARSON of Indiana, Ms. WATSON, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. ACKERMAN, Mr. REICHERT, Ms. LORETTA SANCHEZ of California, and Mr. REHBERG.

H. Con. Res. 20: Mr. GARAMENDI.

H. Con. Res. 198: Mr. SMITH of Texas, Ms. WATSON, and Mr. PRICE of North Carolina.

H. Con. Res. 204: Mr. PLATTS.

H. Con. Res. 259: Mr. DELAHUNT, Ms. GINNY BROWN-WAITE of Florida, Mr. BROWN of South Carolina, and Mr. MURPHY of Connecticut.

H. Con. Res. 266: Mrs. BACHMANN, Mr. KINGSTON, Mr. GARRETT of New Jersey, Mr. SMITH of New Jersey, Mr. CAMP, Mr. RUSH, Mr. WESTMORELAND, Mr. BISHOP of Utah, Mr. SENSENBRENNER, Mr. REHBERG, Mr. ROGERS of Alabama, and Mr. BURGESS.

H. Res. 173: Mr. CARNAHAN and Mr. PUTNAM.

H. Res. 440: Mr. GUTHRIE and Mr. MCCLINTOCK.

H. Res. 898: Mr. HOLT.

H. Res. 1219: Ms. NORTON.

H. Res. 1229: Mr. ETHERIDGE.

H. Res. 1241: Mr. MACK, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. SESSIONS.

H. Res. 1273: Mr. SULLIVAN.

H. Res. 1302: Mr. MORAN of Virginia and Mr. MAFFEI.

H. Res. 1319: Mr. WU and Mr. LOEBSACK.

H. Res. 1322: Ms. WATSON and Mr. BACA.

H. Res. 1326: Mr. ELLISON.

H. Res. 1355: Mr. MORAN of Virginia and Mr. WALZ.

H. Res. 1368: Mr. LANGEVIN, Mrs. MILLER of Michigan, Mr. CALVERT, and Mr. MCNERNEY.

H. Res. 1371: Ms. FOXX and Mrs. MILLER of Michigan.

H. Res. 1379: Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. PETERSON, Mr. PAYNE, Mr. MANZULLO, and Mr. COHEN.

H. Res. 1389: Mr. COBLE, Mr. CALVERT, and Mr. LAMBORN.

H. Res. 1391: Mr. QUIGLEY, Mr. DANIEL E. LUNGREN of California, Mrs. MILLER of Michigan, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, Mr. SCALISE, and Mr. LATTA.

H. Res. 1394: Mr. BILIRAKIS.

H. Res. 1398: Ms. CLARKE.

H. Res. 1401: Ms. MOORE of Wisconsin, Mr. SHULER, Ms. MCCOLLUM, Mr. REHBERG, Mr. CAPUANO, and Mr. ISRAEL.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, MAY 27, 2010 *No. 82*

Senate

(Legislative day of Wednesday, May 26, 2010)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. The visiting Chaplain today, Chaplain Willliam F. Cuddy, Jr., will lead the Senate in prayer.

The guest Chaplain offered the following prayer:

Let us pray.

Eternal Father, we acknowledge Your presence and seek an outpouring of Your Spirit on our Senators as they deliberate laws and policy that will enable us to be a great nation. O Lord, we ask that You open their hearts to You, strengthen their minds for the work at hand, enkindle within them a deeper desire to build upon the legacies of the Senate, and give them zeal and a breath of wisdom to improve the quality and dignity of life for all. May their labors this day bear fruit, may their families experience Your peace, and may their work accomplish Your will for our Nation and the world communities.

We ask this and all things in Your holy and divine Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 27, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, I will yield a few minutes to my friend from Florida to introduce the guest Chaplain.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

GUEST CHAPLAIN

Mr. LEMIEUX. Madam President, I am honored to welcome Captain William F. Cuddy, as the guest Chaplain for the U.S. Senate for today. Since July of 2006, Captain Cuddy has served as Chaplain of the U.S. Coast Guard.

Coast Guard Chaplains have a long history of assisting service men and their families in their spiritual journey. Since 1929, when Chaplain Roy L. Lewis was ordered to the submarine base at Groton, CT, with primary duties to the base and additional duties to the Coast Guard Academy, religious ministry has been a critical component of supporting the men and women who shoulder the burdens of safeguarding our homeland.

Captain Cuddy proudly continues that tradition by providing religious counsel to our young men and women who are often tested by military life.

What's more, Captain Cuddy's ministerial outreach is an asset to the families of our Coast Guard men and women during spouses' deployments away from home.

A native of Boston, MA, Captain Cuddy graduated from Cathedral High School in June 1967 and enlisted in the U.S. Navy. He served aboard the USS *Essex* homeported in Newport, RI, until 1970, when he left active duty for the Navy Reserve and entered Fitchburg State College. He graduated in 1974 with bachelor of science in education.

Captain Cuddy then entered St. John's Seminary in 1974. During his seminary studies, Captain Cuddy remained active as an aviation structural support technician with a number of Reserve squadrons and was commissioned an ensign in March 1977 in the Chaplain Corps' Theological Student Candidate Program.

After graduating from St. John's Seminary in 1979, he was ordained by Cardinal Humberto Mederios for service in the Archdiocese of Boston and received an appointment in the Reserve Chaplain Corps in 1980 as a lieutenant junior grade.

Captain Cuddy once again reported for active duty in July 1990. While assigned to Mayport, FL, from 1998 to 2001, he provided chaplain support to the Coast Guard units in northern Florida. In this role, he provided spiritual support to the men and women safeguarding our country.

On behalf of the State of Florida and my colleagues here in the Senate, I thank Captain Cuddy for his service to our country and for his prayer today. We welcome him to the U.S. Senate.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will resume consideration of H.R. 4899, which is the emergency supplemental appropriations bill. There will be up to 20 minutes for debate prior to a series of votes. In the first series, the Senate will proceed to vote in relation to the following amendments: McCain No. 4214, National Guard; Kyl No. 4228, as modified, dealing with courthouse funding; Cornyn No. 4202, as modified and amended, if amended, dealing with border security.

There will then be up to 15 minutes of debate prior to votes on the following items: Feingold No. 4204, dealing with a report on the war in Afghanistan; Coburn No. 4231, offset including real property; Coburn No. 4232, offset with spending cuts; and there will be cloture on the committee-reported substitute amendment to H.R. 4899, the emergency supplemental appropriations bill.

All votes after the first vote will be 10-minute votes.

VALUING LIFE

Mr. REID. Madam President, a community in Kansas still shakes 1 year after the brazen murder of one of its own. This weekend will mark the first anniversary of Dr. George Tiller's death. He was gunned down in front of his Wichita church the day before the last Memorial Day.

Dr. Tiller was killed at point-blank range at his place of worship in the middle of a Sunday morning, while his wife sang in the church choir just a few yards away.

He was murdered by an unrepentant assassin who took his life in the name of protecting life. It was an indefensible crime and an incomprehensible excuse.

Just as despicable as Dr. Tiller's death was the fact that his murder wasn't an isolated incident. It wasn't even the first time someone tried to kill him. His clinic was bombed in 1985. He was shot twice in 1993. Over the next 16 years, 7 clinic workers would be killed before Dr. Tiller would become the eighth murder victim. More than 6,000 other acts of violence have been launched at clinics and their workers—bombings, arsons, assaults, and other attacks. One of the things they do is go into one of these clinics and throw acid all over and make the building not habitable.

The last doctor killed before Dr. Tiller was a husband and father from Buffalo named Barnett Slepian. He was an OB/GYN, who also helped poor women access safe, legal abortions. Because of that, he was murdered in his home, in his kitchen—standing in his kitchen, he was shot through the window with a high-powered rifle and murdered. I didn't personally know Dr. Slepian, but I knew his niece. She came from Reno, NV, and she once worked in my office. She worked as a legislative assistant and a speechwriter. Her name is Amanda Robb. She is now an accomplished writer living in the Presiding Officer's State of New York. As life is so unpredictable and so unusual, I worked on the speech last night, and to the person helping me, Stephen Krupin, I said, ''We are going to talk about Dr. Slepian, whose niece worked for me. And she is here in Washington today—just out of nowhere. I have a gathering every Thursday morning, and I will be darned, Amanda Robb showed up, which is so unusual. I was so glad to see her. She was a great personality and someone I will always remember having worked for me.

The tragedy of Dr. Tiller's death and of Dr. Slepian's death—and of every atrocity like it—is independent of the issue of abortion. It is not about the legality of abortion or the funding of it. These are emotional debates, and ones on which people of good faith can disagree.

What so shook that Kansas town was rather an act of terrorism. What reverberated out to our borders and coasts from the center of our country was the violation of our founding principle—that we are a nation of laws, not of men.

Everyone in America has the right to disagree with its laws. Everyone has the right to dispute and protest its laws. But no American has a right to disobey the laws.

Not all of us would choose Dr. Tiller's profession or seek his services or agree with his philosophy or that of Dr. Slepian, but it is the responsibility of every American to respect another's right to practice his profession legally.

Those who believe in the sanctity of life cannot be selective. We must value every life—not just those with which we agree.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. MCCONNELL. Madam President, later this morning, we will have some important votes related to national security. Passage of the defense portion of the supplemental will fund the surge forces in Afghanistan and our ongoing military efforts in Iraq.

Thanks to the McChrystal strategy, American forces have already brought a lot of pressure on the Taliban in Afghanistan. We need to keep that pressure up if this counterinsurgency strategy is to succeed, and it must.

This is why I encourage all Members to vote against the Feingold amendment, which calls for a plan of withdrawal of the forces from Afghanistan. When it comes to funding our operations in Iraq, we must be committed to providing the assistance and forces necessary to provide security as the Iraqis work to form a new government.

We will also have votes related to the security of our borders. This is clearly a very pressing issue. We should respond with the urgency that the situation demands and the unity that Americans expect on matters of national security.

In these days of economic uncertainty, Americans are watching the Senate very closely. The $13 trillion national debt has concentrated a lot of minds on what we are doing here. Some have tried to defend the extenders bill and the nearly $100 billion it would add to the debt. I think most Americans would say the real emergency here is the $13 trillion debt. Even some Democrats seem to agree with me. That is why we are seeing a quiet revolt over in the House on this bill. We must do something about our debt.

On the oilspill, there appears to be some good news this morning. We hope what we are hearing proves to be true. Americans are eager to hear what the President has to say this afternoon. More important, they are eager to see what the administration plans to do. But for now, we are all hoping that the efforts to stop this leak are sustained.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume conversation H.R. 4899, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4899) making emergency supplemental appropriations for emergency disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Sessions/McCaskill amendment No. 4173, to establish 3-year discretionary spending caps.

Wyden/Grassley amendment No. 4183, to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

Feingold amendment No. 4204, to require a plan for safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan.

McCain amendment No. 4214, to provide for the National Guard support to secure the southern land border of the United States.

Cornyn modified amendment No. 4202, to make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111–5.

Lautenberg modified amendment No. 4175, to provide that parties responsible for the Deepwater Horizon oilspill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oil spill.

Cardin amendment No. 4191, to prohibit the use of funds for leasing activities in certain areas of the Outer Continental Shelf.

Kyl/McCain modified amendment No. 4228 (to amendment No. 4202), to appropriate $200,000,000 to increase resources for the Department of Justice and the Judiciary to address illegal crossings of the Southwest border, with an offset.

Coburn/McCain amendment No. 4232, to pay for the costs of supplemental spending by reducing Congress's own budget and disposing of unneeded Federal property and uncommitted Federal funds.

Coburn/McCain modified amendment No. 4231, to pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government.

Landrieu/Cochran amendment No. 4179, to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 gulf coast hurricanes or the 2008 gulf coast hurricanes.

Landrieu amendment No. 4180, to defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oilspill.

Landrieu modified amendment No. 4184, to require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon oilspill in the Gulf of Mexico at full Federal expense.

Landrieu amendment No. 4213, to provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis.

Landrieu amendment No. 4182, to require the Secretary of the Army to use certain funds for the construction of authorized restoration projects in the Louisiana coastal area ecosystem restoration program.

Landrieu amendment No. 4234, to establish a program, and to make available funds, to provide technical assistance grants for use by organizations in assisting individuals and businesses affected by the Deepwater Horizon oilspill in the Gulf of Mexico.

Ensign/Reid amendment No. 4229, to prohibit the transfer of C–130 aircraft from the National Guard to a unit of the Air Force in another State.

Ensign/Reid modified amendment No. 4230, to establish limitations on the transfer of C–130H aircraft from the National Guard to a unit of the Air Force in another State.

Isakson/Chambliss amendment No. 4221, to include the 2009 flooding in the Atlanta area as a disaster for which certain disaster relief is available.

Collins amendment No. 4253, to prohibit the imposition of fines and liability under certain final rules of the Environmental Protection Agency.

Menendez amendment No. 4289 (to amendment No. 4174), to require oil polluters to pay the full cost of oilspills.

AMENDMENTS NOS. 4214, 4288, AND 4202

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 20 minutes of debate relating to the border security amendment.

The Senator from Arizona is recognized.

Mr. KYL. Madam President, I am going to take a couple minutes to describe the second-degree amendment I have. I appreciate the fact that there was an offer on the other side to simply accept my amendment. I appreciate that, but because it is attached to a first-degree amendment, I am not sure about the prospects for that. I thought it important that all of us have an opportunity to be recorded.

This amendment is simple. It provides $200 million for extending the Operation Streamline Program to another border sector, in addition to the Yuma sector and the Del Rio, TX, sector, where it is already in operation—extend it to the Tucson sector. This could substantially reduce illegal immigration, because about half of all of illegal immigration goes through the Tucson sector.

Operation Streamline is simple. It involves the Department of Justice accepting those who cross the border illegally into the court system and putting them in jail for about 2 weeks, and sometimes 30 days if there is an incident of repeated crossing or attempted crossing. What we have found is that there is a great deterrent effect. If people who are apprehended know they are going to jail for a couple weeks, they tend not to cross in that area anymore.

In fact, in the Yuma sector where this has been in effect now for several years, illegal immigration has been cut by 94 percent, from 118,500 apprehensions 5 years ago to about 5,000 this year. It is simply a fact that when people know they are going to go to jail or the prospects are very high they are going to go to jail, whether they are criminals crossing the border—that is about 17 percent of the people—or the remainder who simply want to come here to work, they realize going to jail is going to obstruct their plans. They cannot make money and send it back to Mexico, El Salvador, or wherever their family might be if they are trying to cross for work purposes. What we found in the Yuma sector is they simply do not cross it anymore. They have now moved farther to the east in the Tucson sector.

This amendment of mine simply provides $200 million, fully offset, of emergency funding to implement Operation Streamline—a combination Department of Justice and Department of Homeland Security program—to ensure this deterrent can be in place in the Tucson sector just as it is in Del Rio, TX, and Yuma, AZ.

I urge my colleagues to support the amendment. As I said, the money is offset. This is definitely an emergency. It will substantially help us to secure the border without the necessity of building permanent structures such as fencing or anything of that sort. It is a good amendment. I urge my colleagues to support it.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, I also wish to speak to the amendments that have been offered by Senator MCCAIN, Senator KYL, myself, and Senator HUTCHISON with regard to border security.

One thing we cannot lose sight of is that the failure of the Federal Government to deal seriously with border security leaves all of the border States basically on their own. We have heard a number of people who criticized the State of Arizona for dealing with this issue the best they can. But what are they supposed to do if the Federal Government does not step up and deal with its responsibility, which is a Federal responsibility?

We talked about the violence, particularly relating to the cartels, with 23,000 Mexicans killed since 2006 in these drug wars. Right across from El Paso, 1,000 people have been killed in Ciudad Juarez, which is literally across the river, like Virginia is from Washington, DC. We have seen the spillover effect in American citizens being killed and living in fear on this side of the border.

We cannot forget there is also an important war on terror issue here as well, something we have not talked about very much but something I was reminded of yesterday when the Department of Homeland Security issued an alert to police and sheriff's deputies in Houston asking them to keep their eyes open for a Somali man believed to be in Mexico preparing to make a crossing into Texas. The Department of Homeland Security in this announcement believes this man has a tie to an organization affiliated with al-Qaida. I say to my colleagues, maybe this individual is not coming to Houston to stay in Houston. Maybe he is coming to the State of one of my colleagues or their town where they live. It demonstrates again why this porous border represents a national security problem for the entire country.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a list of other-than-Mexican illegal immigrants.

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

(See exhibit 1.)

Mr. CORNYN. Madam President, I have in my hand a list of the countries from which individuals who have been detained at the border have originated. In 2009, 2 people from Afghanistan were apprehended on the southern border; 10 from Iran, a state sponsor of international terrorism, as we know; 10 have come from Iraq; 19 from Pakistan; 12 from Somalia; and 3 from Yemen. Out of a total of 45,000 other-than-Mexican citizen immigrants apprehended at the border, these are just some examples of why our porous border represents a national security threat in the global war on terror.

There is also another reminder in the news recently where two F–16s had been dispatched to intercept an ultralight aircraft flying across the border into Arizona. Some 200 ultralight aircraft have been detected in 2009 alone. These ultralight aircraft do not require

a license to fly. They typically fly so low to avoid any radar detection. It is estimated by the Department of Homeland Security that some 600 of them have flown into the United States, primarily transporting huge loads of illegal drugs, of course, being sold on America's streets to our children, among others.

From these two facts—the fact that we have other than Mexican citizens who simply want to come to work using the porous border, both Mexico's porous southern border and our southern porous border, and to come into the United States for unknown purposes, perhaps to do us harm—it is obvious our current border security measures are inadequate to deal with this new phenomenon of ultralight aircraft transporting drugs into the United States and perhaps transporting back to Mexico the bulk cash that is generated from these drug sales, further funding illegal drug activity and the cartels that are causing so much mayhem on our southern border.

The problem we have with our broken immigration system is that it is simply not perceived as credible by the American people. Until we deal with this broken border, we are not going to be able to deal with other aspects of our broken immigration system, and I would support an effort to do that. But it seems to be that our colleagues on the other side too often seem to view border security as leverage or a bargaining chip they are not willing to give up unless they get something else for it. But it is, in fact, the Federal Government's responsibility to deal with this situation, as the President himself has acknowledged in his recent announcement to send 1,200 additional National Guard to the border. I will tell you that it is a welcome gesture, but it is no more than that—a gesture. These 1,200 National Guard on a 2,000-mile border—you can imagine how many gaps in the effort of border security will still be left. That is why I support the McCain amendment and the Kyl amendment to provide additional National Guard on a temporary basis.

Our National Guard is already severely stressed because of the conflicts in Afghanistan and Iraq, our all-volunteer military forces. What we need to do is provide a permanent solution, not a temporary solution, and that means more Border Patrol, more ATF, DEA——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CORNYN. All the boots on the ground that we need to make our border security efforts credible.

I yield the floor.

EXHIBIT 1

SOUTHWEST BORDER OTM APPREHENSIONS BY CITIZENSHIP—FY2009 AND FY2010TD THROUGH APRIL 30

[Data includes Deportable Aliens Only/Data Source: EID (unofficial) as of 5/24/10]

Citizenship	FY2009	FY2010TD
AFGHANISTAN	2	
ALBANIA	20	8
ALGERIA	4	1
ANTIGUA-BARBUDA	1	
ARGENTINA	45	24
ARMENIA	6	3
ARUBA	1	
AUSTRALIA	2	
AUSTRIA		1
AZERBAIJAN	1	
BAHAMAS	1	
BANGLADESH	41	38
BARBADOS	2	
BELARUS	1	
BELIZE	59	26
BOLIVIA	26	33
BOSNIA-HERZEGOVINA	1	
BRAZIL	575	356
BULGARIA	5	2
BURKINA FASO	1	1
BURMA	1	3
CAMBODIA	4	4
CAMEROON	9	8
CANADA	10	16
CHILE	35	12
CHINA, PEOPLES REPUBLIC OF	1,358	729
COLOMBIA	235	176
CONGO	3	1
COSTA RICA	144	88
CUBA	105	48
CZECH REPUBLIC	3	4
DOMINICAN REPUBLIC	487	631
ECUADOR	1,169	785
EGYPT	1	2
EL SALVADOR	11,178	6,746
EQUATORIAL GUINEA	1	
ERITREA	171	85
ESTONIA	1	
ETHIOPIA	80	28
FRANCE	1	4
GAMBIA	3	
GEORGIA	22	3
GERMANY	9	3
GHANA	14	5
GREECE	1	
GUADELOUPE	1	
GUATEMALA	14,118	7,474
GUINEA	1	
GUYANA		1
HAITI	78	49
HONDURAS	13,348	6,322
HONG KONG	1	
HUNGARY	5	2
INDIA	99	324
INDONESIA	10	3
IRAN	10	7
IRAQ	10	3
IRELAND	3	
ISRAEL	15	13
ITALY	7	3
IVORY COAST		1
JAMAICA	42	36
JAPAN	5	2
JORDAN	6	1
KAZAKHSTAN	1	
KENYA	9	2
KOREA	9	
KOSOVO	8	4
KUWAIT	2	1
KYRGYZSTAN	2	1
LAOS	7	3
LATVIA	2	
LEBANON	6	4
LIBERIA	2	
LITHUANIA	1	1
MACEDONIA	10	
MALAWI		1
MALAYSIA		1
MALI		1
MARSHALL ISLANDS	2	
MOLDOVA	4	4
MONGOLIA	4	3
MOROCCO	1	1
NEPAL	48	69
NETHERLANDS	1	3
NEW ZEALAND	2	3
NICARAGUA	842	392
NIGER		1
NIGERIA	14	8
NORWAY	1	
PAKISTAN	19	9
PANAMA	21	10
PARAGUAY	11	4
PERU	242	121
PHILIPPINES	32	22
POLAND	11	4
PORTUGAL	1	
PUERTO RICO	2	
QATAR		1
ROMANIA	64	227
RUSSIA	14	6
RWANDA	1	
SAMOA	1	
SAUDI ARABIA	1	1
SENEGAL	1	
SERBIA AND MONTENEGRO	5	4
SIERRA LEONE	1	1
SINGAPORE	1	
SLOVAKIA	1	2
SLOVENIA		1
SOMALIA	12	2
SOUTH AFRICA	6	4
SOUTH KOREA	28	20
SPAIN	8	2
SRI LANKA	44	68
ST. LUCIA		2
ST. VINCENT-GRENADINES	1	
SUDAN	6	1
SWEDEN	1	1
SYRIA		2
TAIWAN	4	1
TANZANIA	1	
THAILAND	9	5
TOGO	1	
TONGA	2	1
TRINIDAD AND TOBAGO	5	3
TUNISIA		1
TURKEY	10	11
TURKS AND CAICOS ISLANDS	1	
UKRAINE	4	4
UNITED ARAB EMIRATES	1	1
UNITED KINGDOM	18	12
UNKNOWN	9	13
URUGUAY	24	12
UZBEKISTAN	6	3
VENEZUELA	32	20
VIETNAM	20	5
YEMEN	3	
YUGOSLAVIA	15	3
ZIMBABWE	3	2
SBO Total OTM Apprehensions	45,279	25,230

SOUTHWEST BORDER OTM APPREHENSIONS BY CITIZENSHIP—FY2009 AND FY2010TD THROUGH APRIL 30—Continued

[Data includes Deportable Aliens Only/Data Source: EID (unofficial) as of 5/24/10]

SOUTHWEST BORDER OTM APPREHENSIONS BY CITIZENSHIP—FY2009 AND FY2010TD THROUGH APRIL 30—Continued

[Data includes Deportable Aliens Only/Data Source: EID (unofficial) as of 5/24/10]

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, how much time do I have to discuss my amendment?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. MCCAIN. I thank my colleague from Texas and other Senators from border States who are deeply concerned about the issue of broken borders and the drug cartels and human smuggling that has put the lives and security of our American citizens in some danger.

A fact: The kidnapping capital of the world is Mexico City. The city that ranks second in kidnapping to Mexico City is Phoenix, AZ, which is a long way from the border. It happens to be a place where drop houses exist where people are held for ransom, where unspeakable cruelties are inflicted upon those who are being smuggled, where they have become a distribution center for drugs coming up through the so-called central corridor. We are badly in need of assistance.

Yesterday, May 26, 2010, 12:20 p.m.:

Sierra Vista, Ariz.—Acting on a tip, Sierra Vista police went to a drop house and recovered close to 2,000 pounds of marijuana Tuesday.

Police spokesman Sgt. Lawrence Boutte said officers found a total of 83 bails weighing 2,054 pounds.

The marijuana has an estimated street value of $821,000.

Police arrested a 21-year-old Mexican citizen. Officers said the man was expected to be charged with possession of marijuana for sale. It's not known if the man was in the U.S. illegally.

Boutte said drug smugglers use stash houses to store drugs coming from Mexico before transporting them elsewhere.

''Elsewhere'' means different parts of the country.

By the way, there is an argument that this amendment may be unconstitutional. I remind my colleagues, the

Constitution—article I, section 8, clause 15—preserves to the Congress the power to call ''forth the Militia to execute the Laws of the Union,'' including the immigration laws. This is an independent constitutional power that does not rest on any power exercised by the President as the Chief Executive in article II.

A recent example of Congress's power to task the executive branch in this area, even outside calling forth the militia, is the Secure Fence Act of 2006 in which the Congress tasked the Secretary of Homeland Security to secure the border. Even though Congress was not relying on its article I, section 8, clause 15 power, the Secure Fence Act of 2006 was and is constitutional.

The President announced he was sending 1,200 National Guard to the southwest border. This is one-fifth of what is needed. If the Congress will not heed the call of the Governors of Arizona and Texas, who have asked the President to send troops to the border, the Congress should do so now.

During Operation Jump Start, the National Guard was deployed to the southwest border and provided logistical support, conducted surveillance, and built and repaired critical infrastructure. Until DHS has the technology and infrastructure in place to fully secure the border, at least 6,000 National Guard must be deployed to assist the Border Patrol in stopping the illegal immigration, drug smugglers, and human traffickers flowing across the border.

The borders are broken. There has been improvement. We have shown in San Diego, in Texas, even in the Yuma sector of Arizona that we can secure our border, but we need manpower, surveillance, and fences. We can do it. We have an obligation to our citizens to secure our border and allow them to lead lives where they do not live in fear of home invasions, of property being destroyed, where well-armed, well-equipped drug smugglers, as well as human smugglers, operate with—if not with impunity, certainly with great latitude.

There will be the statement made that the border is more secure. I am sure the Senator from New York will say that. The fact is the border is not secure. It is more secure; it is not secure. The citizens in the southern part of my State do not have a secure environment in which to live and raise their children.

Every enforcement agent on the border with whom I have talked says we need additional National Guard and we need it now. I am sure that in New York City and other major cities in America there is a secure environment, frankly, thanks to Mayor Giuliani. This is not the case in parts of my State, including Phoenix, AZ, having the dubious distinction of being No. 2 as far as the kidnapping capital of the world is concerned.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MCCAIN. I appreciate the involvement of Senators from other parts of the United States of America. I invite them to come to the border and talk with my citizens. I invite them to talk with the Border Patrol agents who are overwhelmed in their task in trying to stop the flow of goods and human beings across our border. I hope they will weigh in on behalf of the human rights of the people who are being terribly abused, kept in drop houses, held for ransom, and subjected to unspeakable atrocities. It is another human rights argument for getting our border secure. We can get it more secure by sending these National Guard troops to the border, as former Governor and now Secretary of Homeland Security called for in 2006.

I urge a ''yea'' vote on this amendment.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BYRD. Madam President, there are those in the Congress who like to just talk about the need to secure our borders. I have actually done something about securing the borders. In 2005, I authored an amendment with broad, bipartisan support, which initiated a comprehensive effort to secure our borders. Since I became chairman of the Senate Appropriations Homeland Security Subcommittee in 2007, I have continued that effort. As a result, there are more Border Patrol agents, more technology, more border infrastructure, more detention capacity, and more investigative capacity dedicated to securing our borders than ever before.

This investment has produced results. The numbers of aliens being deported, especially aliens convicted of crimes, has grown significantly. The era of catch and release has ended. The recession and increased enforcement has resulted in a significant reduction in the number of illegal aliens coming into this country. Violence on the United States side of the border is down.

There is more to be accomplished, particularly as drug violence in Mexico grows, but as a result of investments made over the last 5 years, the Department of Homeland Security has received significant assets to address this problem.

Deportations have greatly increased from 211,098 in 2003 to between 230,000 and 390,000 annually for the past 3 years. Homeland Security is on track to remove 400,000 aliens this year, including 150,000 convicted criminal aliens.

The Department of Homeland Security, DHS, has more ''boots on the ground'' at the border than ever before. Today, the Border Patrol is better staffed than at any time in its 85-year history, having nearly doubled the number of agents from approximately 10,000 in 2004 to more than 20,000 today.

In 2006, DHS opened the first Border Enforcement Security Task Force, BEST, in Laredo, TX. BESTs are law enforcement task forces that combine Federal, State, local, and international personnel to tackle border crime. The BEST model has proven extremely effective not only at interdicting illegal activity but also at building criminal cases that lead to high-value prosecutions. There currently are 17 BESTs, including 3 in Arizona, 1 in Mexico City, and the President's fiscal year 2011 budget requests funds to open 3 more. Over the past year, DHS doubled the number of agents working on the BESTs in the southwest border region.

Immigration and Customs Enforcement, ICE, Office of Investigations criminal arrests have increased from 14,077 in fiscal year 2002 to 32,512 in fiscal year 2009. Customs and Border Protection Office of Field Operations criminal arrests—those apprehended at the ports of entry—have increased from 15,820 in fiscal year 2002 to 38,964 in fiscal year 2009.

This year, DHS will finish constructing nearly all of the 652 miles of border fencing along the southwest border the Border Patrol has determined is required. As of March 2010, all 298.5 miles of vehicle fencing have been completed, and only 5.7 miles of pedestrian fencing remain to be constructed. This comes on top of $260 million the American Recovery and Reinvestment Act provided for border security technology and improved tactical communications equipment.

According to the Border Patrol, the number of miles of the southwest border under effective control by the Border Patrol has increased from 241 miles in October 2005 to 742 in October 2009.

DHS Secretary Napolitano announced last month that DHS is redeploying $50 million of Recovery Act funding originally allocated for SBInet to other tested, commercially available security technology along the southwest Border, including mobile surveillance, thermal imaging devices, ultralight detection, backscatter units, mobile radios, cameras and laptops for pursuit vehicles, and remote video surveillance system enhancements.

The level of detention beds for illegal aliens funded by Congress has steadily increased over the past 5 years from only 18,500 beds in fiscal year 2005 to 33,400 beds today. Since fiscal year 2009, Congress has mandated that ICE maintain 33,400 detention beds. And the average length of stay has dropped from 40.4 days in fiscal year 2004 to 31.2 days in fiscal year 2009.

The number of illegal aliens detained has increased from 256,842 in fiscal year 2006 to 383,524 in fiscal year 2009. The total number of illegal aliens removed has nearly doubled since fiscal year 2003 from 211,098 to 405,662 in fiscal year 2009.

The number of fugitive operations teams has been increased to 104 this fiscal year from 51 in fiscal year 2007. On April 30, 2010, ICE announced it had apprehended 596 criminal aliens in a targeted operation in the southeastern

United States. On April 15, 2010, ICE arrested 47 individuals charged with operating shuttle bus services in southern Arizona which brought aliens who had recently entered the country illegally from border towns to Phoenix for further transport to the interior of the United States.

Since March 2009, Customs and Border Protection—CBP—and ICE have seized $85.7 million in illicit cash along the southwest border, an increase of 14 percent over the same period during the previous year. This includes more than $29.7 million in illicit cash seized heading southbound into Mexico—a 39-percent increase over the same period during the previous year.

During the same period, CPB and ICE together seized 1,425 illegal firearms, which represents a 29 percent rise over the same period in the previous year. At the same time, CBP and ICE seized 1.65 million kilograms of drugs along the southwest border, an overall increase of 15 percent.

The Department of Homeland Security estimates that in Arizona, the number of illegal immigrants in that State declined to 460,000 last year from a high of 550,000 and continues to drop.

Contrary to popular perception, suggestions of spillover violence from Mexico have been exaggerated. While violence and drug trafficking organization-related murders are up in Juarez, Mexico, El Paso, TX—directly across the border—was ranked the second safest major city in the United States by CQ Press in November 2009. The assistant police chief of Nogales, AZ, recently stated, ''We have not, thank God, witnessed any spillover violence from Mexico. You can look at the crime stats. I think Nogales, Arizona, is one of the safest places to live in all of America.'' FBI Uniform Crime Reports and statistics provided by police agencies show that the crime rates in Nogales, Douglas, Yuma, and other Arizona border towns have remained essentially flat for the past decade. A May 2, 2010, article from www.azcentral.com actually was headlined ''Violence is not up on Arizona border despite Mexican drug war.'' The Border Patrol has reported that the March 2010 murder of Arizona rancher Robert Krentz is the only American murdered by a suspected illegal immigrant in at least a decade within the agency's Tucson sector, the busiest smuggling route among the Border Patrol's nine coverage regions along the U.S.-Mexican border.

There is still more to be accomplished. I am pleased that this week the President announced his intention to deploy up to 1,200 National Guardsmen on the southwest border. However, I oppose the amendments to add over $2 billion for border security, given that the amendments are offset with significant cuts in stimulus funding that will continue to create jobs in America. I will continue my efforts to further secure our borders.●

Mr. FEINGOLD. Madam President, we need to improve our border security, and I have worked to do just that by supporting efforts to crack down on Mexican drug cartels and to increase the number of Federal agents and Homeland Security personnel on the ground in the Southwest border region. Unfortunately, the three amendments the Senate considered today that were intended to enhance border security would have redirected funds from the American Recovery and Reinvestment Act. It doesn't make sense to cut funding from a program CBO says boosted employment by as many as 2.8 million jobs in the first quarter of 2010, while raising GDP somewhere between 1.7 and 4.2 percent. We face serious fiscal challenges, and we need to cut wasteful spending, but the American people should not have to choose between saving jobs and protecting our border.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Madam President, I rise in opposition to the three amendments that have been spoken about—the McCain amendment, the Cornyn amendment, and the McCain-Kyl amendment. I will get into some detail in a few minutes about the opposition, but it relates to three points.

First, President Obama has a tough, smart, targeted $500 million package that will greatly increase resources at the border, and we need it. Crime has increased, as my friend from Arizona has said. We need it. So, No. 1, there is a very good plan in place.

No. 2, this is a huge amount of money—$2.5 billion—that my colleagues, who talk about fiscal moderation, are requesting, and much of it will not go to securing the border. It is sort of throwing an enormous amount of money at the problem that is not as carefully thought out, not as targeted, and not as effective, quite frankly, as President Obama's program.

No. 3, it takes the money out of the stimulus bill. Well, there is a border problem in Texas and Arizona that affects all of us, and we want to solve it. The President and we are working to do that. But we have a jobs problem in this country, too, and this is the worst kind of robbing Peter to pay Paul. The stimulus money will go to creating jobs. If we ask the people in, say, Michigan or Ohio or Rhode Island or New York what is the No. 1 issue? Jobs. This money is being taken away from job creation and used, as I say, in a not effective, overmagnified way. It is too much money to stop what is going on at the border.

So let me elaborate. First, as I mentioned, President Obama is sending a package to the Congress next week. It includes 1,200 National Guard, funding programs for DEA, ATF, FBI, and ICE that are proven to work. The three amendments offered by the Senators from Texas and Arizona are a grab bag of enormous spending. If all of the $2.5 billion they are proposing just to go to the border would double the amount, it wouldn't be well spent. The President's money is thoughtful and targeted and has been in the works for a while. Let me give some examples.

The amendment calls for $300 million for funding for any State or local enforcement agency so long as it is within 100 miles of the U.S.-Mexican border. Almost none of this money will be used for border enforcement. Border enforcement is needed at the actual border.

Second, the Cornyn amendment also calls for $100 million for construction of new land ports of entry. But the problem at our ports of entry is not lack of funding from the taxpayers, it is that we need an adequate fee system to make sure the users of those ports of entry pay for things rather than taking the money away from job creation in our States.

Third, the amendment Senator KYL has offered as a second-degree amendment would spend about $200 million on a program known as Operation Streamline. In reality, this program requires taxpayers to foot the bill at the cost of more than $120 per day, per inmate, to house border crossers and give them three free meals a day, free health care, medicines, and surgeries for all manner of illnesses, et cetera.

Couldn't we better spend this $200 million and pass a comprehensive immigration reform program which is so much needed? By the way, it is my view that while we have to tighten up the border, people are coming for jobs. The only way we will stop the flow of illegal immigration into this country is to tell those who hire them they no longer can. The only way to do that is our Secure Social Security Card that Senator GRAHAM and I have put forward so that papers can't be forged and illegal immigrants can't be hired. Comprehensive reform does that; these measures don't.

We have heard talk about needing to bolster the border for years. It clearly hasn't stopped the problem, as the Senator from Arizona admits. We need a comprehensive approach that will include border security but is not only border security. If my colleagues would join us in that approach, we could have a tough, fair-minded proposal that would do the job.

Let me make some other points against the amendments while I have more time. The McCain amendment seeks $250 million for 6,000 National Guard to be sent to the border. They can't use that number of National Guard so quickly. The 1,200 that President Obama has requested is right.

When President Bush sent 6,000 National Guard to the border in 2006, there were 10,000 Border Patrol agents in the entire force. That means a total of 16,000 after the Guard was deployed. Now, we already have more than 20,000 Border Patrol agents—double the number of Border Patrol agents. Those and the 1,200 National Guard will do the job. We cannot just throw money at this problem and take it away from job creation. We have to be focused and smart. The President does that.

I urge my colleagues to defeat this amendment and join us in supporting a smart program that will do the job and, furthermore, join us in supporting comprehensive immigration reform, which is the only real way to stop the flow of illegal immigration across the border.

Madam President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. A motion to waive the applicable provisions of the Budget Act and budget resolutions is considered made.

Mr. MCCAIN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from North Carolina (Mrs. HAGAN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—51

Alexander	Crapo	McCain
Barrasso	DeMint	McCaskill
Baucus	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennet	Feinstein	Nelson (NE)
Bennett	Graham	Nelson (FL)
Bond	Grassley	Pryor
Boxer	Gregg	Risch
Brown (MA)	Hatch	Roberts
Brownback	Hutchison	Sessions
Bunning	Inhofe	Shelby
Burr	Isakson	Snowe
Coburn	Johanns	Tester
Cochran	Kyl	Thune
Collins	LeMieux	Vitter
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker

NAYS—46

Akaka	Harkin	Reed
Begich	Inouye	Reid
Bingaman	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murray	

NOT VOTING—3

Byrd	Chambliss	Hagan

The ACTING PRESIDENT pro tempore. The yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. Pursuant to the previous order, the amendment is withdrawn.

AMENDMENT NO. 4228

There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4228 offered by the Senator from Arizona, Mr. KYL. Who yields time?

Mr. KYL. Madam President, this amendment is fully offset. It is $200 million. It simply provides the funding for the Department of Justice and the Department of Homeland Security to extend a program that has worked very well in two sections of the border to a third section.

It is called Operation Streamline. It permits the Department of Justice to try cases, put people in jail, rather than catch and release where they are simply put on a bus and returned to the border.

Everybody wants to secure the border. This is a program that has had a 94-percent success rate, a 94-percent reduction in apprehensions in the Yuma border sector and almost that much in the Del Rio sector.

So if we can extend that to the sector where half of the illegal immigration in the country comes across, I think we can substantially reduce illegal immigration. Then, for everyone who wants to pursue other legislation, I think there will be a better state of mind in which to do that.

So I urge my colleagues to support this $200 million fully offset amendment.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from New York.

Mr. SCHUMER. Madam President, I rise against the second-degree amendment by Senator KYL. It would actually take $200 million that is not going to secure the border any. It will incarcerate illegal immigrants. It will pay for their food, their health care, their recreation time, their reading material, for long periods of time.

If we want to secure the border, which we do, we have to be smart about this. We cannot just keep doing the same thing again and again. Furthermore, it takes the money out of the stimulus, which is jobs. So we are doing something that is ineffective, we are doing something that has not worked in the past, and now we are taking away jobs from the other 48 States.

That does not make any sense. So I would urge that this amendment be defeated. I would urge we start doing what is needed and what is smart to stop the flow of illegal immigration. We all know what we have to do, and that is a comprehensive proposal. This will not work and takes money way from jobs in the other 48 States. I urge its defeat.

I raise a point of order on the pending amendment pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010.

The ACTING PRESIDENT pro tempore. The motion to waive the applicable provisions of the Budget Act and the budget resolution is considered made.

Mr. KYL. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second. There appears to be a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—54

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Feinstein	McConnell
Begich	Graham	Merkley
Bennett	Grassley	Murkowski
Bond	Gregg	Nelson (NE)
Boxer	Hatch	Pryor
Brown (MA)	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Isakson	Sessions
Burr	Johanns	Shelby
Coburn	Klobuchar	Snowe
Cochran	Kyl	Thune
Collins	Landrieu	Vitter
Corker	LeMieux	Voinovich
Cornyn	Lieberman	Webb
Crapo	Lincoln	Wicker
DeMint	Lugar	Wyden

NAYS—44

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Brown (OH)	Inouye	Sanders
Burris	Johnson	Schumer
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Specter
Carper	Kohl	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Menendez	Warner
Durbin	Mikulski	Whitehouse
Feingold	Murray	

NOT VOTING—2

Byrd	Chambliss

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. Pursuant to previous order, the amendment is withdrawn.

AMENDMENT NO. 4202, AS FURTHER MODIFIED

There will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4202 offered by the Senator from Texas, Mr. CORNYN.

The amendment, as further modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. BORDER SECURITY ENHANCEMENTS.

(a) ADDITIONAL AMOUNT FOR COUNTERDRUG ENFORCEMENT.—For an additional amount for ''Salaries and Expenses'' of the Drug Enforcement Administration, $30,440,000, of which—

(1) $15,640,000 shall be available for 180 intelligence analysts and technical support personnel;

(2) $10,800,000 shall be available for equipment and operational costs of Special Investigative Units to target Mexican cartels; and

(3) $4,000,000 shall be available for equipment and technology for investigators on the Southwest border.

(b) FIREARMS TRAFFICKING ENFORCEMENT.—For an additional amount for ''Salaries and Expenses'' of the Bureau of Alcohol, Tobacco, Firearms and Explosives, $72,000,000, of which—

(1) $68,000,000 shall be available for 281 special agents, investigators, and officers along the Southwest border; and

(2) $4,000,000 shall be available for equipment and technology necessary to support border enforcement and investigations.

(c) NATIONAL GUARD COUNTERDRUG ACTIVITIES.—For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'' for high priority National Guard Counterdrug Programs in Southwest border states, $44,700,000.

(d) HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.—For an additional amount for Federal Drug Control Programs, ''High Intensity Drug Trafficking Areas Program'' for Southwest border states, $140,000,000.

(e) LAND PORTS OF ENTRY.—For an additional amount to be deposited in the Federal Buildings Fund, for construction, infrastructure improvements and expansion at high-volume land ports of entry located on the Southwest border, $100,000,000.

(f) BORDER ENFORCEMENT PERSONNEL.—For an additional amount for ''Salaries and Expenses'' of U.S. Customs and Border Protection, $334,000,000, of which—

(1) $100,000,000 shall be available for 500 U.S. Customs and Border Protection officers at Southwest land ports of entry for northbound and southbound inspections;

(2) $180,000,000 shall be available for equipment and technology to support border enforcement, surveillance, and investigations;

(3) $24,000,000 shall be available for 120 pilots, vessel commanders, and support staff for Air and Marine Operations; and

(4) $30,000,000 shall be available for additional unmanned aircraft systems pilots and support staff.

(g) UNMANNED AIRCRAFT SYSTEMS AND HELICOPTERS.—For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'' of U.S. Customs and Border Protection, $169,400,000, of which—

(1) $120,000,000 shall be available for the procurement, operations, and maintenance of at least 6 unmanned aircraft systems; and

(2) $49,400,000 shall be available for helicopters.

(h) IMMIGRATION ENFORCEMENT PERSONNEL.—For an additional amount for ''Salaries and Expenses'' of U.S. Immigration and Customs Enforcement, $795,000,000, of which—

(1) $175,000,000 shall be available for 500 investigator positions;

(2) $75,000,000 shall be available for 400 intelligence analyst positions;

(3) $125,000,000 shall be available for 500 detention and deportation positions;

(4) $151,000,000 shall be available for 3,300 detention beds;

(5) $180,000,000 shall be available for equipment and technology to support border enforcement; and

(6) $89,000,000 shall be available for expansion of interior repatriation programs.

(i) STATE AND LOCAL GRANTS.—For an additional amount for ''State and Local Programs'' administered by the Federal Emergency Management Agency, $300,000,000, which shall be used to establish a border grant program that provides financial assistance—

(1) to State and local law enforcement agencies or entities operating within 100 miles of the Southwest border; and

(2) for additional detectives, criminal investigators, law enforcement personnel, equipment, salaries, and technology in counties in the Southwest border region.

(j) EMERGENCY DESIGNATION.—Each amount in this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 403(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(k) OFFSETTING RESCISSION.—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), other than under titles III, VI, and X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals $2,250,000,000.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, yesterday the Department of Homeland Security told local law enforcement to keep their eyes peeled for a Somali man believed to be in Mexico for a period in order to make an illegal crossing into Texas. DHS believes this man has ties to an organization affiliated with al-Qaida. Maybe he will not come to Houston. Maybe he will go to some other city in this great country of ours. We simply don't know whether this individual or the 45,000 other-than-Mexican citizens who have immigrated illegally across our border represent a national security threat.

If we look at the countries they come from—Pakistan, Iran, a state sponsor of terrorism, Somalia, Yemen—it could mean something very bad will happen as a result of our dereliction of duty to secure the border. It is unfair to criticize States for trying to protect themselves when the Federal Government will not do the job instead as it should.

I urge colleagues to support this fully paid-for amendment to help beef up border security. The point of order that will be raised is simply an effort to deny the fact that we are in a state of emergency and we need to act now to secure the border.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from New York.

Mr. SCHUMER. Madam President, I rise to oppose this $2.2 billion spending amendment. It puts money in just about every program, needed or not. Then it takes that money out of the stimulus, the Recovery Act, taking it away from jobs. We must secure the border, absolutely. The President's plan is smart and focused. But for all of the voices on both sides of the aisle who have talked about jobs and all of the voices who have talked about fiscal moderation, to throw caution to the wind, to put $2.2 billion into programs whether they are needed or not makes no sense at all.

We must stop illegal immigration as it comes across the border. This will not do it. My colleagues know it, and I know it. This is what is called a symbolic amendment to show where one stands in many ways. It is $2.2 billion. We can find amendments that will do the job, that cost a lot less, and that will not take away the jobs we want to create and preserve.

This amendment, in my judgment, is the least responsible of the three to, again, take every program and say: More money, more money, more money, without a plan on how to spend it. It makes no sense. I urge its defeat.

Madam President, I raise a point of order against this amendment pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010.

The ACTING PRESIDENT pro tempore. The motion to waive the applicable provisions of the Budget Act and the budget resolution is considered made.

Mr. MENENDEZ. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mrs. SHAHEEN) would vote ''no.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—54

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Baucus	Feinstein	McConnell
Bayh	Graham	Murkowski
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Pryor
Boxer	Hatch	Risch
Brown (MA)	Hutchison	Roberts
Brownback	Inhofe	Sessions
Bunning	Isakson	Shelby
Burr	Johanns	Snowe
Coburn	Klobuchar	Tester
Cochran	Kohl	Thune
Collins	Kyl	Udall (CO)
Corker	LeMieux	Vitter
Cornyn	Lieberman	Voinovich
Crapo	Lincoln	Webb
DeMint	Lugar	Wicker

NAYS—43

Akaka	Dorgan	Lautenberg
Begich	Durbin	Leahy
Bennet	Feingold	Levin
Bingaman	Franken	Menendez
Brown (OH)	Gillibrand	Merkley
Burris	Hagan	Mikulski
Cantwell	Harkin	Murray
Cardin	Inouye	Nelson (FL)
Carper	Johnson	Reed
Casey	Kaufman	Reid
Conrad	Kerry	Rockefeller
Dodd	Landrieu	Sanders

Schumer	Udall (NM)	Wyden
Specter	Warner	
Stabenow	Whitehouse	

NOT VOTING—3

Byrd	Chambliss	Shaheen

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Pursuant to the previous order, the amendment is withdrawn.

AMENDMENT NO. 4204

There will now be 15 minutes of debate equally divided among the Senator from Wisconsin, Mr. FEINGOLD, the Senator from Oklahoma, Mr. COBURN, and the Senator from Hawaii, Mr. INOUYE.

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, my amendment is cosponsored by Senators BOXER, DURBIN, MERKLEY, SHERROD BROWN, SANDERS, UDALL of New Mexico, and HARKIN, and would require the President to provide a flexible, nonbinding timetable for the responsible drawdown of U.S. troops from Afghanistan. It does not set a specific date for the withdrawal of such troops. It does not require the President to actually redeploy troops. It does not place any restrictions on funding.

The President has already indicated his surge strategy in Afghanistan is time limited and that he will begin redeploying troops in July 2011. All we are asking in this amendment is that the President provide further details on how long this redeployment is expected to take.

Our brave servicemembers and the American taxpayers deserve to know what is being asked of them as they risk their lives and spend their money to continue this war.

My amendment is not about whether we support the President or the troops. All of us support the troops, and I hope we all wish the President success in Afghanistan. Nor is it about whether we agree with the President's strategy. I, for one, happen to have serious doubts about the administration's approach. But in light of our deficit and domestic needs and in light of rising casualty rates in Afghanistan and in light of the growing al-Qaida threat around the world, an expensive, troop-intensive, nation-building campaign doesn't add up for me. We should be focusing on Pakistan, Yemen, Somalia, and other terrorist safe havens.

Frankly, I am disappointed we are about to pass a bill providing tens of billions of dollars to keep this war going with so little public debate about whether this approach even makes any sense. But no matter how we feel about the President or his approach in Afghanistan, I hope we can agree on the need for an exit strategy as we approach the 9-year anniversary of a war that is showing no signs of winding down. That is all my amendment would require—a nonbinding plan to bring this war eventually to a close.

We have lost 1,000 servicemembers in this war. We have spent $300 billion. I hope my colleagues will agree that the American people deserve an answer to the question: How much longer?

I reserve the remainder of my time, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent to be yielded 3 minutes.

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

Mr. LEVIN. Madam President, I oppose the Feingold amendment. Section 1019 of the Feingold amendment specifically requires the President, by December 31, 2010, to submit a timetable for the completion of redeployment of our troops out of Afghanistan.

The message our military presence in Afghanistan is not open-ended was delivered by President Obama at West Point last December when he set the date of July 2011 to begin a reduction of U.S. forces in Afghanistan. It was an important message of reassurance to the American people, and it was an important message for the Afghan leaders to hear: that while we intend to help Afghanistan succeed in its battle with the Taliban, our troop presence is not open-ended, and they must build up their own army and their police force to take responsibility for their own security.

If we adopt the Feingold amendment, we will be sending a very different message to the government and to the people of Afghanistan. It would reinforce the fear if we adopt this amendment—an already deep-seated fear in Afghanistan—that the United States will abandon the region. That is a message we can ill-afford to send regarding the future stability of Afghanistan, and it is a particularly unwise message to send while our forces are still deploying to Afghanistan and while the Taliban is doing everything it can to convince the Afghan people that U.S., NATO, and Afghan forces are unable to protect them from the violence and the intimidation that is their hallmark.

The President's decision to set the beginning point to begin the reduction of our forces in Afghanistan in July of 2011 was a wise decision. It was supported by our senior civilian and military leaders. They supported the decision, provided that the pace and the location of the reductions would be determined by the conditions on the ground at the time in Afghanistan.

The Feingold amendment is totally different. It requires the setting of a timetable for completion of redeployment of our troops from Afghanistan, and it requires that timetable to be set by this December. It is an unwise move, and I hope we do not adopt it.

I yield the floor.

Mr. FEINGOLD. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2½ minutes remaining.

Mr. FEINGOLD. I thank the Chair. I appreciate the comments of the Senator from Michigan, but I feel very strongly that my amendment has to be properly characterized. This is not a specific timetable. It merely asks the President to give us a vision of a timetable of when he intends for this to be over.

The Senator from Michigan tries to reassure us that the President has announced a start date for us to get out of Afghanistan. Well, that doesn't work because how do we think the people of that area of the world will be reassured if we are going to only start to withdraw the troops in 2011? You take one troop out, that starts it. That is not a vision of when we intend to complete it.

The Senator suggests that somehow this sends the wrong message in the region. Well, actually, the wrong message is that we intend to be there forever. We don't intend to be there forever. But you know what. After 9 years, people start wondering—9 years; 9 years with no vision of when we might depart. In fact, I think the absolute worst message in the region is an open-ended commitment. The worst thing we can do is not give some sense to the people of that region and to the American people and to our troops that there is some end to this thing. All we ask for in this amendment is some vision from the President about when he thinks we might complete this task.

So when this amendment is properly characterized, it is actually a way to help us make sure the Taliban and al-Qaida and others do not win the hearts and minds of the Afghan people because they need to be reassured that we intend to make sure their country comes back to them and that it will not be occupied indefinitely.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 10 seconds to read the amendment:

> Not later than December 31, 2010, the President shall submit to Congress a report, together with a timetable for the completion of that redeployment.

Completion of that redeployment, obviously, from Afghanistan. That is a ''shall;'' it is a report; it is a completion of the redeployment.

I yield the floor.

Mr. FEINGOLD. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. No time.

Mr. FEINGOLD. I ask unanimous consent for 10 seconds to respond to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute.

Mr. FEINGOLD. I thank the Chair. I thought I had a little more.

Madam President, the Senator is trying to read the amendment in a way that is simply not accurate.

The amendment simply asks the President to provide his vision of a

timetable by which he would intend to withdraw the troops. It is entirely nonbinding. Any suggestion that this is binding in any way on the President or the U.S. Government is completely false and a mischaracterization of the amendment. It is not binding. In fact, it allows the President specifically to identify variables that would cause him on his own to change the timetable. So how anyone can say this is a binding timetable in any way, shape, or form is beyond me.

It is merely a request that the President give us his vision of when he might withdraw from Afghanistan. It is the only fair way to characterize this amendment.

Mr. REID. Madam President, President Obama has articulated a sound strategy for surging our force in Afghanistan, a well-defined mission to enable them to succeed, and a clear plan to begin to bring those troops home starting next July. His plan honors the service of the 100 Nevadans in Afghanistan today and those of every American fighting terrorists abroad to keep us safer at home.

I have always believed that our commitment in Afghanistan should not be open-ended, which is why I continue to support the President's plan. We have begun to reverse the Taliban's momentum in Afghanistan and weakened al-Qaeda's operations, safe havens and leadership in the region. Our troops will continue to defeat those terrorist networks and others like it and we will continue to press the Afghan government to end corruption and take responsibility for governing the country. But, as the President's plan makes clear, these troops have a clear task in place: to reverse the Taliban's momentum and to begin returning home next July.

In light of the President's strategy and the recent progress, now is not the time to change course.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I yield myself 2 minutes from Senator LEVIN's time or Senator INOUYE's time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. REED. Madam President, this legislation clearly calls for a report to be submitted by the President of the United States to establish a timetable, and I think the suggestion that will not have incredible consequences in the real world is somewhat naive.

If the President of the United States is forced to give Congress a timetable stating dates, even if those dates have some variables attached to them, that sets in motion a train of events that is anything but a simple statement of vision. That statement of vision was given by the President at West Point. In fact, he was criticized for specifically indicating that there would be a point at which American forces begin the withdrawal, but he did that. I think anyone questioning the President's not only willingness to do this, but understanding the need to redeploy our forces, should look at today's headlines in the Washington Post where the Vice President has, once again, reiterated that we are coming out of Iraq; that the timetables the President talked about, the vision he talked about, all of those things he is following through on, and he will do the same thing in Afghanistan.

In Afghanistan, the President's strategy is clear: to provide military resources to reseize the momentum; to provide the opportunity to build civilian capacity; and starting, as the Senator from Wisconsin indicated, at a fixed date will begin a drawdown and will begin changing our mission from combat operations to more counterterrorism operations, more training of Afghani forces.

Frankly, what I think the President—and I will presume to speak at this moment, at last in my view—sees in the future is a significant drawdown of our military presence while we build up our civilian presence. That civilian presence might include some trainers, police trainers. It might include a lot of folks. Indeed, this vision is tied directly to the concern we all have. There are active al-Qaida cells in Pakistan, in Afghanistan, in Yemen, and one of the advantages of a presence in Afghanistan is effectively cooperating with and encouraging the Pakistanis.

I urge rejection of the amendment.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. FEINGOLD. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

Mr. COCHRAN. Madam President, all time is yielded back on this side.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 18, nays 80, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—18

Baucus	Feingold	Sanders
Boxer	Gillibrand	Schumer
Brown (OH)	Harkin	Specter
Cantwell	Leahy	Tester
Dorgan	Merkley	Udall (NM)
Durbin	Murray	Wyden

NAYS—80

Akaka	Bond	Casey
Alexander	Brown (MA)	Coburn
Barrasso	Brownback	Cochran
Bayh	Bunning	Collins
Begich	Burr	Conrad
Bennet	Burris	Corker
Bennett	Cardin	Cornyn
Bingaman	Carper	Crapo
DeMint	Klobuchar	Reed
Dodd	Kohl	Reid
Ensign	Kyl	Risch
Enzi	Landrieu	Roberts
Feinstein	Lautenberg	Rockefeller
Franken	LeMieux	Sessions
Graham	Levin	Shaheen
Grassley	Lieberman	Shelby
Gregg	Lincoln	Snowe
Hagan	Lugar	Stabenow
Hatch	McCain	Thune
Hutchison	McCaskill	Udall (CO)
Inhofe	McConnell	Vitter
Inouye	Menendez	Voinovich
Isakson	Mikulski	Warner
Johanns	Murkowski	Webb
Johnson	Nelson (NE)	Whitehouse
Kaufman	Nelson (FL)	Wicker
Kerry	Pryor	

NOT VOTING—2

Byrd Chambliss

The amendment (No. 4204) was rejected.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4231

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4321, as modified, offered by the Senator from Oklahoma.

The Senator from Hawaii.

Mr. INOUYE. Madam President, the Senator from Oklahoma feels we have had enough debate, so we will not debate this further.

I move to table amendment No. 4231, as modified.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—53

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (FL)
Begich	Gillibrand	Pryor
Bennet	Hagan	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Rockefeller
Brown (OH)	Johnson	Sanders
Burris	Kaufman	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	

NAYS—45

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Graham	McConnell
Bennett	Grassley	Murkowski
Bond	Gregg	Nelson (NE)
Brown (MA)	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Sessions
Burr	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Kohl	Tester
Corker	Kyl	Thune
Cornyn	LeMieux	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Wicker

NOT VOTING—2

Byrd	Chambliss

The motion was agreed to.

AMENDMENT NO. 4232

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4232 offered by the Senator from Oklahoma.

The Senator from Hawaii.

Mr. INOUYE. Madam President, I have been advised by the Senator from Oklahoma that we have had enough debate. Therefore, I move to table amendment No. 4232 and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from West Virginia (Mr. BYRD) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—50

Baucus	Gillibrand	Nelson (FL)
Bennet	Hagan	Pryor
Bingaman	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Johnson	Rockefeller
Burris	Kaufman	Sanders
Cantwell	Kerry	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Voinovich
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

NAYS—47

Alexander	Coburn	Grassley
Barrasso	Cochran	Gregg
Bayh	Collins	Hatch
Begich	Corker	Hutchison
Bennett	Cornyn	Inhofe
Bond	Crapo	Isakson
Brown (MA)	DeMint	Johanns
Brownback	Ensign	Klobuchar
Bunning	Enzi	Kyl
Burr	Graham	LeMieux
Lincoln	Nelson (NE)	Tester
Lugar	Risch	Thune
McCain	Roberts	Vitter
McCaskill	Sessions	Warner
McConnell	Shelby	Wicker
Murkowski	Snowe	

NOT VOTING—3

Akaka	Byrd	Chambliss

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the committee-reported substitute amendment.

If all time is yielded back, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 4899, an act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010.

Harry Reid, Richard J. Durbin, John D. Rockefeller, IV, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Sherrod Brown, Kirsten E. Gillibrand, Mark Begich, Robert P. Casey, Jr., Jack Reed, Patrick J. Leahy, Carl Levin, Amy Klobuchar, Kay R. Hagan, Roland W. Burris, Charles E. Schumer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the committee-reported substitute amendment to H.R. 4899, the Supplemental Appropriations Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: The Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—69

Akaka	Boxer	Collins
Alexander	Brown (MA)	Conrad
Baucus	Brown (OH)	Dodd
Bayh	Burris	Dorgan
Begich	Cantwell	Durbin
Bennet	Cardin	Feinstein
Bennett	Carper	Franken
Bingaman	Casey	Gillibrand
Bond	Cochran	Hagan
Harkin	Lugar	Sanders
Inouye	McCaskill	Schumer
Johanns	McConnell	Shaheen
Johnson	Menendez	Snowe
Kaufman	Merkley	Specter
Kerry	Mikulski	Stabenow
Klobuchar	Murkowski	Tester
Kohl	Murray	Udall (CO)
Landrieu	Nelson (NE)	Udall (NM)
Lautenberg	Nelson (FL)	Vitter
Leahy	Pryor	Warner
Levin	Reed	Webb
Lieberman	Reid	Whitehouse
Lincoln	Rockefeller	Wyden

NAYS—29

Barrasso	Enzi	LeMieux
Brownback	Feingold	McCain
Bunning	Graham	Risch
Burr	Grassley	Roberts
Coburn	Gregg	Sessions
Corker	Hatch	Shelby
Cornyn	Hutchison	Thune
Crapo	Inhofe	Voinovich
DeMint	Isakson	Wicker
Ensign	Kyl	

NOT VOTING—2

Byrd	Chambliss

The PRESIDING OFFICER. The yeas are 69, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Illinois.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

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

SUMMER JOBS

Mr. BURRIS. I thank the Chair.

Madam President, this past Monday evening, as dusk fell on my hometown of Chicago, a handful of young people took to the streets with violent intentions.

By the time the sun came up on Tuesday, no fewer than seven people had been shot, in a series of unrelated incidents.

This wave of violent crime continued into Tuesday afternoon, when three more Chicagoans were shot and killed in broad daylight.

These incidents came right on the heels of another shocking murder. Last week, a police officer and Iraq War veteran named Thomas Wortham IV was shot to death only a few blocks from my home.

These events do not occur in a vacuum. They are part of a clear and consistent pattern, a pandemic of gun violence that holds communities in a vice grip. Every year, with the advent of the long, hot summer, gang activity spikes. The line between good and bad neighborhoods evaporates. In essence, our streets become a war zone. This is not a passing concern; it is an emergency. This kind of violence should be shocking. It should spark outrage and indignation. Yet too many of us turn a blind eye. We are paralyzed by the destructive political process and numb to the consequences of our failure to take action.

This problem can't simply be passed on to someone else. This violence is happening in our cities and towns, where we live and where we work, where we send our children to school. It is happening in our backyards. So it

is up to us to raise the alarm. It is our responsibility to stem this rising tide and take back our communities, our homes, our schools, and our places of worship. We have seen that this is a pattern. We have witnessed the terrible outcomes and measured the tragic human cost. Now it is time to take action.

Certainly, we can make progress by increasing gun control and making it more difficult for weapons to fall into the hands of criminals. This effort must be a part of any comprehensive solution, and it is an issue I have fought for throughout my career. But the reality is, a debate about gun control will quickly turn into a pitched partisan battle. It will consume time and political will, and in the end, we may not get very far.

I believe we need to take a more practical, more immediate approach. It is time to give our young people an alternative to destructive behavior so they can spend their summers working to get ahead instead of getting involved in criminal activities. Today, more than half of Black men between the ages of 16 and 19 are unemployed. This number is growing rapidly. In fact, the New York Times predicts that this summer will be one of the bleakest on record. So if we would like to cut down on violent crime, this is exactly where we need to start.

It is no accident that last year's landmark American Recovery and Reinvestment Act included a major summer jobs component. It created more than 300,000 summer jobs for youth across the country, including some 17,000 in Illinois alone.

This year, we need to do even more. That is why I am proud to cosponsor S. 2923, the Youth Jobs Act of 2010, introduced by the distinguished Senator from Washington, Mrs. MURRAY. This legislation would build on the success of the Recovery Act, setting aside $1.5 billion for youth employment opportunities through the Workforce Investment Act. It would infuse money directly into the local economy and give young people the chance to gain paid work experience, what Senator REID spoke about the other day, the gentleman who set up a work opportunity and found out that the youth don't even have the work experience or they don't even know how to work. We have to get them some paid work experience. This will keep them off the streets in the short term and give them better employment options down the road. It would create half a million summer jobs from coast to coast and put a serious dent in the youth unemployment rate. It will spur young people to invest in their future and help foster a better community.

I urge my colleagues to pass this bill without delay. We can do this right now. It will cut down on violent crime and have a real effect on people's lives across America. There is no reason to wait another day or another moment. That is why I am so frustrated by the obstructionism that has afflicted this legislation for the past 6 months.

It is time to make a commitment to the next generation, give them the opportunity to start down the right path because if we don't, then every summer, when the school year ends and children seek new ways to occupy their time, more and more of them will find fellowship with the criminal element. This cycle of violence will continue.

I urge colleagues to pass the Youth Jobs Act before we adjourn for the Memorial Day recess. Let's provide our young people with the opportunity to turn away from violence. Let's give them a chance to build a constructive future. Let's take back our communities. Let's do it now. Let's do it today.

RECESS

Mr. BURRIS. I ask unanimous consent that the Senate stand in recess until 2 p.m. and that the postcloture time continue to run during the recess period.

There being no objection, the Senate, at 12:51 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010—Continued

Mr. SPECTER. Mr. President, 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. SPECTER. 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. SPECTER. Mr. President, I have sought recognition to discuss the urgent need for comprehensive immigration reform in the United States.

Earlier today, the Senate considered a number of proposals for border security, and there has been extensive media attention to an administration proposal to dispatch substantial numbers of the National Guard for border security.

The Senate and the House of Representatives wrestled with this issue in 2006. Each House produced a bill. At that time, I chaired the Judiciary Committee and managed the bill in committee and on the floor. The Senate bill, known as the McCain-Kennedy bill, provided for comprehensive immigration reform.

The House passed a bill which dealt only with Border Patrol and employer verification. For reasons which need not be commented upon now, there was no conference and that bill languished.

In the following year, Senator REID, the majority leader, asked Senator Kennedy and me to lead an informal group to try to structure a comprehensive immigration reform, with the decision not to run it through committee, and that effort was not successful.

As a result of the failure of Congress to act, we have seen many States and municipalities enact legislation to try to deal with this issue, in the absence of what Congress has a duty to do and should have been doing. Most recently, the Arizona law has produced enormous controversy.

The Arizona law provides that a failure to carry immigration documents would be a crime and give police broad power to detain anyone suspected of being in the country illegally. The essential provisions invite racial profiling, which is highly questionable on constitutional grounds. Litigation is now pending to have that act—to declare it as being unconstitutional on its face.

When Congress failed to legislate in 2006 and the informal group designated by Majority Leader REID was unsuccessful in coming up with a bill, I introduced a draft bill on July 30, 2007, as reported in the CONGRESSIONAL RECORD at S. 10231, which dealt with an effort to remove the fugitive status from undocumented immigrants. It was my thought at the time if we did not get into the complex issues which had proven so troublesome in 2007 and earlier in 2006, that we might be able to make some substantial progress moving forward for comprehensive immigration reform.

My thought at that time was to remove the fugitive status but not to provide for a path to citizenship. I made that suggestion even though my preference was with the Senate bill enacted the year before which did provide a path to citizenship. Even that path to citizenship was going to be long delayed. It would take at least 8 years, it was estimated, to clear up the backlog of pending applications for citizenship, and another 5 years to deal with the 12 million undocumented immigrants, so that there was not a whole lot of practical difference in eliminating the path to citizenship. That could always be taken up at a later time.

But if the fugitive status was eliminated, that would bring most of the 12 million undocumented immigrants—or at least calculated to bring most of the 12 million undocumented immigrants—out of the shadows and identify those who were holding responsible jobs, paying taxes, and raising their families, in many instances with children who were American citizens. This approach was postulated on the obvious proposition that we cannot deport 12 million people. It is simply impossible to take them into detention and to have them housed pending deportation proceedings. Bringing the undocumented immigrants out of the shadows would provide an opportunity to identify those who were convicted criminals where they posed a real threat.

At that time I visited a number of detention centers where undocumented immigrants convicted of crimes were

held and introduced legislation which would have accelerated the deportation of those who were criminals and were a threat to our society, demonstrated by their prior conduct. But we continue to have the problem of undocumented immigrants living in the shadows, afraid of being taken into custody, especially in Arizona, and concerns everywhere with the prospect of the Arizona law being enacted other places, that they continue to be at the mercy of unscrupulous employers. We have enormous areas of need for temporary workers. That is a proposition which many of my colleagues have been urging and which I think needs to be acted upon.

We have the suggestion of the so-called DREAM Act which I had at one time cosponsored. I later came to the view that if we cherry-picked—if we take the DREAM Act, if we take temporary workers, if we take the expansion of visas, which is necessary when so many people want to come to this country who would be very productive in our high-tech society—Ph.D.s, highly educated individuals—that if we move along any of those lines and cherry-picked, it would take away a lot of the impetus for the notion to have comprehensive immigration reform.

So I continue to believe it is not desirable, not advisable to cherry-pick, even though some of those individual items may be very meritorious on their own.

In light of what has happened in Arizona and in light of what the administration is proposing on the use of the National Guard, it is my view it is more imperative than ever that the Congress face up to its responsibility, tackle this issue, notwithstanding the political pitfalls, and to deal with it.

Mr. President, I ask unanimous consent that the text of my prepared statement be printed in the CONGRESSIONAL RECORD as if read in full, and the abbreviated statement I made on July 30, 2007, be printed in the RECORD since these two statements more comprehensively summarize my views on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER ON THE NEED FOR COMPREHENSIVE IMMIGRATION REFORM

Mr. President, I have sought recognition to address comprehensive immigration reform. I am fully committed to working with the Obama Administration, and a bipartisan group of Senators, to enact a comprehensive immigration reform law that improves our economy, reunites families, and strengthens our borders.

I have long supported comprehensive immigration reform. As Chairman of the Judiciary Committee in the 109th Congress, I worked closely with Senator Kennedy on, and cosponsored, the bi-partisan Comprehensive Immigration Reform Act of 2006. In the 110th Congress, I continued to work with Senator Kennedy to construct a bi-partisan agreement, called ''the Grand Bargain,'' to achieve this much needed reform. Our efforts resulted in the introduction of the Comprehensive Immigration Reform Act of 2007. Both bills fell prey to partisan politics.

We must renew our efforts. The immigration system in the United States is inadequate to meet the needs of our country in the 21st century. An insufficient number of visas are made available to meet the changing needs of the U.S. economy and labor market. Eligible family members are forced to wait for years—some for decades—to be reunited with families living in the United States. An overburdened system unfairly delays the integration of immigrants who want to become U.S. citizens. Unscrupulous employers who exploit undocumented immigrant workers undercut the law-abiding American businesses and harm all workers. Finally, as we all know too well, the billions of dollars spent on enforcement-only initiatives in the past have done little to stop the flow of unauthorized immigrants into our country.

Much work needs to be done. One end of the political spectrum will criticize us for creating a path to citizenship for those immigrants who entered without authorization, and those on the other end of the political spectrum will criticize us for not being sufficiently compassionate. But we have a public duty, indeed a moral imperative, to come to grips with this issue. We are a nation that throughout its history has welcomed and been made richer by immigrants. Our country was built on the contributions of hard working and ambitious immigrants, like my father Harry, who emigrated from Russia in 1911. The path to American citizenship is a path my father had and others today deserve as well. The time for comprehensive immigration reform is now.

The Development, Relief, and Education for Alien Minors (or DREAM) Act amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by eliminating the restriction on state provision of postsecondary educational benefits to unauthorized aliens by allowing unauthorized aliens to apply to adjust their status. The bill enables eligible unauthorized students to adjust to conditional permanent resident status provided the student: (1) entered the United States before his or her 16th birthday and has been present in the United States for at least five years immediately preceding enactment of the bill; (2) demonstrates good moral character; (3) is not inadmissible or deportable under specified grounds of the Immigration and Nationality Act; (4) at the time of application, has been admitted to an institution of higher education or has earned a high school or equivalent diploma; (5) from the age of 16 and older, has never been under a final order of exclusion, deportation, or removal; and (6) was under age 35 on the date of this bill's enactment.

During the 108th Congress, I cosponsored a similar DREAM Act sponsored by Senator Hatch and cosponsored by Senator Durbin. During the 109th and 110th Congresses, I included provisions of the DREAM Act in the comprehensive immigration reform bill that I championed on the Senate Floor because it is one side of an important part of the need for reform. Another side of that need is to enhance border security and tamp down on cartel violence along our Southern border. I voted against cloture on a motion to proceed to the DREAM Act in 2007 because I thought passing the bill would undermine the pressing need to enact Comprehensive Immigration Reform. In explaining my vote, I said:

I believe that the DREAM Act is a good act, and I believe that its purposes are beneficial. I think it ought to be enacted. But I have grave reservations about seeing a part of comprehensive immigration reform go forward because it weakens our position to get a comprehensive bill.

Right now, we are witnessing a national disaster, a governmental disaster, as States and counties and cities and townships and boroughs and municipalities—every level of government—are legislating on immigration because the Congress of the United States is derelict in its duty to proceed.

We passed an immigration bill out of both Houses last year [2006]. It was not conferenced. It was a disgrace that we couldn't get the people's business done. We were unsuccessful in June in trying to pass an immigration bill. I think we ought to be going back to it. I have discussed it with my colleagues.

I had proposed a modification to the bill defeated in June, which, much as I dislike it, would not have granted citizenship as part of the bill, but would have removed fugitive status only. That means someone could not be arrested if the only violation was being in the country illegally. That would eliminate the opportunity for unscrupulous employers to blackmail employees with squalid living conditions and low wages, and it would enable people to come out of the shadows, to register within a year.

We cannot support 12 to 20 million undocumented immigrants, but we could deport the criminal element if we could segregate those who would be granted amnesty only.

I believe we ought to proceed with hearings in the Judiciary Committee. We ought to set up legislation. If we cannot act this year because of the appropriations logjam, we will have time in late January. But as reluctant as I am to oppose this excellent idea of the Senator from Illinois, I do not think we ought to cherry-pick.

It would take the pressure off of comprehensive immigration reform, which is the responsibility of the Federal Government. We ought to act on it, and we ought to act on it now.[i]

Mr. President, in the ensuing years the need for comprehensive immigration reform has become increasingly dire. On Friday, April 23, 2010, Arizona enacted a law that, according to the New York Times, ''would make the failure to carry immigration documents a crime and give the police broad power to detain anyone suspected of being in the country illegally.''[ii] The text of the law provides: ''For any lawful contact made by a law enforcement official or agency of this State or a county, city, town or other political subdivision of this State where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person.''[iii] Lawmakers in other States, including Pennsylvania and Maryland, introduced companion measures.

On April 27, 2010, I questioned Department of Homeland Security Secretary Janet Napolitano about the new Arizona law. I noted that the failure of Congress to enact comprehensive immigration reform led Arizona to legislate ''in a way which has drawn a lot of questions, a lot of criticism.''[iv] I explained that the new Arizona provisions appear to create ''a significant risk of racial profiling.''[v] After noting that Secretary Napolitano is the immediate-past Governor of Arizona, I noted that ''the message sent from Arizona was that movement needs to occur that this issue should not be allowed to languish.''[vi] Secretary Napolitano replied, ''I think there are a lot of issues. If this law goes into effect—and, again, the effective date is not until 90 days after the session ends. But if it goes into effect, I think there are a lot of questions about what the real impacts on the street will be, and they are unanswerable right now.''[vii] She went on to testify: ''I think there is a lot of cause for concern in a lot of ways on this bill and what its impacts would be if it is to actually go into effect. And I think it signals a frustration with the failure of the Congress to

move. I will work with any Member of the Congress and have been working with several Members of the Congress on the actual language about what a bipartisan bill could and should contain.'' [viii] When pressed about the potential for ''racial profiling and other unconstitutional aspects of the Arizona law,'' [ix] Secretary Napolitano said, ''Well, I think the Department of Justice, Senator, is actually looking at the law as to whether it is susceptible to challenge, either facially or later on as applied, under several different legal theories. And I, quite frankly, do not know what the status of their thinking is right now.'' [x]

It turns out she was right. On Thursday, May 27, 2010, Nathan Koppel of the Wall Street Journal reported that the Department of Justice was ''Likely to Sue Over Arizona Immigration Law.'' [xi] According to the Journal, Attorney General Holder ''met with big-city police chiefs who are troubled by the Arizona law, which makes it a state crime to be in the U.S. illegally and can require police to question certain people about their immigration status.''

Mr. President, I think it is high time for the United States Senate and House of Representatives to pass comprehensive immigration reform to avert potentially unconstitutional state laws in this matter of national significance. We should take up Secretary Napolitano's offer to help us draft a bipartisan bill that can stand bicameral scrutiny. And we should do so now. I wrote President Obama on April 15, 2010 to convey my willingness to press for reform this year and I wrote to Majority Leader Reid on April 28, 2010, to convey the same message out of a strong conviction that comprehensive immigration reform must be done now.

ENDNOTES

[i] 153 Cong. Rec. S13300–02, *S13305 2007 WL 3101493 (Cong. Rec.) Oct. 24, 2007.

[ii] Randal C. Archibold, Arizona Enacts Stringent Law on Immigration, New York Times, Apr. 23, 2010.

[iii] SB 1070, §11–1051 (available online at: http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf).

[iv] Senate Judiciary Committee Hearing, ''Department of Homeland Security Oversight'' Tr. at 94, Apr. 27, 2010.

[v] Id. at 95.

[vi] Id.

[vii] Id. at 95–96.

[viii] Id. at 96.

[ix] Id. at 96–97.

[x] Id. at 97.

[xi] Nathan Koppel, DOJ Likely to Sue Over Arizona Immigration Law, Wall Street Journal, May 27, 2010.

IMMIGRATION—(SENATE—JULY 30, 2007)

Mr. SPECTER. Madam President, I begin by thanking the staff for staying a few extra minutes to enable me to come back to the floor to make a short statement.

I have sought recognition to speak about a revised reform bill on immigration. In the course of the past 3 years, the Senate has spent a great deal of time on trying to reform our immigration system: to begin to fix the broken borders; to add more Border Patrols; to undertake some necessary fencing; to add drones; to undertake employer verification by utilizing identification which now can provide, with certainty, whether an immigrant is legal or illegal; to take care of a guest worker program to fill employment needs in the United States; and to deal with the 12 million undocumented immigrants.

During the 109th Congress, when I chaired the Judiciary Committee, we reported out a bill. It came to the floor, and after considerable debate it was passed. The U.S. House of Representatives passed legislation directed only at border patrol and employer verification, and for a variety of reasons we could not reconcile the bills and enact legislation.

This year a different procedure was undertaken: to have a group of Senators who had been deeply involved in the issue before craft a bill. It did not go through committee, and, as I said earlier on the floor, I think it probably was a mistake because the committee action of hearings and markups and refinement works out a lot of problems. At any rate, as we all know, after extensive debate, the bill went down. We could not get cloture to proceed, and it was defeated.

It was defeated for a number of reasons. But I believe the immigration issue is one of great national concern—great importance—and ought to be revisited by the Congress and that ought to be done at as early a time as possible.

We have a very serious problem with people coming across our borders—a criminal element, and a potential terrorist element. The rule of law is broken by people who come here in violation of our laws. We have continuing problems from the 1986 legislation that employer verification is not realistic because there is no positive way of identification.

No matter how high the borders or the value of border patrol, it is not possible to eliminate illegal immigration if the magnet is present. The legislation I will be putting in as part of the Record at the conclusion of my remarks is a draft of suggested proposals to be considered by the Senate. There are two major changes which have been undertaken.

Much as I dislike to, I have eliminated the automatic path to citizenship but instead deal with the fugitive status of the undocumented immigrants, the 12 million, and eliminate that fugitive status. Whether it is categorized as permanent legal resident or some other category, as a matter of nomenclature it can be worked out.

But the principal concern has not been the citizenship, although it is a desirable factor to try to integrate the 12 million into our society. But the principal concern has been that when an undocumented illegal immigrant sees a policeman on the street, there is fear of apprehension and being rounded up and deported, or the undocumented illegal is at the mercy of an unscrupulous employer who will take advantage of them and they cannot report to the police the treatment or a violation of law by an employer because they are fearful of being arrested and deported. In many places you cannot rent an apartment or undertake other activities. So I think eliminating the fugitive status is a major improvement.

The other significant change is to not tamper with or change family unification but to leave it as it is now. We had come up with, with the bill which was defeated, an elaborate point system for immigration. It was our best effort but, candidly, it turned out to be half-baked. It did not go through the hearing process to hear from experts. It did not have that kind of refinement and raised a lot of problems. That could be revisited at a later date. I have worked with the so-called interest groups representing immigration interests and have had what I consider to be a relatively good response.

I do not want to characterize it or put words in anybody's mouth. There is a certain reluctance to make any more concessions because concessions were made last year and the bottom fell out. So they made an inquiry, understandably so, that there be some realistic chance of getting the bill passed if they are to give up a path to citizenship.

I have undertaken to talk to many of my colleagues, Senators who opposed the bill, to get a sense from them as to whether, with the automatic path to citizenship out, and dealing only with the fugitive status, that there might be some greater willingness to find an accommodation and deal with the issues.

With respect to citizenship, even under the legislation that was defeated, there would not be an opportunity for citizenship until at least 8 years have passed, to take care of the backlog, and then another 5 years to work out the 12 million undocumented immigrants. So the citizenship, even under the bill which was defeated, was not something which was going to be imminent.

We have seen local governments and State governments trying to deal with the issue. Reports are more than 100 laws have been passed and ordinances enacted which would deal with the immigration problem. They cannot do it on a sensible basis. Last week the U.S. District Court for the Middle District of Pennsylvania handed down an opinion that the city of Hazelton, notwithstanding the understandable efforts by the mayor, program was not constitutional; that under our laws, the answer has to come from the Congress.

We have seen a lot of unrest on the issue. The front page of the Washington Post the day before yesterday had a report about groups of immigrants feeling that they had been mistreated. There was an uneasiness on all sides, uneasiness by people who are angry about the violation of our borders, by immigrants who think they are not being fairly treated, and a grave concern about the availability of workers on our farms across America, concerns of the hotel industry and landscapers and restaurateurs about the adequacy of our labor force. So there is no doubt that this is a very significant issue.

Last week I circulated to my 99 colleagues a letter, and one page summarizing the study bill—I will call it a study bill.

I ask unanimous consent that the text of the draft proposal and the one-page letter circulated to all other Senators be printed in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. In conclusion, I emphasize that I am inviting suggestions and comments for improving the bill. The one view that I do have, very strongly, is that it is our pay grade to deal with this issue. Only the Congress can deal with the immigration problem, and it is a matter of tremendous importance that we do so. We obviously cannot satisfy everyone, but I invite analysis, criticism, and modification.

I see my distinguished colleague from Vermont, one of my distinguished colleagues from Vermont, awaiting recognition.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

DEAR : I believe it is possible to enact comprehensive immigration reform in this Congress, perhaps even in this calendar year, if we make two significant changes in the bill we recently had on the floor.

First, a new bill should eliminate the automatic path to citizenship for the approximately 12 million undocumented immigrants. Instead, we should just eliminate the fugitive status for the 12 million so that they would not be fearful every time they see a policeman, be protected from unscrupulous employers who threaten to turn them in if they don't do the employer's bidding, and be free to do things like rent apartments in cities which now preclude that. From soundings I have taken from many senators, that should take the teeth out of the amnesty argument, which was the principal reason for the defeat of the last bill.

Second, we should not tamper with the current provisions on family unity with the elaborate point system which was insufficiently thought through. If that is to be ultimately accomplished, we need hearings and a more thoughtful approach.

Third, although not indispensable, I believe we should provide more green cards to assist the hitech community.

The enclosed draft bill covers these three changes and also includes the guest worker program, the increased border security and enhanced employer verification in the last bill.

Because it will be easier to get real border security if we deal with the 12 million undocumented immigrants, I think this proposal presents an alternate and plausible path to achieve comprehensive immigration reform now.

I have discussed this proposal with the senators who were part of the core negotiating group and with the relevant interest groups and have received a generally favorable response and, in many cases, an enthusiastic response. Similarly, in discussing the proposed bill with the dissenters, I have heard no strenuous adverse response so I believe it is worthy of a repeat effort. Although the defeat of the bill on the Senate floor was a major disappointment, I think that we proponents of comprehensive immigration reform have significant momentum and these changes, perhaps supplemented by other modifications, could put us over the top.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I thank the Chair. In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. STABENOW. Mr. President, we are coming up to a critical deadline this week once again that touches millions of families across our country who don't have a job, not because they don't want to work but because they have not been able to find one in the hardest hit economy since the Great Depression. Even though things are turning around, we have millions of people yet to be able to find a job, to be able to care for their families and keep a roof over their heads.

Twice this year already, the Congress has missed deadlines for extending unemployment benefits because of Republican obstructionism, basically telling millions of Americans: Tough.

We are now in a situation where today we will offer a temporary extension to be able to continue unemployment benefits and help with health care, as well as support for our doctors whom we are all concerned about maintaining their Medicare payments, and we will ask for an extension. I hope the answer, again, is not: Tough. That is what I am very hopeful of.

Today there are 15.3 million Americans who have lost their jobs through no fault of their own, and they rely on an unemployment insurance system to pay the bills and put food on the table. We have also heard from economists that this is an important way of keeping dollars in the economy because when someone is out of work and they have to be able to buy food and put gas in the car and be able to do the other basics, it keeps money in the economy so that when someone gets an unemployment check, they are spending it because they have to spend it, and that is part of what is a stimulus to the economy.

People are trying to find work and trying to support their families during tough times. They want to be working, as I said. They are pounding the pavement every day. They are putting in applications every day. This is not their fault. They have worked all their lives. Many of them find themselves, having worked for companies for 20 or 30 years, now in their fifties and they have played by the rules and they are finding that because of what has happened in a global economy and unfair trade rules and what has happened on a lot of different fronts, they don't have a job. So they are asking that we continue to understand that, understand the real world for millions of people.

We have 15.3 million people who have lost their jobs and who are receiving assistance. That doesn't count the people who are no longer receiving any kind of help or are working one, two, three part-time jobs just to try to figure out how to make it, and, of course, those jobs don't provide health insurance. As we transition to help them, we are not yet there to be able to help those families.

When President Obama and when all of us as Democrats took office last year, we saw at that time a loss of almost 800,000 jobs a month. We have been laser-focused on jobs in the Recovery Act. We have been laser-focused on doing everything we can, and continue to do that. It is critical that we pass a small business bill to create capital for our small businesses that have been hit.

We have another bill dealing with innovation, and the bill that will be coming to us that extends unemployment is a major jobs bill, and we are continuing to focus on that. With what we have already done, we have now gone from almost 800,000 jobs a month being lost when the President first took office, to moving to that being about zero at the end of the year, to being about 250,000 now new jobs being created. That is good. It is not enough. We know that. It is not nearly enough, but at least we have turned the ship around. At least we are not continuing to go down, down, down as we did with the last administration for 8 years when we lost 6 million manufacturing jobs alone.

So we are turning it around. It takes time. It takes way too much time. I am very impatient about that because I know the best thing we can do to help anyone who doesn't have a job in my State is to make sure they can get a job. Folks in my State and folks in Illinois want to work. They know how to work. They are good at working. It is not their fault that there are six people looking for every job that is available right now. But the reality is, because of that, people are looking to us to understand what is going on in their lives, what they are facing in terms of enormous pressures just to keep their heads a little bit above water. They are asking us to extend unemployment benefits as this economy turns around, and understand.

So we come now to another day of reckoning. We have gone through this before. I remember last November when there was a filibuster for—I believe it was 4 weeks—on extending unemployment benefits, and then everybody voted for it. After creating tremendous stress in the lives of families who were trying to figure out what was going on, after 4 weeks of filibustering, then we finally saw people voting for it.

We have seen various versions of obstruction on the floor of the Senate. I hope today is different. I hope today people are going to say they understand that we need to extend for 30 days if we are not able to complete the jobs bill, depending on what happens if it comes over from the House. I hope we will be able to do that.

If there is a continual effort to block the 1-year extension, 1.2 million Americans will lose help right now for themselves and their families while they are looking for work, and over 300,000 people in my great State of Michigan. As I said, these are people who are doing everything we have asked them to do.

Let me just share some of the e-mails and letters I get, and I get many of those.

I get many of those. Let me share this from Rick Allegan, who wrote:

I will not be able to take care of my family at all if benefit extensions are cut. After being laid off, I have not even been able to land a job at local restaurants or fast food places. I am very grateful for these extensions—the help the State is giving me is allowing my children to eat and my family to stay afloat. Please do not take [this help] away. I am confident I will land a job and be back to work. Until then, I just don't want to worry about where I am going to get funds [I need]. I am trying very hard to find work.

Mr. President, I am sure that is true. Clinton from Battle Creek wrote:

I am a 56-year-old unemployed worker in Michigan. I lost my job at the end of 2008, after a 38-year career in the auto repair industry. When I got laid off, I took advantage of Michigan's No Worker Left Behind program, and I am currently in college working toward a degree in human services. To that end, I work with men at the Calhoun County Jail, and I am a mentor at the newly formed ''Mentor House'' for newly released prisoners here in Battle Creek. When I finish my education, I will be gainfully employed and an asset to my community. To this end, also let me say that if I lose my unemployment benefits, I may not be able to finish college, and we could also lose our home because of the

loss of income. Needless to say, we don't want either of those things to happen. Thank you very much for all you do, as I am truly grateful as an American citizen to have all that we are afforded.

That is somebody who is doing what we told him to do—go back and get retrained. But he is only able to do that because of a temporary safety net that will help while that is going on. The rug could be pulled out from under him and his family.

Christopher from Three Rivers said this:

I have been unemployed for 13 months and some days.

I have never, ever been unemployed this long—not ever. And it's astoundingly difficult to find anything—more or less even receive a reply to an inquiry. I am registered with no fewer than four temp offices and have been for some months, and nothing—not a single call, even though they assure me they are in fact looking for me.

And so I do all I can, and daily, trying not to lose hope. But what truly appalls and galls me is Congress' attitude that all is well and the economy is getting better, so, no, there won't be any further extensions of unemployment [insurance].

And let's be clear about something: I detest this. I can't stand living on barely anything, but to then have it implied that I somehow enjoy doing this and thus am lazy and enjoy living on unemployment is quite offensive.

Mr. President, that is offensive to millions of Americans.

He says:

I can assure you that I do not, and I have been doing everything in my ability to find work.

People want to work. People have worked their whole lives. It is not their fault that we find ourselves in this situation. It is not their fault that there was recklessness on Wall Street that led to a collapse of financial markets, that closed down credit, that caused small businesses not to be able to get loans to be able to keep business going or manufacturers to be able to get the support they needed. It is not the fault of the American people. It is not the fault of a breadwinner who can no longer bring home the bread.

We have had a collapse on a number of levels. We are rebuilding again. Things are turning around, as slow as it is. The unemployment rate in Michigan is coming down. That is a good thing, but it is not fast enough for the people whom we represent who need temporary help until that job is available, until they are able to get that community college degree, to be able to get that training for the new job we have all told them they should go get. Go get retraining, we say. But how do you put food on the table and pay for a roof over your family's head in the meantime? We have done that through unemployment benefits that allow people to be able to become economically independent again.

That is what we are talking about here—temporary help. That temporary help has gone on longer than any of us would like to have it go on. No one is more concerned about having to come to the floor and talk about extending unemployment benefits, but the reality is, for Americans, this is not their fault. We have to figure out how we can continue to support them in their efforts to look for work, to be able to go back to school so they can, in fact, continue their lives with their families, be productive citizens, and be able to continue to contribute to this great country.

We also know we have millions of Americans who rely on help with health care. We said to them years ago: If you leave your job or lose your job, you can continue your health care benefits. The problem is that it is so expensive when you have to pay both the employer contribution and the employee contribution, most people haven't been able to do it.

Last year, in the Recovery Act, we did something about that. We said we would help so that people could continue their health insurance in COBRA. That expires as well. Just as those jobs have not been there, until we fully see a health reform bill in place, which will take time, as we know, we also need to continue to help with health care.

This bill that will be coming in front of us, the American Jobs and Closing Tax Loopholes Act, also includes a very important 1-year fix—actually, it is beyond 1 year now; it will include multiple years—to fix what has been a drastic cut in reimbursements to doctors, a cut that, if it were allowed to happen, would force many doctors' offices to stop seeing Medicare families and military families.

As you know, I believe the payment formula that has been in place and the cuts that have been scheduled for many years should be completely eliminated and we should completely change the system, which is called SGR. But until we can get to that point—and I hope it is very soon—we need to make sure doctors have confidence that those drastic cuts will not happen and that seniors and military families know cuts won't happen and that they are going to be able to continue to see their doctor.

It is critical right now that we work together today to make sure we are allowing these important policies—the help for people who have lost their jobs, whether it be health care or unemployment insurance, the ability to continue to provide the kinds of Medicare payments so seniors can see their doctors—it is critical that we don't let that lapse. We will have an opportunity on the floor today to continue that either temporarily or permanently. Obviously, I would like to see the full jobs bill passed today and see this completed at least until the end of this year. If that is not possible, it is not the fault of the people who don't have jobs, so I don't know why they should be the ones who are hurt because of it.

I am very hopeful that one way or the other we are going to let people in this country know that as we focus on jobs—which is the best thing we can do, and it is what everybody wants—and continue to turn this economy around, as we continue to see jobs being created in the private sector, we will not forget the people who have gotten caught in this economic tsunami through no fault of their own.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. BURR. 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. BURR. Mr. President, I came to the floor to call up what I thought was a very important amendment. I understand the majority is not letting controversial amendments come up now, so I will not call it up and put the Chair on the spot of having to object. But I do want to take the opportunity to speak on my amendment. My hope is, if we conclude all germane amendments, I will have the opportunity, even if there is a limited amount of time to talk about them or debate them, that we would at least have a vote on them, because I think not to have a vote is to ignore the people we are representing.

I intended to call up my amendment that proposes the Secretary of the Veterans' Administration have the authority to take any savings realized during the bid process on major construction projects and use it to fund other authorized construction projects within the VA; in other words, take care of providing the facilities our veterans need for the delivery of health care they have so richly deserved.

Because of a bad economy, the VA has actually been able to strike unbelievable deals with the projects they had before them. From that, the best estimate I have is that the VA has saved $103 million on 12 projects. Let me say that again. The VA has saved $103 million on 12 projects.

As my colleagues all know, in section 901 of this bill, it proposes taking $67 million from the construction projects for medical facilities and maintenance of VA facilities and to dump that $67 million into a thing we call the Filipino Equity Fund.

Let me say that again, because I think most people listening probably do not believe what I said. We are going to take $67 million out of the VA construction and maintenance fund that we were able to save because of good work on contracting on 12 projects, and we are going to shift $67 million over to the Filipino Equity Fund.

On the face you would say, well, if it is going to Filipino Equity Fund, it is not going to U.S. veterans. You are right. It is not going to U.S. veterans.

Money appropriated by this Congress for the construction and the maintenance of medical facilities, hospitals,

outpatient clinics, maintenance of those facilities, we are going to shift over to the Filipino Equity Fund. I will talk more a little bit later about the Filipino Equity Fund.

First and foremost, the money saved in the bid process was appropriated to fund major construction projects within the Department of Veterans Affairs. We are talking about hospital construction, renovation, cemetery construction, and other capital improvements. Let me assure you the President knows this. The needs are vast.

Let me quote from last year's Senate MILCON Appropriations report:

The committee remains concerned that the Department has a significant problem with unfunded liability on its existing major construction projects. In fiscal year 2010 [this one] the Department will have 21 partially funded projects with a cumulative future cost of nearly $4.5 billion.

Let me say that again: In this report from this Congress about the 2010 budget, we criticized the Veterans' Administration because they had 21 partially funded projects with a cumulative future cost of $4.5 billion. All of a sudden, this year, because of a down economy and our ability to negotiate better deals, we have a surplus in the account where we have saved $103 million. And what are we going to do? We are going to shift it all over to the Filipino Equity Fund, not put it toward $4.5 billion worth of identified shortfalls in existing projects that have already been started.

We are not talking about the ones on the list that might go to the Presiding Officer's State or to my State of North Carolina, where I have got the highest percentage of veteran retirees as a percentage of anywhere in the country. Let me assure you, we have got needs today there. If you want to do something with that $103 million, I can put outpatient clinics in North Carolina where our veterans will receive real health care that they deserve and, more importantly, they earned because of their service to the country. But, no, $67 million of it is going outside of the Veterans' Administration and is going to the Filipino Equity Fund.

Let me also quote from a prominent veterans organization, the Veterans of Foreign Wars, whose witness testified at the committee's February budget hearing.

The challenge for VA is there are still numerous projects that need to be carried out, and the current backlog of partially funded projects is too large. This means that the VA is going to continue to require significant appropriations for the major and minor construction accounts.

That is one of the veterans service organizations, the organization that represents veterans all over this country, warning us: You know what. There are so many projects out there, there is not enough funding to go around. Why are we doing this?

Second, given the acknowledged need I have described, it makes no sense to remove the funds from an account expressly dedicated to meeting the needs of that account. There is no Member of the Senate who can tell me that VA construction does not need this $103 million. But we are going to shift it. We are going to do that because we can.

Congress provides taxpayer dollars for major construction projects. These dollars should remain for that purpose. Why? Because the need exists. If not, taxpayers are going to have to pay for it with additional taxpayer money.

Third, we have a massive deficit. I am not sure many Members of the Senate will acknowledge it. We have a massive deficit, and hard choices have to be made with limited resources. The choice here is what do you do with $67 million. This $67 million has been identified as savings within the VA construction budget. What do you do with it?

Well, the amendment I would have offered—and, again, I wish I could call it up so my colleagues could debate it with me and vote on it, but it is contentious. I understand. I never thought it would be contentious to try to protect what our veterans are due. I never thought it would be contentious that if you found somebody taking money and putting it where the Senate did not authorize it to be that that was contentious. I thought that is why we were here. I thought that is called oversight.

Well, the amendment I would have offered proposes that we keep the money to meet the needs Congress intended it for: to build hospitals, for cemetery construction, for major renovation of VA facilities.

I have also filed an amendment proposing to fund the provisions of the family caregiver law the President just signed into law. I am not going to call it up. But my colleague, the Presiding Officer, knows; he sits on the VA Committee with me.

The President signed into law a great bill. It is to allow a family member of an injured servicemember to be their advocate, those 1,500-plus severely injured Americans with a traumatic brain injury who need an advocate fighting for their rehabilitation, because, quite simply, the system does not fight for them.

They could not leave their job and lose their salary because they lost their health care. And the President saw the wisdom in a bill that we passed out of the Veterans Affairs Committee. It is going to be costly, about $4 billion over 10 years, to give a financial stipend to that family member, a financial stipend that is no different than we would have paid some stranger off the street to come in and take care of that servicemember.

Now we are going to give the same amount of money to that spouse or that father or that mother. And, oh, by the way, we also provide them access to TRICARE health care coverage that we provide our soldiers and their families.

That is about $4.2 trillion. If you want to use $67 million for something that Congress didn't appropriate it for, which is construction, then let's use the $67 million to offset the funding of the caregiver program, something that is acknowledged that we need and, more importantly, we understand exactly what the impact is on our service personnel.

The question my amendment presents is, Is providing additional resources for veterans so that they have modern medical facilities to receive care a higher priority than ensuring that Filipino veterans get a pension benefit? It is as simple as that. There is no way one can spin this any differently. We are either going to give Filipinos a pension benefit or we are going to supply our veterans with the health care infrastructure they need and, more importantly, deserve.

Irrespective of where we come down on the Philippine issue—and I will provide my views on that momentarily—the ultimate issue is one of making tough decisions, tough choices. I personally don't think this is one of those. I respect my colleagues who believe otherwise.

Two years ago, I took this floor to argue against establishing this special pension for Filipino veterans who fought under U.S. command during World War II. My argument was based on several factors. First, I didn't believe it was the right priority given the other needs that existed in our veterans community. Nothing has changed. There is a greater need in our veterans community today than there was 2 years ago when I argued the need on behalf of our veterans versus Filipino veterans.

Second, I don't think it is appropriate to pay a benefit that is not adjusted for the different standards of living that exist between the Philippines and the United States. Example: Pensions in the United States for veterans achieve an income of 10 percent above the poverty level. The special pension we are talking about during this debate—and the debate 2 years ago—got Filipino veterans to 1,400 percent above Filipino poverty: U.S. veterans, 10 percent above poverty; Filipino veterans, 1,400 percent above the poverty line. We should have called this the Filipino millionaires club.

Finally, I don't think these benefits were ever promised in the first place. I will not get into the exhaustive debate the chairman of the Appropriations Committee and I had 2 years ago. I don't remember a time where anybody told me anything I said was not factual or suggested it was wrong. I made a tremendous case that in the 1930s, these veterans were organized to fight for the soon-to-be-independent Philippine State. They were called under U.S. command in defense of their own homeland.

Let me say that again. They were called under our command to defend their own homeland. The view of the Congress immediately following the war was that care of these veterans was

a shared responsibility. The United States provided a limited array of benefits for Filipino veterans, including disability pay for service injuries, new hospitals, which we later donated to the Philippines, and medical supply donations.

That was the Congress immediately following the war, the decision this body made when this was a fresh remembrance. It was never expected that the United States would provide the same benefits to Filipino veterans as we do for U.S. veterans.

Here is a quote from 1946 made by then-Senate Appropriations Committee chairman Carl Hayden:

[N]o one could be found who would assert that it was ever the clear intention of Congress that such benefits as are granted under . . . the GI bill of rights—should be extended to the soldiers of the Philippine Army. There is nothing in the text of any laws enacted by Congress for the benefit of veterans to indicate such intent.

Again, the chairman of the Appropriations Committee in 1946, commenting on whether we were committed, whether we had promised, whether we had insinuated.

The shared responsibility for Filipino veterans was a view that held across Republican and Democratic administrations for six decades. Proposed pension benefits for Filipino veterans was opposed by every administration in Congress since 1946 up until 2008 when all of a sudden we created the Filipino Veterans Equity Compensation Fund.

Here are some facts surrounding the creation of the fund and why I am concerned with what we are doing today, especially on a bill that is meant to provide relief from recent disasters in the United States and to fund our troops. The Filipino Veterans Equity Compensation Fund was created to make payments to Filipino veterans of World War II in increments of $9,000 or $15,000, depending upon citizenship. This body authorized the creation of the fund and appropriated $198 million to fund it. The fund was later officially created, and the $198 million was officially authorized under the American Recovery and Reinvestment Act, the stimulus package.

Remember the big bill we passed to put Americans back to work? Well, $198 million went to create the Filipino equity fund. I wonder if it created any jobs over there.

By law, Filipino veterans were given 1 year in which to file claims for benefits against the fund. That 1-year period ended February 16, 2010. February, March, April, May—we are a little over 3 months past the deadline for any Filipino veteran who wanted to file a claim to file the claim. The law also required—and this is important—that the Veterans' Administration submit detailed information within the President's budget submission on the operation of the compensation fund, the number of applicants, the number of eligible persons receiving benefits, and the amount of funds paid. I am not sure anybody here would be shocked to learn that we got the President's submission, but there wasn't a VA report in it.

As a matter of fact, in December, when, as ranking member, my staff inquired with the VA what the balance of the Philippine equity fund was, we were well under $198 million having been allocated. That was the end of December. We only had 60 days left for people to actually process their applications before the cutoff date. I find it unbelievable that we would spend almost as much in the last 60 days as we spent in the first 10 months, as people applied for this benefit.

There was no detailed information provided in the President's budget. All that was there was an estimate that the administration expected $188 million to be expended on submitted claims. I turn to my colleague from Maine, but I think the President's budget came in in February or early March, after the deadline. The President's budget said they are going to use $188 million, well short of the $198 million Congress had already appropriated to the Philippine equity fund. At no point in the intervening months since the President submitted his budget were we notified of a shortfall in the fund.

We see the pattern. The pattern is the White House said there was enough money. We had a surplus in there. The Secretary of the VA never told the ranking member, the chairman of the Veterans' Affairs Committee, the White House, or my staff that they were short money.

We will take up at another time with the Secretary of the VA his statutory obligation to submit a report to the Congress, but now we are here.

On May 7, Secretary Shinseki sent a letter to the chairman and ranking member of the House and Senate Appropriations Committees informing them, but not officially requesting, of a $67 million shortfall. Where did this come from? This is like ''Star Trek.'' Just out of the blue, it appears, 3½ months after the deadline for filing. Well, if you look at the amount of disability claim backlogs at the VA, you understand they don't process things very quickly, even for our veterans. But they have processed the Filipinos' a lot faster than they have ours and, more importantly, they have reached out in a supplemental spending bill. It is an emergency. A supplemental spending bill is for emergencies. How does this fit as an emergency? Tell me where this should not be offset? Why should the American taxpayer be required to go out and borrow this money?

I apologize. It is paid for. We are stealing it from the VA. We probably borrowed it to give it to the VA, but now we are stealing it from the VA and giving it to the Philippine equity fund.

I find it interesting that we are rushing to meet this shortfall without understanding how exactly we went from being under budget to being grossly over budget. I say ''grossly.'' We allocated $198 million. The White House projected in February they were going to use $188 million. All of a sudden, we have to take another third in an emergency capacity to make sure they can meet the needs.

One other point I wish to make: There is clear language authorizing appropriations for the Philippine equity fund. Make no mistake. There is authorization language, clear authorization language. I quote from the Recovery Act now, the stimulus package, in reference to the funding for the Philippine equity fund:

It is authorized to be appropriated to the compensation fund $198 million to remain available until expended to make payments under this section.

So even in the underlying bill language, if the underlying bill language is enacted, the VA has no legal obligation to spend it. They have no legal authority to spend it—let me put it that way—because the additional money hasn't been authorized. We authorized $198 million. For the VA to spend more, quite frankly, they do not have the authority, as I read the law, and as I read the language quoted in the stimulus bill, the Recovery Act. This kind of oversight is what happens when matters are rushed through without appropriate vetting.

This week our Nation's debt went above $13 trillion. Spending is out of control, and there is no end in sight. As a nation, over the next 10 years—if we did not borrow another penny—we owe $5.4 trillion in interest payments to service the money we have borrowed. If we compare that to the entire sovereign debt of the European Union, which is $12.7 trillion, we owe almost 50 percent of the entire sovereign debt of the European Union in interest payments over the next 10 years—not in reducing debt, servicing debt.

Although another $67 million to add to the Filipino fund might seem like a drop in the bucket, I do not think it does to people in North Carolina: the soldiers at Fort Bragg, the marines at Camp Lejeune, the airmen at Seymour Johnson, the aviators at Cherry Point, the servicemembers who ship all the ammunition the U.S. military uses out of Sunny Point, the thousands of family members who rely on the health care and the benefits.

We are experiencing an unemployment rate in North Carolina of 10.8 percent. Nationally, we are at about 9.9 percent. At a time when the typical family in North Carolina is struggling to meet the obligations at the end of the month—meaning they buy what they need and not what they want—what does the Congress do? The Congress says the hell with our veterans. Let's take money we have designated and put over here for construction and to build cemeteries and to do maintenance for our veterans—let's take $67 million of it and fund this pot of money that even the Secretary has not justified why they need it.

In a tough fiscal climate, tough choices must be made. I say to the President, I say to the chairman of the Appropriations Committee, we have been more than generous to the Philippines, to the Philippine veterans. But, Mr. Chairman, our needs must be met first—the needs of our veterans, the needs of our economy, the needs of the American people, the protection of the fiscal integrity of this country.

America wakes up every day expecting us to change. Every day they wake up thinking: Maybe Congress will recognize the difficult financial situation we are in—only to see us, in a week like this, where we are desperately trying to borrow another $300 billion, and we claim it is an emergency.

This is not an emergency. If we owe it, it can wait. If we owe it, we should pay for it; we should not borrow it. We should not steal it from the VA. We should not steal it from our children and our grandchildren. We should not steal it from the veterans. If we owe it, let's pay for it.

I had wished to call up this amendment. I hope before we end the debate on this supplemental spending bill—but I do not know—I will put it this way: We will, before we end this supplemental spending bill, have an opportunity to vote on this because I will object to leaving before we will. I will not hold the majority or the minority Members to the floor to hear me rant and rave again, I promise the chairman that. I have said my piece. But I hope they will show me the dignity of voting on it. I hope they prove to America this body still has rules and that we follow those rules.

It is a germane amendment. It gets to the heart of one specific piece of it. Two people can disagree on whether it is an emergency. Two people can disagree on whether it is a priority. But I think the one thing we can all agree on is we can never, ever pay our veterans enough. There is no amount of money, there is no service, there is no benefit we can provide that satisfactorily takes the veterans of this country and thanks them appropriately. We are in this institution because of them, and when we do this future generations question why.

Today, I hope my colleagues question why, and when given an opportunity, vote in support of my amendment and strike this from the bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Hawaii.

Mr. INOUYE. Madam President, it was not my intention to rise, but after listening to the remarks of the Senator from North Carolina, I felt it obligatory that I say something to clarify the record.

I think it is well that we review a bit of the history of World War II. On July 26, 1941, the President of the United States, Franklin Delano Roosevelt, invited the Filipinos, issued a military order, and said: Join our forces in the Far East. If you do, at the end of the war you will be entitled to, well, apply for citizenship and receive all the benefits of a veteran of the United States. That was a promise made by the President of the United States in March of 1942.

After going through the horror of Bataan and Corregidor, the Congress of the United States passed a law doing exactly that: authorizing Filipinos who wished to be naturalized to do so; and upon naturalization, a receipt of citizenship, they were entitled to all the benefits.

Madam President, 470,000 volunteered, and many died as we know. Most of the men who marched in the Bataan Death March were not Americans; they were Filipinos. But then, when the war ended, we did send one member of the Immigration and Naturalization Service to Manila to take applications for citizenship. Before he settled down, he was recalled back to Washington. The Congress of the United States, in March of 1946, repealed that law, denying the Filipinos and reneging on the promise we made.

When I took the oath as a soldier in World War II, after the oath, the company commander told me there are three words that are precious: ''duty,'' ''honor,'' and ''country.'' Duty to your country, never dishonor the country. Show your love for your country.

Well, in this case, it should be apparent to all of us what we did was not right. We made a promise. We were honor bound to those men who served and got wounded. The emergency is very simple: they are dying by the dozens each day. They are old men. Their average age is 87. They do not have too many months left in their lives. That is why it is in this supplemental bill. If we wait another year, who knows how many will be left?

I just wanted the record to be clear this is a matter of honor. We should uphold our promises. We are complaining to other countries when they violate a little portion of a treaty. This was a promise made by Congress and the President of the United States, and we reneged soon after the war. It is so obvious. Would we have done that to other countries?

Madam President, I am glad it is not coming up for a vote because I think it would be a sad day if we voted it down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 4253

Ms. COLLINS. Madam President, I left an important markup of the Senate Armed Services Committee because it was my understanding the Senator from California, Mrs. BOXER, wished to debate an amendment I have pending before this body and she wanted to do so at either 3:30 or 3:45. It is now almost a quarter after 4, and I am told the schedule of the Senator from California has changed. I am very eager, having spent considerable time waiting for her on the Senate floor, to return to the markup. So I am going to give my comments now and try to anticipate the arguments my colleague from California, Senator BOXER, will be making in opposition to the amendment I have offered. It is a little difficult to do it that way, but having waited for some time now, I do need to return to the committee's markup.

My bipartisan amendment is a common sense approach to protecting both jobs and children's health, and it has to do with the new regulation the EPA has put into effect as of April 22 that requires mandatory training for anyone who is involved in disturbing or removing lead-based paint.

Let me say I support the intention of this rule. In fact, along with my colleague from Rhode Island, Senator REED, I have done a great deal of work to try to reduce the exposure of our children to lead-based paint. He and I held joint hearings in Rhode Island and Maine because both of our States have housing stocks that are older than the national average and, thus, have considerable lead-based paints. So I understand how important this issue is, and I support the rule.

Unfortunately, the EPA has completely botched the implementation of this rule because of its inexcusably poor planning, and it did not ensure there was an adequate number of trainers to provide the required classes to ensure that contractors understand the requirements of the new rule. That is why it is probably not surprising that there is a long list of cosponsors of my amendment. They include Senators ALEXANDER, INHOFE, BOND, VOINOVICH, SNOWE, BEGICH, GREGG, MURKOWSKI, COBURN, THUNE, CORKER, BROWN of Massachusetts, HUTCHISON, ENZI and BARRASSO, and I appreciate them joining me as cosponsors of this amendment.

What my amendment would do is prohibit the EPA from using funds in this bill to levy fines against contractors under its new lead paint rule through September 30.

Based on what I have seen in Maine, I believe the lion's share of contractors are awaiting EPA's training classes. Unfortunately, while they wait for EPA to deliver this training, they are at risk of being fined up to $37,500 per day, per violation. While I support EPA's rule because we must continue our efforts to safely rid toxic, lead-based paint from our homes, it is simply not fair to put these contractors at risk of these enormous fines when it is EPA's fault that these contractors have not been able to get the training that is required under the new rule.

The fact is there are not enough trainers in place to certify the contractors. Let me give my colleagues an example. In three States—Louisiana, South Dakota, and Wyoming—there are no trainers available. How is that fair? In my State, as of last week, there were only three EPA trainers for the entire State to certify contractors, and as a result just a little more than 10 percent of the State's contractors have been certified.

Well, what does that mean? That means individuals will be affected, not just big contractors. It is your neighborhood painters; plumbers are affected; window replacement and door replacement specialists. It affects a wide variety of individuals involved in home renovations. They are all affected. They can't get the courses. So that means they can't do these jobs. Here is the ironic result. The ironic and tragic result is that lead-based paint remains in these homes. It can't be removed because the contractors aren't certified to remove it. So that is the irony—the delay of the removal of lead-based paint.

In a State such as Tennessee that has just undergone enormous flooding and is going to require extensive renovation and reconstruction, it is going to bring a lot of that work to a halt because for all of Tennessee there are only three EPA-certified trainers. In a State such as Alaska—think how vast Alaska is—there are only three certified trainers as well. In Hawaii, there are two. In Iowa, there is only one for the whole State. In the Presiding Officer's State of New Hampshire, there are only three—again, not nearly enough.

The rule carries a big penalty for contractors who do not get trained. If contractors who perform work in homes built before 1978 are not EPA certified, they face fines of up to $37,500 per violation, per day. Well, in your State and my State, that is more than many of these painters make in a year—in a year. And how unfair it is that it is the EPA's fault that in many cases these contractors are not certified. They are not certified because they simply cannot get the courses.

Let me give my colleagues another example of the EPA's total mishandling of the planning for this rule. The EPA estimated that it only needed to train 1,400 people in my State—1,400 people. In fact, there are more than 20,000 individuals in the State of Maine who require training. The EPA assumes they are part of large firms and that only one person at each firm needs to be certified. That is just not how it works. In my State—indeed, I bet in most rural States—contractors are often one or two people in a shop. They aren't these big firms. The person who did work on my home replacing the windows just a couple of years ago—and I am glad he did it then before this new rule went into effect—works either alone or with one or two other people to assist him. That is very typical.

There is an assumption by the EPA that contractors specialize, that they only do renovations in old homes or they do new home construction. That isn't true at all, particularly not in this economic environment where the housing industry has been so hurt and depressed. The contractors in my State are hustling to do whatever they can in order to get work and to put food on their table. They work in mixed communities with both older and newer homes. It is simply not fair to require them to give up working in older homes, particularly in a State such as mine which has some of the oldest housing in the Nation.

Here is another assertion by the EPA. The EPA asserts that they did plenty of outreach and that contractors should have known they needed to get training before April 22. Clearly, the EPA did not adequately target its outreach campaign. Writing to Home Depot doesn't do it. That is not sufficient outreach. In fact, the classes were all offered in the southern part of my State, very far from people in Aroostook County in northern Maine, for example, where it could be a 5 or 6-hour drive in order to get the necessary training. When we begged the EPA for more trainers and more help, it took them 7 weeks to even respond with some ideas for getting more trainers in Maine, and even then their proposal showed a complete lack of understanding of the geography of the State and the number of people who would need to be trained.

It also was frustrating because they offered some very expensive classes. EPA, for example, offered a class for $200 in Waterville for people living in Aroostook County. That is almost 5 hours away. So not only were they going to be required to pay $200 for the course, but also they would miss 2 days of work traveling back and forth. That is inexcusable, and that is the kind of insensitivity out of Washington that makes people so alienated from government right now. It is exactly why people are so frustrated.

The EPA will point out the dangers of lead poisoning, and I could not agree more that lead poisoning is a terrible problem and that we have to do all we can to protect our children. But poor implementation of this rule serves no one well, and in fact, as I pointed out, it means lead paint is going to remain in homes that otherwise would have been remediated or mitigated.

This rule is very strict. If you disturb just 6 square feet of paint, then you have to comply with the new rule. So it doesn't just apply to a large contractor doing an extensive renovation; it is going to apply if you are a carpenter replacing one window in a home or if you are a plumber who is helping to put in a new bathroom where there is lead paint or if you are a painter who is painting a new room or an old room in a house. So it has very wide application.

How the EPA so misjudged the number of people who would require training is beyond me. This is so frustrating because it did not need to happen this way and cause such hardship for our small business men and women who are struggling if they are in the construction business right now.

That is why my amendment—a bipartisan amendment with considerable support—has been endorsed by the National Federation of Independent Business, our Nation's largest small business advocacy organization. In fact, the NFIB will consider a vote in favor of my amendment as an NFIB key vote for this Congress. I want to make sure my colleagues recognize that.

I wish to read a portion of the letter from NFIB. Again, as NFIB points out:

> The new EPA lead rule applies to virtually any industry affecting home renovation including: Painters, plumbers, window and door installers, carpenters, electricians, and similar specialists . . . NFIB appreciates the intent of the law . . . However, we continue to be concerned that the tight enforcement deadline unfairly punishes contractors who have not been able to become accredited through no fault of their own.

That is the point. In my State, there are literally hundreds of contractors who are on waiting lists to get convenient classes, and some of them have been on these class waiting lists for as long as 2 months. So this is a real problem, and the high penalty for noncompliance is simply unfair.

I would point out that this is the peak construction season, particularly in Northern States such as ours, I say to the Presiding Officer. We can't bring everything to a grinding halt because the EPA did such poor planning in rolling out this new rule.

I also wish to point out that the amendment has been endorsed by the Retail Lumber Dealers Association and by the Window and Door Manufacturers Association. It is endorsed by the National Home Builders Association. It is endorsed by a number of groups representing small businesses involved in the renovation of homes.

Again—because I can just imagine what is going to come about later when my colleague from California, Senator BOXER, comes to the floor—this is not about repealing this rule. This is about giving more time for the training, the mandatory classes to take place before the EPA steps in and wallops these small businesses, these self-employed painters and carpenters and window installers and plumbers, with huge fines that could put them out of business simply because they have not been able to get the mandatory training due to the EPA's poor implementation of this new rule.

I hope my colleagues will support this amendment. It is a modest, commonsense solution to a problem created here in Washington by officials who are simply out of touch with what is going on in home renovation businesses. I hope my colleagues will support it. All it is doing is giving us a few more months to get people trained. I think that it is reasonable. I ask for my colleagues' support.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest editor proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Madam President, later we will be taking up an amendment I filed to the supplemental appropriations bill—amendment No. 4191—and at that time, with an agreement that is reached by all sides, I will not be asking for a vote on that amendment and will be withdrawing it. I wanted to give the reasons why I will be doing so.

I was pleased that President Obama announced today that he would put on hold the lease-sale 220 site that is off the coast of Virginia for offshore drilling. Let me take us back to March, when President Obama made the announcement that certain parts of our coast—previously off limits for offshore drilling—would now be allowed to go forward with drilling. At that time, Senator MIKULSKI and I sent a letter, issued a statement, making it clear we would resist any efforts to drill off of the Virginia coast 50 miles from the mouth of the Chesapeake Bay. We thought the risk of these drillings were too great with the amount of oil that may have been there.

The President's announcement today takes that issue off the table, at least temporarily. The amendment I offered to the supplemental appropriations bill which, of course, would have been in effect during the use of the funds in the supplemental appropriations, would have prevented any of those funds from being used for drilling off the Atlantic or the straits of Florida. The President's announcement has now taken care of my immediate concern that there could have been an effort to move forward on drilling off of the Virginia coast.

I want to go over the pluses and minuses of this, because I think it is an interesting dynamic here as to the benefits that could have been involved in drilling off of the Atlantic coast.

As I said before, the site that was selected is about 50 miles from the mouth of the Chesapeake, about 60 miles from Assateague Island. If there had been a spill, the prevailing winds, over 70 percent of the time, come into the coast or along the coast. That means if we had a spill, that spill would have had dramatic impact on the Chesapeake Bay, on Assateague Island, on the beaches of Maryland, Delaware, New Jersey, Virginia, and probably the east coast of the United States, and could have caused irreparable harm.

The potential oil that is in site 220 matches about 1 week of our Nation's needs. So the risk-benefit here clearly dictates that we not drill along the mid-Atlantic. And I would like to add one additional factor, and that is there has been concern expressed by the Department of Defense as to moving forward with drilling off the shores of Virginia, because the Navy does operations within this area, and it would have been an encroachment on the ability of the Department of Defense to move forward with its needs. In a time of war, we certainly don't want to jeopardize the Defense needs.

So for all those reasons, the Senators from this region—Senator MIKULSKI, myself, Senator LAUTENBERG, and Senator MENENDEZ—have been arguing very strenuously against moving forward, and that is the reason why I filed amendment No. 4191. Fortunately, the President has removed the immediate concern.

Of course, since his March announcement, we have seen the BP Oil episode in the Gulf of Mexico—this horrific event. By the way, the largest spill we had in the United States—the Exxon Valdez accidental spill—was 10.8 million gallons. We now believe the spill in the Gulf of Mexico currently is approaching 40 million gallons. So we are talking about perhaps as much as three to four times the scope of what happened with the Exxon Valdez.

We know the original estimates were wrong. We don't know the exact estimates. Some say it is even larger than that. But we do know that we have now exceeded the Exxon Valdez as far as the amount of oil that has gone into the Gulf of Mexico and, of course, is traveling. It is traveling, as Senator NELSON points out frequently, along the Loop Current that brings it around the Keys up the east coast of the United States. So this is having a catastrophic environmental impact.

As I have said previously on the floor, the permits for the BP Oil site never should have been granted. The exploration plans spelled out very clearly that there was little risk of a spill, and that if they had a spill, it would not affect our coast because they had proven technology to prevent that from happening. Well, they didn't have proven technology. The blowout preventers had failed on numerous occasions previously, and we know that they misrepresented the facts.

The point I am bringing up is that there is a need for significant change in our regulatory system as it relates to going forward with drilling, and the President is recognizing that today. He announced a moratorium on deep water and he also announced a modification on what is happening in the Arctic. I think all that is the right step moving forward. It is the first step forward, to acknowledge we have a problem. But I want to point out that the areas already available for exploration represent over 70 percent of our known reserves—I think over 80 percent on oil. So we are talking about a very little amount in new areas. And we only have less than 3 percent of the world's reserves. We use 25 percent of the world's oil.

As the President said today, what happened in the Gulf of Mexico should be a real awakening call to our Nation to go forward with an energy policy to make us secure. We cannot drill our way out of this problem. We have to develop renewable and alternative energy sources. We need to be serious about conservation, and we need to look at ways that we can be energy secure and improve our economic outlook by creating jobs and also be friendly toward our environment.

For all those reasons, it makes absolutely no sense whatever to move forward with new explorations along the Atlantic coast.

Although I applaud the President's announcement today—it is a step in the right direction—what we need to do is take this site, lease sale 220, off the table permanently and take drilling in the Atlantic permanently off the table. I assure my colleagues I will be looking for a way in which we can speak to this to provide the legislative authority so drilling will not take place off the Atlantic coast. I know Senator FEINSTEIN is also working on amendments to make sure we do not have any new permits issued until we have a regulatory system in place that we all have confidence is independent and will protect the environment and safety of the American people.

The bottom line is that the American people have a right to expect we are going to do what is right for this country, that we are on their side and we are not just going to listen to what the oil industry wants. We are going to make sure we protect our environment and make sure we have an energy policy that makes sense for America.

I think the President took an important step forward today in his announcements concerning taking this lease site, at least for the moment, off the table so we are not threatened by exploration off the Virginia coast. That was the intent of my amendment. I am very pleased he did that. But I hope this will lead this body to pass legislation to permanently protect the Atlantic coast because, frankly, oil spilled anywhere on the Atlantic coast will affect the entire coast.

We need to be mindful that we all are in this together. Let's work on responsible policies for regulation to make sure our regulators are controlling the drilling that is taking place in the proper manner, and let's work together on an energy policy that makes sense for this Nation, that will make us energy secure and provide for America's future.

With that in mind, when the appropriate time comes to consider amendment No. 4191, I want my colleagues to know why I will not be seeking action on that amendment. I believe the President's actions will protect those of us on the east coast of the United States during this immediate time, during 2010, so we will not have any drilling done. I am satisfied that we have been able to protect our communities from drilling. But I urge us to get together to make sure that is permanent and that it is not changed when perhaps people's recollection of what happened in the Gulf of Mexico might not be quite as fresh as it is today, as we see the consequences of this environmental disaster.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask to be recognized for 2 minutes.

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

AMENDMENT NO. 4221 WITHDRAWN

Mr. ISAKSON. Madam President, in 1 minute I am going to ask for unanimous consent to withdraw amendment No. 4221, which is currently pending on the legislation before us. After discussions with the staff, it is my understanding that the appropriations included in FEMA in this emergency legislation will, in fact, be available to those States that have been approved for funds that did not get them in the last budget because funds ran out. If that is the case, the State of Georgia would, as my intent was, be recognized to be a beneficiary of that. Therefore, I ask unanimous consent that the Isakson amendment, No. 4221, be withdrawn.

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

Mr. ISAKSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Madam President, what is the order now?

The PRESIDING OFFICER. The Menendez amendment to the Reid amendment is the pending question.

Mrs. BOXER. Madam President, would it be in order for me to speak against the Collins amendment, No. 4253, at this time?

The PRESIDING OFFICER. Yes, it would.

AMENDMENT NO. 4253

Mrs. BOXER. Madam President, I hope we are going to defeat the Collins amendment, No. 4253. Let me explain what the amendment does. I want to describe why it is wrong and why it should be defeated.

The purpose of the Collins amendment is to prohibit the EPA, the Environmental Protection Agency, from ensuring compliance with Federal safeguards to protect pregnant women, infants, and children from lead poisoning related to repair and renovation work involving lead-based paint. I think everyone agrees—I don't think there is any dissent—that lead is very dangerous and lead poisons children. We know it is imperative to remove the lead from the child's environment in order to make sure they do not get brain damage.

This amendment is designed to stop the EPA from enforcing that very important safeguard of removing this lead even if businesses were criminally negligent, even if businesses were willfully breaking the law's safeguards. If children were lead-poisoned and had permanent brain damage as a result of inadequate care being taken to protect the public health, EPA still couldn't enforce this law and get rid of the lead. Even if a child died as a result of severe lead poisoning, this amendment says EPA cannot enforce the law here.

The reason that is given by Senator COLLINS for her amendment to prohibit EPA from enforcing this law to protect our kids from lead is that there are not enough trainers available at EPA to train businesses so they are properly trained to do this work. Later on in this statement, I will show why that is false. But let me say that we ought to know what we are getting into here if we start doing things like this. Whose side are we on, anyway—the side of our families or the side of some businesses that do not want to do what has to be done and are using any excuse to get out of doing what needs to be done, which is to get rid of the lead.

On April 22, 2008, EPA issued a rule requiring the use of lead-safe practices to prevent lead poisoning. The rule requires one contractor in a renovation or repair job site to be certified in lead safe job practices. This one contractor can oversee or conduct the work. The rule covers projects at childcare facilities, schools, and homes that were built before 1978, and any facility that contains lead-based paint.

The Bush administration's EPA promulgated this rule after then-Senator Obama worked to get the Agency to conduct the rulemaking. When the Agency started the rulemaking in 2006, the EPA was a decade behind the schedule Congress had set out. Imagine this: It took an extra 10 years to get this regulation in place, and Senator COLLINS wants to stop the enforcement. This is a bad amendment.

Let me tell you about the public health threats EPA's rule is designed to protect. According to the CDC, the Centers for Disease Control, lead is a dangerous toxin that can harm almost every organ and system in the body, and there is no known safe level of lead in children's blood. About 250,000 U.S. children age 1 to 5 have blood lead levels greater than 10 micrograms of lead per deciliter of blood, the level on which CDC recommends public health intervention. When children have that much lead in their bodies, they may have to undergo painful treatments to quickly reduce their blood lead levels. According to the EPA, lead can damage the nervous system, including the brain, which can harm mental development, and it can cause permanent injury to hearing and visual abilities.

Pregnant women, infants, and children are especially at risk from exposure to lead. Exposure before and during pregnancy can harm prenatal development and cause miscarriages. Large exposure to lead can cause blindness, brain damage, convulsions, and even death. The long-term effects of lead exposure in children include higher school failure rates and reduction in lifetime earnings due to permanent loss of intelligence and other impacts.

Let me tell you, Madam President, this is a proven scientific fact. Exposure to lead in children—in all of us is a real problem but especially in children. If we are not on the side of the children in this Senate, I don't know whose side we are on.

This is a very unwise amendment. According to the EPA, 40 percent of homes have some lead-based paint, and annual renovation, repair, and painting projects may impact 1.4 million children under the age of 6. Lead-based paint repair and renovation activities can significantly increase the risk of elevated blood lead in our children. An EPA study found that children living in residences during renovation and remodeling activities were 30 percent more likely to have elevated blood lead levels than children who lived elsewhere.

States from coast to coast recognize the threat lead poses to infants and children, and they recognize that trained individuals should do lead paint repair and renovation work.

In Maine, the State government recognizes that more than 60 percent of Maine homes may contain lead paint. Home renovations caused over half the childhood lead poisonings in Maine.

This is a statement from the Maine government:

It is very important that home repairs in an area with lead paint be done safely and correctly. Improper removal of lead paint can poison you and your children.

This is from the State of Maine. They go on to say:

Every year, hundreds of children in Maine are found to have elevated blood levels. Most children are poisoned by lead hazards in their homes. To protect yourself, your family and any tenants, you can use a licensed lead abatement contractor with workers who have been trained and certified in lead abatement.

In Tennessee, we have a similar warning:

A common source of high-dose lead exposure to young children is deteriorating paint in homes and buildings.

They say:

Hire a certified lead-based paint professional to remove lead-based paint from your home.

In Oklahoma, they say:

Lead poisoning is the No. 1 environmental health hazard for children. Remodeling a house covered in lead paint will create dust and paint chips that can cause lead poisoning if inhaled or ingested. Protect your family from lead during remodeling.

The State says:

If you hire contractors, make sure they understand the causes of lead poisoning and how to stay safe.

In my home State of California, this is what they say:

Lead in paint chips, dust, and soil cling to toys, fingers, and other objects children put into their mouths. This is the most common way children get lead poisoning.

Many construction professionals today still do not know about the harmful effects of lead. They may not even know that simple painting, remodeling, or renovation projects can cause lead poisoning.

I think it is very important to note that industry has had years to understand and prepare for this rule. EPA

began the rulemaking in 2006, and contracting organizations and other stakeholders met and talked with the agency. EPA issued a final rule in 2008. The rule did not go into effect until 2010.

EPA got hundreds of comments during the rulemaking process. The agency has joined with the Coalition to End Childhood Lead Poisoning, the U.S. Department of Housing and Urban Development, and the Ad Council to sponsor a nationwide public advertising campaign to raise awareness of the dangers of lead poisoning to children.

Advertisements are being distributed to more than 33,000 media outlets, and workers are already trained and more workers are receiving training in order to ensure compliance with this rule's safeguards.

Let me tell you, Senator COLLINS has stated on this floor that she supports getting the lead out of our homes, that she supports training the contractors. The reason she is stopping this—and make no mistake, stopping this program, which means more lead poisoning in our children—the reason is, she says, there is not enough trainers.

So we called EPA. I spoke to Senator FEINSTEIN about this, and we find no such thing. According to EPA, States across the Nation have more than enough trainers to handle renovation needs at this point in the year. In areas of States that may be harder to get to the agency has traveling trainers who go from State to State giving classes.

EPA has stated the number of renovators needed to implement the rule during the first full year will be achieved in the next 2 months. They will have trained 363,000 renovators. This means training is ahead of schedule. It is ahead of needs since we are only halfway through the year.

As of May 19, there are 223 accredited training providers offering training across the country; 119 are available to travel to provide training in any State—your State, my State, any State. Most of these trainers are offering multiple training courses each week.

As of May 19, 2010, these training providers have offered over 12,000 renovator certification classes and trained 200,000 to 250,000 renovators. Further, 238 additional training providers have applied to become accredited. When approved, these trainers will more than double the Nation's training capacity.

Let's take a look at Maine. According to EPA, this State is estimated to need 1,300 renovators trained in this first year that the Federal rule protecting people from lead poisoning is in effect. As of May 19, Maine has at least 2,686 trained renovators, and there have been 158 classes provided in the State.

Again, there are 119 traveling providers who can travel anywhere in the country to offer courses. EPA told Senator COLLINS' staff, and we found this out from EPA, that the agency would send such trainers to northern Maine to offer classes in Bangor, where staff said there was a need for more trainers.

EPA asked staff for contact information on the individuals who had called the Senator asking for assistance in getting trained. So far EPA has not received a response. In Maine, believe it or not, there have been cancellations of training classes, and 32 classes have been canceled. EPA believes cancellations occur because they are just not enrolling. So to come here and say there are not enough trainers, when her State has canceled training, just does not add up.

EPA's rules already provide exemptions for emergency situations. For example, the recent floods in Tennessee have damaged many homes that must now undergo renovation. On May 14, 2010, the EPA sent the State of Tennessee a letter announcing that emergency exemptions from the agency's lead paint repair and renovation rule applied in 42 counties that had experienced serious flooding. EPA stated:

It is permissible for individuals to perform immediate activities necessary to protect their property and public health. These actions may include the removal of surfaces containing lead-based paint. Further, these actions need not be performed by a certified individual. To the extent necessary to alleviate the concerns associated with this emergency.

So EPA is being very flexible. They are not saying to people who are trying to recover from a flood: You need to remove the lead. If you need to deal with your home, deal with it. Do not have this added worry. So they are flexible.

Lead hazard information: having a sign to warn people about lead dust hazards, containing lead dust in the work area by using such materials as plastic and tape, lead dust waste handling requirements and certain training and certification requirements. This also has been waived in this Tennessee circumstance.

EPA has said some safeguards still apply to these renovations. But they have exempted them from quite a few. They do not want to see our children exposed. EPA's rules require a simple, commonsense action such as using plastic and tape to control the migration of lead dust, the use of HEPA vacuums that can be purchased at department stores to clean up dust, and a prohibition on certain actions that create extremely serious lead dust hazards. According to EPA, these safeguards add only $35 to the cost of renovation.

I have letters from public health organizations that oppose this amendment. I also have a letter from the EPA explaining why it opposes this amendment. I ask unanimous consent that these be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CENTER FOR HEALTHY HOUSING

PROTECT WOMEN, INFANTS AND CHILDREN FROM LEAD POISONING—OPPOSE AMENDMENT 4253

The undersigned organizations and individuals oppose Senator Collins' Amendment 4253 that would put over 1 million children at risk of irreversible lead poisoning. The amendment would prohibit EPA from spending funds under this emergency supplemental appropriations act to enforce the Agency's rule to require work practices that protect people from health threats caused by repair and renovation work on lead-based paint.

Even though the Act does not provide EPA with any funds to enforce these important requirements, it will put every Senator who votes for it on record as being against EPA enforcing safeguards in the Agency's lead repair and renovation rule. These protections are designed to prevent lead poisoning—a devastating disease that has ravaged our education, judicial, and health care system for far too long. The amendment sets a horrible precedent and if it becomes law, it would put the entire federal government on record against enforcing the safeguards, which may have serious consequences.

The Environmental Protection Agency published the ''Renovate Right Rule'' to protect children from unsafe lead exposure caused by renovations in older homes. Public health organizations have been waiting 18 years for this rule to be implemented and now Senator Collins is threatening to roll back decades of lead poisoning prevention work. The rule requires contractors to follow three simple procedures: contain the work area, minimize dust, and clean up thoroughly. This rule closes a major gap in lead poisoning prevention—with only a modest $35 cost increase per renovation job, according to a 2008 Bush Administration analysis.

Please consider the following facts:

Lead remains the most significant environmental health hazard to children, with over 250,000 children impacted. More than one million children are at risk each year when homes are renovated.

Lead is especially toxic for young children. It can cause permanent brain damage, loss of IQ, behavior and memory problems and reduced growth.

Among adults, lead exposure can result in reproductive problems, high blood pressure, nerve disorders and memory problems.

Countless children have suffered the consequences of lead exposure due to the delays in finalizing the rule. Don't vote for an amendment that will put you on record as being against enforcing these important public health protections.

Sincerely,

Rebecca Morley, National Center for Healthy Housing, Columbia, MD; Bill Menrath, Healthy Homes LLC, Cincinnati, OH; Roberta Hazen Aaronson, Childhood Lead Action Project, Providence, RI; Margie Coons, WI Division of Public Health, Madison, WI; Melanie Hudson, Children's Health Forum, Washington, DC; Yanna Lambrindou, Parents for Nontoxic Alternatives, Washington, DC; Linda Kite, Healthy Homes Collaborative, Los Angeles, CA; Shan Magnuson, Santa Rosa, CA; Bay Area Get the Lead Out Coalition, CA; Fresno Interdenominational Refugee Ministries, Fresno, CA; Jose A. Garcia, lnquilinos Unidos, Los Angeles, CA; Rafael Barajas, L.A. Community Legal Center and Educational, Huntington Park, CA; Jim Peralta, Interstate Property Inspections, Inc., Rochester, NY; Nancy Halpern Ibrahim, Esperanza Community Housing Corporation, Los Angeles, CA; Mark Allen, Alameda County Lead Poisoning Prevention Program, Oakland, CA; Martha Arguello, Physicians for Social Responsibility-Los Angeles, CA.

David Reynolds, Facility Manager, Jackson, MS; Larry Gross, Coalition for Economic Survival, Los Angeles, CA; Jang Woo

Nam, Koreatown Immigrant Workers Alliance, Los Angeles, CA; Leann Howell, Riverside, NJ; Richard A. Baker, Baker Environmental Consulting, Inc., Lenexa, KS; Greg Secord, Rebuilding Together, Washington, DC; Kim Foreman, Environmental Health Watch, Cleveland, OH; Sue Gunderson, ClearCorps USA, Minneapolis, MN; J. Perry Brake, American Management Resources Corporation, Fort Myers, FL; Paul Haan, Healthy Homes Coalition of West Michigan, MI; Andrew McLellan, Environmental Education Associates, Buffalo, NY; Ruth Ann, National Coalition to End Childhood Lead Poisoning, Baltimore, MD; Kathy Lauckner, UNLV-Harry Reid Center for Environmental Studies, Las Vegas, NV; Greg Spiegel, Inner City Law Center, Los Angeles, CA; Kent Ackley, RI Lead Techs, East Providence, RI; Elena I. Popp, Los Angeles, CA; Lana Zahn, from Niagara County Childhood Lead Poisoning Program, Lockport, NY.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, May 27, 2010.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: Thank you for your interest in the amendment proposed by Senator Collins that is aimed at eliminating EPA's enforcement of various regulations that are necessary to protect children from lead based paint poisoning. The stated purpose of this amendment is to ''prohibit the imposition of fines and liability under'' various rules on lead paint, including the Lead Renovation, Repair and Painting Rule.

We oppose the amendment on the grounds that it may set a precedent that Congress seeks to prevent enforcement against criminal actions with respect to the lead rules. The amendment could be interpreted as seeking to stop EPA from taking criminal enforcement action against those who knowingly or willfully violate lead rules, even in egregious cases causing lead poisoning in children. A real possibility exists that a contractor who knowingly or willfully ignores the new lead rules during a renovation would not be held accountable under this language. Furthermore, such an amendment could stop EPA from taking enforcement action against those who improperly perform renovations. Such an amendment could pose lead hazards from renovations to an estimated 137,000 children under age 6 and to one million individuals age 6 and older. Finally, there are 250,000 people who have followed the requirements of the law to become trained and certified. The amendment is inequitable because it favors those who were slow to comply.

Overall, the amendment as written could be read as an expression of the intent of Congress to block implementation and enforcement of the rules on lead based paint. If you or your staff have any further questions regarding our concerns on the amendment, please let us know.

Sincerely,

STEPHEN A. OWENS,
Assistant Administrator.

Mrs. BOXER. I think it is important to take a stand for our children. This would completely shut down this important program. It would say it is put on hold, even in the worst circumstances.

The National Center for Healthy Housing sent a letter: ''Protect Women, Infants and Children from Lead Poisoning—Oppose Amendment 4253.''

Let me tell you, it is signed by some important organizations: The National Center for Healthy Housing in Maryland; the Healthy Homes LLC, in Cincinnati, OH; Childhood Lead Action Project in Providence, RI; Division of Public Health in Madison, WI; Children's Health Forum in Washington, DC; Parents for Nontoxic Alternatives, Washington, DC; Healthy Homes Collaborative, Los Angeles; and Bay Area Get the Lead Out Coalition, CA; Fresno Interdenominational Ministries in Fresno. The list goes on and on, many from California.

Interstate Property Inspections, Inc., in Rochester, NY; Alameda County Lead Poisoning Prevention Program, Oakland, CA; Jackson, MI, a facility manager says no to this amendment. The Coalition for Economic Survival says no. Riverside, NJ, we have a letter from them. We have a letter from Kansas. We have more from Cleveland, from Minnesota, from Florida, the American Management Resources Corporation; Healthy Homes Coalition in Michigan; Environmental Education Associates in Buffalo; Coalition to End Childhood Lead Poisoning in Baltimore, MD. Here is an interesting one. The Harry Reid Center for Environmental Studies in Las Vegas, NV. We ought to make sure our leader knows they have taken a stand here.

The Rhode Island Lead Techs, in East Providence, and from Niagara County, Childhood Lead Poisoning Program.

This is where we stand. Finally, we have a rule in place, and it happens to be that President Obama, when he was a Senator, pushed hard for that rule. It made it through, and there has been long lead time. We are ready to go.

Whenever there is a renovation now, and we know there is lead involved, we have to make sure somebody is trained.

EPA has the trainers. The fact that someone stands on the floor of the Senate and says they do not flies in the face of what I read. We know how many we have. We know there are many who would come on and go anyplace across the country. These training sessions take about 8 hours, and then the person is licensed to do this removal.

That is it. Let's not turn back the clock. Let's not go back to the time that we did not know lead caused these problems. Lead is poison. Lead is poison. We are ready to get it out of these old buildings. We are ready to do it, and I do not see why we should turn the clock back to another time and place and say we are doing it for the reason that there are not enough trainers when there are enough trainers.

That is not right. So I will say at this time, I do not see anybody else here. I hope we will vote down the Collins amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

MEMORIAL DAY

Mr. MCCONNELL. Mr. President, on this upcoming final day in May we will observe Memorial Day, and remember the men and women in uniform who have loved this country and given their lives to defend it. Memorial Day is a time to honor their extraordinary sacrifice.

We have a proud tradition of service in my home State of Kentucky, home to Fort Knox, Fort Campbell and many of our brave troops. Just a few days ago soldiers from the 101st Airborne Division, based out of Fort Campbell, cased their colors in preparation for deployment to Afghanistan. Training the local police force will be a major focus for this mission, the fourth deployment for the division headquarters since 9/11.

More than 10,000 men and women from the 101st are already deployed to Afghanistan, and by the end of August that number will reach 20,000.

In addition, about 3,500 soldiers from the Army's 3rd Brigade Combat Team, based at Fort Knox, are preparing to deploy to Afghanistan soon, as are up to about 2,000 Kentucky Army and Air National Guard members.

Five soldiers from the 101st have died in Afghanistan since January. Every soldier preparing to ship out faces that same risk, but that does not deter them from duty and service. They are working to keep their families back home and all Americans safe.

I have met with many of the family members of soldiers, sailors and marines from Kentucky who gave their lives in service. I have let them know that their loved ones will not be forgotten by this country. And they are not forgotten in the U.S. Senate. We are honored to share this land with such brave heroes.

Mr. President, I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I note that we faced a long discussion about a bill that was just passed out of the Armed Services Committee. I, unfortunately, felt compelled to oppose it, but I appreciate working with the Senator from Illinois as we discussed it.

AMENDMENT NO. 4173

Mr. President, I am disappointed that we are going to vote on this emergency supplemental legislation, not having voted on the amendment I offered, along with Senator CLAIRE MCCASKILL of Missouri, my Democratic colleague. It received 59 votes a few weeks ago. It is designed to help contain our rapacious tendency to spend, spend, spend. We give the phrase ''a drunken sailor spending'' a bad name the way we are spending in this Congress.

I had hoped we would get another vote on it. I am disappointed Senator

REID and the leadership on the Democratic side took action to see that a vote would not occur. I called it up very early in the process, and I am disappointed.

The amendment would have made it more difficult to break the budget and allowed more scrutiny for us before we violate it. The emergency supplemental legislation that is before us violates the budget. Every penny of this is spending beyond the budget. It has items that are not what we think of as emergencies.

If our military men and women have a health problem and there is a condition that requires us to take care of them, that takes extra money. We deal with these issues in the Armed Services Committee. But that is not an emergency. Those kinds of things happen all the time. We are allocating $13 billion for an Agent Orange compensation plan that, I have to say, appears to me to not be written very tightly. Anyone who basically served in Vietnam who has heart disease can apparently claim some benefit under it.

I am not saying that is unjustified. It may be. What I will say is, it is not the kind of thing we should use emergency spending for when the country is going in a wrong direction.

We will soon be voting on tax extenders. I want to send a warning out to my colleagues and to the people who are concerned about the state of the American economy. I will quote some comments that have been said recently.

Keith Hennessey, who is former director of the National Economic Council, wrote this:

House Democrats have modified their ''extenders'' bill and appear to be bringing it to the floor for a vote today. Monday's version would have increased the deficit by $134 billion over the next decade. Today's version would increase the deficit by $84 billion over the same timeframe. What hard choices did the leaders make to cut the net deficit impact by $50 billion? None. They simply extended the most expensive provisions for a shorter period of time.

What did they do? There was a complaint they had $134 billion in increased debt, and they were dealing with some issues. They did not pay for them over a long enough time. They just reduced it.

Mr. Hennessey goes on to say:

The new bill extends the unemployment insurance and COBRA health insurance benefits through November 2010, rather than December of 2010 in Monday's version.

They just reduced it one month to save a little money there and make the bill look a little better. Does anyone doubt we will be coming back to extend it further in the future?

Then he goes on to say:

The Medicare ''doctors' fix'' would extend through 2011, instead of through 2013 . . .

Which means that after this year, our physicians will be back here complaining about the impending 21, 22 percent cut in their Medicare payments. They do not get paid enough now. We cannot cut our physicians 20 percent. They are going to quit practicing and stop doing Medicare work.

What did they do when somebody said: You are increasing the debt too much? We will just pass the doctors fix through the end of this year and push it on to the next, instead of doing it through 2013 like they planned.

He goes on to say:

The Congressional Budget Office has to score the amendment as written, so these two provisions are scored as ''saving'' $50 billion relative to the Monday version. But just as it was unreasonable to assume that the increased Medicare spending for doctors would suddenly drop at the end of 2013, it is similarly foolhardy it will stop [in the future]. They are doing in this bill exactly what they did in the two health care bills that were rammed through in March—shifting some of the spending into future legislation to reduce the apparent cost of the current bill.

Will it work again?

Well, we are going to see.

Mr. President, I would just make one more note. An editorial in today's New York Times titled ''Easy Money, Hard Truths'' by famous hedge fund manager David Einhorn, who lives and dies by Wall Street, moving money, keeping up with interest rates, lays out our budget problem very plainly in his column in the New York Times.

Before this recession it appeared that absent action, the government's long-term commitments would become a problem in a few decades. I believe the government response to the recession—

And let me add, that is the extraordinary spending we have done in the last few months—

has created budgetary stress sufficient to bring about the crisis much sooner. Our generation—not our grandchildren's—will have to deal with the consequences.

He goes on to say:

According to the Bank for International Settlements, the United States' structural deficit—the amount of our deficit adjusted for the economic cycle—has increased from 3.1 percent of gross domestic product in 2007 to 9.2 percent in 2010. This does not take into account the very large liabilities the government has taken on by socializing losses in the housing market. We have not seen the bills for bailing out Fannie Mae and Freddie Mac and even more so the Federal Housing Administration, which is issuing government-guaranteed loans to noncreditworthy borrowers on terms easier than anything offered during the housing bubble. Government accounting is done on a cash basis, so promises to pay in the future—whether Social Security benefits or loan guarantees—do not count in the budget until the money goes out the door.

He goes on to say:

A good percentage of the structural increase in the deficit is because last year's ''stimulus'' was not stimulus in the traditional sense. Rather than a one-time injection of spending to replace a cyclical reduction in private demand, the vast majority of the stimulus has been a permanent increase in the base level of government spending—including spending on government jobs.

He goes on to say:

In 2008, according to the Cato Institute, the average Federal civilian salary with benefits was $119,982, compared with $59,909 for the average private sector worker; the disparity has grown enormously over the last decade.

Inflation from our current high-spending culture is problematic as well. According to Einhorn:

Government statistics are about the last place one should look for inflation, as they are designed to not show much. Over the last 35 years, government has changed the way it calculates inflation several times. According to the Web site Shadow Government Statistics, using the pre-1980 method, the Consumer Price Index would be over 9 percent, compared with about 2 percent in the official statistics today.

He goes on to say this:

At what level of government debt and future commitments does government default go from being unthinkable to inevitable, and how does our government think about that risk? I recently posed this question to one of the President's senior economic advisers.

Mr. Einhorn asked him a very tough question: Is a government default on the horizon? Is it unthinkable or now is it on the way to being inevitable? And this is what Mr. Einhorn said the government adviser to President Obama said:

He answered that the government is different from financial institutions because it can print money, and statistically the United States is not as bad off as some countries. For an investor, these promises do not inspire confidence.

So he goes on to warn about the danger of a crisis where the Treasury seeks to get people to buy our Treasury bills, to buy our bonds, and this is what can happen. He said:

In the face of deteriorating market confidence, a rating agency issues an untimely downgrade, setting off a rush of sales by existing bondholders. This has been the experience of many troubled corporations, where downgrades served as the coup de grace. The current upset in the European sovereign debt market is a prequel to what might happen here.

That is today's warning in the New York Times, and we should take it very seriously.

The bill before us is irresponsible. It spends too much, it creates too much debt, and we should not have done it. We did not have to do it. And the bill that is coming up, the tax extenders, is also irresponsible. It spends too much money. We do not have to do it, and we should not do it.

The American people understand this completely. They tell me about it everywhere I go. Are we in denial in this body? Do we think it is just business as usual; that we can just continue to spend, spend, spend, borrow, borrow, borrow, and then presumably we will just print money and pay our debts, deflating our currency, eroding the value for the good and decent people of this country who have worked hard and saved all their lives? This is not good. The American people are right. No wonder our ratings with the public are so low.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

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

IMBALANCE OF REGULATORY CAPTURE

Mr. KAUFMAN. Mr. President, one of my primary concerns in the debate on

Wall Street reform has been that we should not write legislation that turns all of the major reform proposals over to the regulators. Instead, we should follow on the footsteps of our forebears from the 1930s—those Senators of old who made the tough decisions and wrote bright-line laws which lasted for over 60 years, until they were repealed. I also argued that we should not depend on regulators who had not used powers they already possessed.

Instead, we passed a Senate bill that, in the area of bank regulation, primarily restates existing regulatory powers, provides some general directional authority, and leaves us with the hope that our present regulators will devise and enforce rules that prevent another financial crisis; that a systemic risk council of regulators will be able to detect early warning signals of impending financial instability; that the regulators will impose higher capital standards on systemically significant banks; that the regulators will be able to resolve failing institutions, and so on, and so on, and so on.

Yesterday, a third reason for writing laws and not turning to regulators was brought home to me. It relates to how the Securities and Exchange Commission is studying the incredibly unregulated growth of high-frequency trading.

I am deeply concerned by preliminary reports of the makeup of the SEC panels studying high-frequency trading after the ''flash crash'' of May 6. On that day, the Dow Jones fell almost 1,000 points, temporarily causing a $1 trillion drop in market value. I call on the SEC to make those panels more balanced by adding individuals from outside Wall Street who are truly sincere and knowledgeable about the further actions the SEC may need to take.

In just a few years' time, high-frequency trading has grown from just 30 percent to 70 percent of the daily trading volumes of stocks. These black box computers trade thousands of shares per second across more than 50 market centers with no real transparency—no real transparency—and therefore no effective regulation. If those ingredients—no transparency, no regulation—sound familiar, it might be because those are the same characteristics applied to over-the-counter derivatives.

My concern about the opaque and unregulated nature of high-frequency trading led me to write to SEC Chair Mary Schapiro last August 21, 2009, calling for a comprehensive review of market structure issues. I wrote:

> The current market structure appears to be the consequence of regulatory structures designed to increase efficiency and thereby provide the greatest benefits to the highest volume traders. The implications of the current system for buy-and-hold investors have not been the subject of a thorough analysis. I believe the SEC's rules have effectively placed ''increased liquidity'' as a value above fair execution of trades for all investors.

On September 10, Chair Schapiro responded, saying she recognized the importance of standing up for the interests of long-term investors and would undertake a comprehensive review of market structure issues.

Because I had heard these concerns raised by credible voices, in a speech on September 14, 2009, I predicted some of the events of last May 6. At that time, I said:

> Unlike specialists and traditional market-makers that are regulated, some of these new high-frequency traders are unregulated, though they are acting in a market-maker capacity. If we experience another shock to the financial system, will this new, and dominant, type of pseudo market maker act in the interest of the markets when we really need them? Will they step up and maintain a two-sided market, or will they simply shut off the machines and walk away? Even worse, will they seek even further profit and exacerbate the downside?

On October 28, Senator JACK REED convened a hearing in the securities subcommittee on these issues. He graciously asked me to testify at the hearing, where I said in my first statement:

> First, we must avoid systemic risk to the markets. Our recent history teaches us that when markets develop too rapidly—when they are not transparent, effectively regulated or fair—a breakdown can trigger a disaster.

On November 20, I sent a letter to Chairman Schapiro summarizing some of the hearing testimony and called on the Commission to acted quickly to ''tag'' high-frequency traders and address the systemic risk they pose. On December 3, Chairman Schapiro responded to my letter and wrote that the SEC would issue a concept release in January and put forth two rule proposals that would, respectively, impose tagging and disclosure requirements on high-frequency traders and address the risk of naked access arrangements.

In January, the SEC did indeed issue a concept release, as well as a proposed rule banning naked access arrangements. Unfortunately, it was months later—April 14—before the SEC finally issued the ''large trader'' rule requiring tagging of high-frequency traders. In that proposed rule, the SEC noted that the current data collection system is inadequate to recreate market events and unusual trading activity.

Now think about this. This was back on April 14, before the May 6 thing, and what she said was: In the proposed rule, the SEC noted that the current data collection system is inadequate to recreate market events and unusual trading activity. Is there any question why we don't know yet what happened on May 6?

Then, on May 6, the disaster struck that I and others were worried about. For 20 minutes, our stock market did not perform its central function: discovering prices by balancing buyers and sellers. And as the SEC has noted—both before and after the ''flash crash''—it indeed does not have the data to discover easily the causes of the market meltdown.

It is true that the SEC and CFTC have gone into overdrive since May 6. Indeed, the staffs and Commissioners of both agencies have worked heroically around the clock to try to recreate and study the unusual trading activity of that day. They have kicked into high gear and formed an advisory commission. They have quickly come together to propose two more possible rules: an industry-wide circuit breaker so that if we ever again have another market ''flash crash,'' we won't see absurd prices for some of our Nation's proudest company stocks, and also a long overdue proposal to have a consolidated audit trail across market centers that will finally provide regulators with access to the information they need to police manipulation, understand trading practices, and reconstruct unusual market activity in a timely manner.

After weeks of helpful action by the SEC—when the industry itself was helping the agencies to find band-aid solutions—now is not the time to see the SEC continue with rulemaking by Wall Street consensus.

We may need further action, probably against the interests of those who benefit from the current market design.

Further action only through industry-consensus is a prescription for no change.

This all brings me to why I became so concerned yesterday. As part of the Commission's ongoing market structure review, the SEC has decided to hold a roundtable discussion on June 2—good idea.

I have learned preliminary reports about the make-up of the high frequency trader panel.

Based on those reports, the panel is dramatically out of balance.

It appears as though it was chosen primarily to hear testimony that reinforces the top-line defenses of the current market structure—that high frequency trading provides liquidity and reduces spreads—rather than what it should be doing, a deep dive into the problems that caused severe market dislocation on May 6 and damaged our market's credibility.

I have called on the SEC to add more participants to give the panels some semblance of balance.

Frankly, I find the preliminary reports to be so stacked in favor of the entrenched money that has caused the very problems we seek to address that the panel itself stands as a symbolic failure of the regulators and regulatory system—that is, with the exception of a few brave souls who have been invited to critique the conventional industry wisdom.

Let me read from the comment letters and statements of five of the expected participants.

Not surprisingly, in comments to the SEC and members the industry made prior to the unusual volatility of May 6, each of these five participants reported that—contrary to the concerns I and others had expressed—they think the markets are running as smoothly as ever.

One of the expected panelists wrote:

[O]ver the past 18 months—since the height of the financial crisis—the Commission has been very active with rule making proposals. Nearly all of the issues that may have contributed to diminishing investor confidence have been addressed by Commission rulemaking.

Ironic, after what happened on May 6.

That panelist also wrote:

We believe that the current national market system is performing extremely well. For instance, the performance during the 2008 financial crisis suggests that our equity markets are resilient and robust even during times of stress and dislocation.

Another expected participant wrote in an email sent widely that his exchange—

doesn't believe the equities markets are broken.

To the contrary, we would argue that the U.S. equity markets were a shining model of reliability and healthy function during what some are calling one of the most challenging and difficult times in recent market history.

Another expected participant wrote:

Implementing any type of regulation that would limit the tools or the effectiveness of automation available for use by any class of investor in the name of ''fairness'' would turn back the clock on the U.S. Equity market and undo years of innovation and investment.

That is an interesting comment, because I have always believed that fairness was the hallmark and number one priority of U.S. markets. That is what people say. That is why people come to America. They don't come to invest in some casino game. Liquidity is important, but the key thing for our markets to be credible is fairness.

Another expected panelist sounded a similar note in a comment letter filed before May 6.

All market regulation should be evaluated with respect to its impact on the liquidity and efficiency of equity markets for the benefit of investors . . . For example, certain short-term traders and high frequency traders provide liquidity to the markets. Although some of these short-term traders may differ at times in their goals and overall position vis-a-vis other types of investors, we believe, on the whole, that the liquidity they provide is beneficial to the markets.

I agree with that statement. Liquidity is vital to the strength and stability of our markets.

But on May 6, liquidity vanished, as some of the short-term traders left the marketplace. And for those who didn't, we learned that the liquidity they provide was about 1/100th of an inch deep.

Finally, another panelist co-signed a letter stating:

We believe that any assessment of the current market structure or the impacts of 'high frequency trading' should begin with the recognition that by virtually all measures, the quality of the markets has never been better . . . .

The equity markets have also proven to be remarkably resilient. Despite the significant stresses that occurred during the recent financial crisis, U.S. equity markets remained open, liquid and efficient every day, while other less competitive and less transparent markets failed.

The SEC has picked one voice for the panel—Sal Arnuk of Themis Trading—who has been a vocal and intelligent critic of high frequency trading.

He has valiantly raised questions about market structure and the trading advantages that high frequency traders enjoy, but he is being asked to go up against six Wall Street insiders who will no doubt be primed to argue against his position.

People wonder why Americans have such little faith in Washington, DC. Talk about a stacked deck.

I am particularly concerned by the upcoming SEC roundtable on high frequency trading because it is reminiscent of the one that the SEC held last September on ''naked'' short selling.

Naked short selling occurs when a trader sells a financial instrument short without first borrowing it or even ensuring it can be borrowed. Just a reason on faith that it may be borrowed. What this means is traders can sell something they do not own or have not borrowed. Americans understand you cannot sell something you don't have.

After the SEC's repeal of the 70-year uptick rule in 2007, abusive short selling facilitated the sort of self-fulfilling bear raids on stocks that we saw during the financial crisis.

Since coming to office last year, I have highlighted this serious problem through a series of speeches and letters to the SEC. Along with seven other Senators, of both parties, I also called for pre-borrow requirements and centralized ''hard locate'' system solutions.

In response to those concerns, the SEC held a roundtable last September to examine these proposals.

Unfortunately, like the panel coming up, the panel was stacked with industry representatives even though the industry had done virtually nothing to address what had become a glaring problem.

Listen to the lineup: Goldman Sachs, State Street, and the Depository Trust & Clearing Corporation DTCC, among others, participated.

Not surprisingly, these panelists were resistant to the hard-locate requirement and other serious solutions, even while they generally acknowledged that there are bad actors who engage in naked short selling and don't comply with the current locate system.

DTCC even backed away from discussing the very proposal it had laid before the U.S. Senate.

I fear that an industry-stacked panel in the upcoming roundtable on high frequency trading will be more of the same and will once again dismiss fundamental reforms, ultimately leaving retail and long-term investors with half-measures or none at all.

Why? Because repeatedly we see that regulators are dependent almost exclusively for the information and evidence they receive about market problems on the very market participants they are supposed to be confronting about needed changes.

This is as true in other agencies—we filed the papers just last month and you can see it—like the agency charged with the oversight of oil drilling—as it is at the SEC.

The regulators are surrounded—indeed they consciously choose to surround themselves—by an echo chamber of industry players who are making literally billions of dollars under the current system.

Who speaks to the regulators on behalf of the average investor?

Who outside of the industry itself has access to the data that only the industry controls?

Who other than the market players who have invested so much of their capital into the very systems that profit and serve their own interests has the analytical capability to lead the SEC in a different direction?

We must have evidenced-based rules in our system, we are told.

But when all the evidence comes from Wall Street, who is going to stop Wall Street from once again pulling the wool over the SEC's eyes?

The events of May 6 demonstrate that technological developments have outpaced regulatory understanding. If we are to ensure our markets are safe from future failures—because the markets did fail their primary function on May 6th—regulators must catch up immediately.

Competition is critical in our markets and has led to many positive developments. But with competition, we also need good regulation. Just like we need referees on the field who will blow their whistles when the game becomes rigged. In football, we don't let the players make up the rules during the game.

So, we need action from our regulators, not negotiation. We need independent leadership by the SEC, not management by consensus with Wall Street.

Again, I call on the SEC to rebalance these panels. The Commission will never be able to catch up if it hears mostly from those who will fight to maintain the status quo.

The SEC must hear from those who speak for long-term investors and others who use our capital markets, not just from those who profit from high frequency trading.

The American people deserve no less.

I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from South Carolina.

Mr. DEMINT. Mr. President, because I was not allowed to offer my amendment as part of the regular order, in a moment I will move to suspend the rules to offer my amendment that will set a deadline to complete 700 miles of double layer fencing on our Southwest border, as is required by current law.

If any Member of the Senate stood up today and said that we should not seal the oil leak in the gulf until we have a comprehensive plan to clean it up, we would all say that is absurd. Certainly we need to seal that leak as quickly as possible to minimize the cleanup later.

But that is exactly the kind of logic the President and my Democratic colleagues are using when it comes to immigration. They are insisting we will not secure our borders until Republicans agree to a comprehensive plan with some form of amnesty and road to citizenship for those who have come here illegally. This is a debate we have had before and it was not settled here as much as it was out across America.

Americans have said: Secure the border first. The big immigration bill we were trying to pass in 2006 failed because Americans finally convinced Senators that our first job is to secure the border; otherwise, any immigration policy is irrelevant.

At that time we made a promise to the American people and passed a law that we would build 700 miles of double layer fencing in areas where pedestrian traffic is the biggest problem. We have seen that where that has been implemented it has been effective. But, unfortunately, since 2006, even though we were promised this could be done in a year or two, only 34 miles of double layer fencing has been built since we passed this law. In other words, the Federal Government is ignoring its own law at the peril of the citizens in Arizona, Texas, and those all over the country. By not keeping our promises, by not enforcing the law, we have created devastation and war on our southern border with Mexico.

Thousands of Mexicans have been killed. We encouraged drug cartels all over the world to ship their goods through our borders. Arms trafficking, human trafficking—we have mass chaos on our border because we will not do what we know works.

The President is saying we have done over 90 percent of the fencing that we promised, but this is the virtual fencing that the chief of border security has said has been a complete failure. There are only 34 miles of the 700 miles that we promised our country and put into law.

My amendment does not make new law. It just sets a deadline, that the fence we promised will be completed within the next year.

MOTION TO SUSPEND

Mr. President, I move to suspend the provisions of rule XXII, paragraph 2, including germaneness requirements for the purpose of proposing and considering my amendment, No. 4177.

I ask for the yeas and nays and reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent it be in order for Senator DEMINT to be recognized. That has already happened so we don't have to worry about that because he was recognized, because he has already moved to suspend Senate rule XXII.

I appreciate his understanding and finishing his remarks as quickly as he did. The amendment he is offering is in regard to border fence completion. I ask the Senator, does he still need time to speak, additional time?

Mr. DEMINT. If someone speaks against it, I will reserve 1 minute to respond.

Mr. REID. I would like the agreement to indicate if someone speaks against the DeMint amendment, that he be entitled to equal time in opposition thereto.

I further ask unanimous consent there be no amendment in order to the DeMint motion to suspend; that upon the use or yielding back of the time, the Senate then proceed to vote with respect to the DeMint motion to suspend; that if the DeMint motion to suspend is not agreed to, then no further amendment or motion on this subject of the DeMint motion be in order; that upon disposition of the DeMint motion, the Senate resume consideration of the Collins amendment, No. 4253, and there be 2 minutes of debate remaining prior to a vote in relation thereto, with the time equally divided and controlled between Senators BOXER and COLLINS or their designees, with no amendment in order to the Collins amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Collins amendment; that upon disposition of the Collins amendment, the Senate then consider the Burr amendment, No. 4273, with an Inouye side-by-side amendment No. 4299; that the amendments be debated concurrently for 8 minutes, equally divided and controlled between Senators INOUYE and BURR or their designees; that upon the use or yielding back of time, the Senate proceed to vote with respect to Inouye amendment No. 4299 to be followed by a vote in relation to Burr amendment No. 4273; that upon disposition of these two amendments, all remaining pending amendments be withdrawn, with no further amendments in order except a managers' amendment which has been cleared by the managers and leaders; and if offered, the amendment be considered and agreed to and the motion to reconsider be laid upon the table; that all postcloture time be yielded back with no further intervening action or debate; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill, as amended, without further intervening action or debate; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the Appropriations Committee appointed as conferees; provided further that the cloture motion with respect to the bill be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, if I can just say, before anyone says anything, if we complete this, these will be all of the votes for the evening and the week. We are waiting for the House to do action on the extenders package, a jobs bill. The latest information I have is that they will not complete that until sometime late this evening. I have spoken to the Republican leader on several occasions. We are going to have several days to take a look at this because I understand it is going to come to us in pieces, not all as one bill.

We will take a look at that. We will start to work on that the Monday we get back. We are going to work to have a vote on that Monday we get back. I think it is June 7. We do not know what the vote will be on, but we will have it on probably a nomination. We are trying to figure out what that will be. I do not think we will be ready to start any actual voting on the so-called extenders package.

The Republican leader and I have talked about that. There are certain amendments that people have indicated they would like to offer to that. I think, frankly, it works better to allow people to offer amendments. There is no reason to move forward on any procedural effort to curtail that at this time.

The next work period is 4 weeks. That is all we have. We have so many things to do, and we are going to do our best to get the extenders done. We have a small business jobs matter that we need to move to. It is so important for our country's economy. We have talked about this for months now.

We have a bipartisan food safety bill that we need to do. That would be a good time to do that. And we have a number of other issues we will try our best to work through as quickly as we can. I appreciate everyone's cooperation this week. This gives great relief to the Pentagon. The House, that is supposed to complete their work on this bill today, did not.

So that is something we will have to take a look at, what they do, and get the conference completed as quickly as we can.

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

The DeMint motion to suspend the rules is pending.

The majority leader.

Mr. REID. Mr. President, pending what the House does, there will be some unanimous consent requests offered on both sides as I understand. But everyone should be aware of that later this evening maybe.

I do not have anyone here to speak on the DeMint amendment.

The PRESIDING OFFICER. The Senator from South Carolina has asked for the yeas and nays. Is there a sufficient second? There appears to be. If there is no further debate, the question is on agreeing to the DeMint motion to suspend the rules.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 52, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—45

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brown (MA)	Gregg	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Tester
Collins	Kyl	Thune
Corker	Landrieu	Vitter
Cornyn	LeMieux	Wicker

NAYS—52

Akaka	Franken	Nelson (FL)
Begich	Gillibrand	Pryor
Bennet	Hagan	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Sanders
Brown (OH)	Johnson	Schumer
Burris	Kaufman	Shaheen
Byrd	Kerry	Specter
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Udall (CO)
Carper	Lautenberg	Udall (NM)
Casey	Leahy	Voinovich
Conrad	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NOT VOTING—3

Chambliss	Lincoln	McCaskill

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 52. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

AMENDMENT NO. 4253

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4253, offered by the Senator from Maine.

The Senator from Maine.

Ms. COLLINS. Mr. President, I ask that I be notified when I have 30 seconds remaining, which I am going to yield to the Senator from Tennessee.

Mr. President, the Senator from California has misrepresented what my amendment would do. It does not repeal or change the requirement that EPA has for people to be trained before they remove lead-based paint. But the fact is, the EPA rolled out this new proposal, this new requirement, without having the training courses available. It is not fair to slap huge fines on contractors when it is the EPA's fault the classes have not been available. So this amendment just delays those fines until September 30 to allow more time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the worst natural disaster since the President took office was the recent flooding in Tennessee. There are 13,000 painters, plumbers, carpenters in Nashville alone, who have 11,000 structures to work on. They will get fined up to $37,500 a day if they disturb six square feet of lead paint in a home unless they get this certificate, and there are only three EPA trainers in the entire State of Tennessee to train them. This is making it harder and more expensive for people to get their homes fixed after the flood. Senator COLLINS has a reasonable amendment to give them until September to get their certification. Earlier today my colleague on the Environment and Public Works Committee, Senator BOXER, said that the EPA had granted a waiver to Tennessee because of the President's disaster declaration for 45 counties. Well that is true. However, the waiver means that if your basement was flooded—and there was lead paint—then you could bulldoze the house but not repair the basement. That's not the kind of relief we were looking for in Tennessee. Thank you, Mr. President, and I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, first, let me say to the Senator from Tennessee, in his State all the counties that had flooding are exempt from this rule. I have the letter from the EPA, and I spoke with them about it.

Secondly, let us not go back on this important issue. Lead is very dangerous, particularly for pregnant women, infants, and children. This amendment would stop any funds in this bill from being used to enforce the EPA's lead paint renovation program, which was put into place by President Bush's EPA.

There is a training program, and my friend from Maine says there are not enough trainers. There are so many trainers that there are 119 of them who are ready to travel to each and every State, and already they are ahead of the training. Mr. President, 360,000 people will be trained in the next 2 months.

What this amendment does is rewards the contractors who did not get the training and it hurts the others. I urge a strong ''no'' vote.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to Amendment No. 4253, which would prevent the U.S. Environmental Protection Agency from enforcing its lead paint renovation rule.

As we all know, lead poisoning can lead to learning and behavioral disorders so it is absolutely vital that all precautions are taken to protect children from exposure to lead paint. EPA issued the Lead Paint Renovation Rule because more than one million of America's children are still being poisoned by lead-based paint in their homes.

This new rule, which was finalized on April 22nd of this year, requires that contractors receive lead paint abatement training and certification from EPA to do work in certain facilities like homes, schools and day care centers.

I certainly appreciate the concerns that Senator COLLINS, Senator ALEXANDER and other members have raised on behalf of contractors who have had difficulty getting access to their required training particularly in States like Tennessee that have recently experienced natural disasters.

Two weeks ago when the Committee marked up this bill, I committed to Senators COLLINS and ALEXANDER that my staff and I would work with them, and with EPA, to see if their concerns could be addressed.

Our staffs worked with EPA for several days, but unfortunately, we were not able to come to an agreement regarding an administrative solution to this problem. However, I want to emphasize that EPA has gotten the message that Members are concerned, and they are taking steps to improve the situation.

EPA had already indicated in an April 20, 2010 memorandum that it does not plan to take enforcement actions against firms who applied for certification before the rule took effect on April 22nd and are just waiting for their paperwork to be approved.

Now they are focusing on making more training opportunities available. An estimated 250,000 contractors have already been trained, and EPA has committed to help make additional training classes available in under-represented areas and areas affected by natural disasters so that contractors in those areas aren't unduly impacted by this rule.

EPA is also working to increase the number of training providers. As of May 19th, there were 223 accredited providers offering lead paint abatement training across the country, including 119 providers that travel to multiple States.

EPA tells me that 238 additional training providers have also applied to become accredited. When approved, these trainers will more than double the nation's training capacity.

I understand that some of my colleagues continue to be concerned that EPA still has not done enough. However, this amendment is not the solution we are looking for.

Supporters of this amendment have portrayed it as a common-sense solution that simply allows contractors additional time to get lead paint abatement training required by the rule.

In reality, passing this amendment would put the United States Senate on record as supporting efforts to prevent EPA from fining those who knowingly violate the provisions of the rule—even if those actions result in lead poisoning of children.

A contractor who willfully takes no precautions to contain or confine lead contaminated paint chips would be given a reprieve. I am also concerned that this amendment could excuse renovators from complying with the most basic containment and cleanup measures.

I appreciate the concerns that my colleagues have raised. But this amendment is simply a bridge too far. Loosening protections against childhood lead poisoning is the wrong message to send.

That is why the Administrator of the Environmental Protection Agency, Lisa Jackson, and the Chairman of the Committee on the Environment and Public Works, Senator BOXER, oppose this amendment. I urge my colleagues to join me in opposing this amendment as well.

The PRESIDING OFFICER. The Senator's time is expired.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the remaining votes in this sequence be limited to 10 minutes each.

The PRESIDING OFFICER. Is this objection?

Without objection, it is so ordered.

The question is on agreeing to the Collins amendment.

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—60

Alexander	DeMint	Lugar
Barrasso	Dodd	McCain
Baucus	Dorgan	McConnell
Begich	Ensign	Murkowski
Bennet	Enzi	Nelson (NE)
Bennett	Graham	Pryor
Bingaman	Grassley	Risch
Bond	Gregg	Roberts
Brown (MA)	Hagan	Rockefeller
Brownback	Hatch	Sessions
Bunning	Hutchison	Shaheen
Burr	Inhofe	Shelby
Byrd	Isakson	Snowe
Coburn	Johanns	Tester
Cochran	Johnson	Thune
Collins	Kohl	Udall (CO)
Conrad	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	LeMieux	Webb
Crapo	Lieberman	Wicker

NAYS—37

Akaka	Gillibrand	Nelson (FL)
Bayh	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (NM)
Casey	Levin	Warner
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NOT VOTING—3

Chambliss	Lincoln	McCaskill

The amendment (No. 4253) was agreed to.

The PRESIDING OFFICER. Under the previous order, there will be 8 minutes of debate equally divided to run concurrently on amendment No. 4273 to be offered by the Senator from North Carolina and amendment No. 4299 to be offered by the Senator from Hawaii.

The Senator from Hawaii.

AMENDMENTS NOS. 4299 AND 4273

Mr. INOUYE. Mr. President, on May 7, Secretary Shinseki sent a letter informing me that the Department underestimated the number of eligible Filipino veterans, especially those who have become U.S. citizens, in calculating the amount needed for this program. More than 42,000 applications were received. Based on the actual applications received before the deadline, the Department has recalculated the estimates and identified a shortfall of $67 million.

The provision included in this supplemental does not cost a dime. It simply allows any savings, currently unobligated and not assigned to any ongoing project, which the VA realizes is the result of a favorable contract environment, to be transferred to the Filipino Veterans Equity Compensation Fund and/or retained for authorized major medical facility projects of the Department of Veterans Affairs. It does not mandate this transfer. It simply gives the VA the flexibility should the Department want to transfer the funds for these purposes.

Just a reminder: In July of 1941 President Roosevelt invited the Filipinos to volunteer and join the American forces, and 470,000 volunteered. In March of 1942 this Congress passed a law stating that Filipinos who volunteered may, after the war, apply for citizenship and receive all the benefits of American citizenship. In March of 1946 this Congress reneged and repealed that law.

We must fulfill this commitment the country made to the Filipino veterans who fought so bravely under our command because to deny the VA authority to transfer to this account would renege on our commitment and would send a dangerous signal that the Senate may not honor past and future commitments to veterans.

Is the amendment up for consideration?

The PRESIDING OFFICER. It needs to be called up.

AMENDMENT NO. 4299

Mr. INOUYE. Mr. President, I ask unanimous consent to call up my amendment No. 4299.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 4299.

The amendment is as follows:

(Purpose: To allow unobligated balances in the Construction, Major Projects account to be utilized for major medical facility projects of the Department of Veterans Affairs otherwise authorized by law)

On page 41, line 14, insert before the colon the following: ''or may be retained in the 'Construction, Major Projects' account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate''.

Mr. INOUYE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Who yields time?

The Senator from North Carolina.

AMENDMENT NO. 4273

Mr. BURR. Mr. President, I ask unanimous consent to call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 4273.

Mr. BURR. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike section 901, relating to the transfer of amounts to the Filipino Veterans Equity Compensation Fund)

On page 41, strike lines 10 through 24.

Mr. BURR. Mr. President, I have deep respect for the chairman of the Appropriations Committee. He said earlier this afternoon that President Roosevelt made a promise. I can tell my colleagues I had my staff go to the Roosevelt Library. We didn't just leave it up to the study done by the Senate. We can find no promise—no promise by President Roosevelt, no promise by General MacArthur, no promise by individuals who were intricately involved in the commitments at the end of the Second World War in the Pacific. In fact, we did take care of those Filipinos who served as scouts for the U.S. services, and they got full VA benefits.

What we are talking about—and this is not the purpose of this discussion—is a continuation, an addition to the Filipino equity fund. Two years ago we passed legislation creating that fund. We appropriated $198 million, and we allowed 1 year from the enactment for any Filipino who wanted to claim to, in fact, put in an application. That deadline was February 16. At the end of December, my staff talked to the VA, and they had obligated under $100 million.

The legislation at the time required the Secretary of the VA to submit in the President's budget this year a detailed report of the number of applications and, more importantly, a breakdown of how much money and to whom it went. That was not supplied in the President's submission to Congress.

When the President's budget came, the President's budget said they needed $188 million, $10 million short of the $198 million we had already appropriated. Now out of the clear blue sky, Secretary Shinseki sent a letter to the Appropriations Committee chairman and said: We need another $67 million. Well, the deadline was February 16, before the President's budget was constructed. There was no explanation as to what it is going to be used for and no understanding of to whom this money goes.

I want my colleagues to listen. What my amendment does is strike this from the bill. What Senator INOUYE's amendment does is give the Secretary the option to leave the money where it is or to divert the money to the Philippine equity fund. I will assure my colleagues the Secretary will divert it. Where does it come from? It comes from already appropriated money that is in the construction fund at the VA for hospitals, for outpatient clinics, for national cemeteries, and for the maintenance of the facilities for our veterans.

This is wrong. If there is an obligation we have to keep, it is to our veterans—ones who rely on the best facilities to deliver care to them.

Once again, I ask my colleagues to vote against the Inouye amendment and vote for the Burr amendment.

I thank the Chair.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Is there further debate on the amendment?

If not, the question is on agreeing to the Inouye amendment No. 4299.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 35, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—60

Akaka	Conrad	Landrieu
Baucus	Dodd	Lautenberg
Bayh	Dorgan	Leahy
Begich	Durbin	Levin
Bennet	Feingold	Lieberman
Bingaman	Feinstein	Menendez
Bond	Franken	Merkley
Boxer	Gillibrand	Mikulski
Brown (OH)	Gregg	Murkowski
Burris	Harkin	Murray
Byrd	Inouye	Nelson (NE)
Cantwell	Johnson	Nelson (FL)
Cardin	Kaufman	Pryor
Carper	Kerry	Reed
Casey	Klobuchar	Reid
Cochran	Kohl	Rockefeller
Sanders	Stabenow	Warner
Schumer	Tester	Webb
Shaheen	Udall (CO)	Whitehouse
Specter	Udall (NM)	Wyden

NAYS—35

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hagan	Sessions
Burr	Hatch	Shelby
Coburn	Inhofe	Snowe
Collins	Isakson	Thune
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker
Crapo	LeMieux	

NOT VOTING—5

Chambliss	Lincoln	Vitter
Hutchison	McCaskill	

The amendment (No. 4299) was agreed to.

VOTE ON AMENDMENT NO. 4273

The PRESIDING OFFICER. Under previous order, the question is on agreeing to amendment No. 4273.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Louisiana (Mr. VITTER), and the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hagan	Sessions
Burr	Hatch	Shelby
Coburn	Inhofe	Snowe
Collins	Isakson	Thune
Conrad	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NAYS—58

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (FL)
Bayh	Gillibrand	Pryor
Begich	Gregg	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Specter
Byrd	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Warner
Cochran	Lieberman	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	
Feingold	Murkowski	

NOT VOTING—5

Chambliss	Lincoln	Vitter
Hutchison	McCaskill	

The amendment (No. 4273) was rejected.

AMENDMENT NO. 4184, AS MODIFIED, AND AMENDMENT NO. 4213, AS MODIFIED

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the previous order be modified to provide that amendments Nos. 4184, as modified, and 4213 as modified not be withdrawn.

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

Under the previous order, all remaining pending amendments to the substitute are withdrawn, except amendments 4184, as modified, and 4213, as modified, offered by the Senator from Louisiana.

The Senator from Hawaii.

AMENDMENTS NOS. 4178, 4205, 4217, 4222, 4224, 4245, 4246, 4249, 4260, 4280, 4184, AS FURTHER MODIFIED, 4259, 4255, 4248, 4200, 4213, AS MODIFIED, 4251, AS FURTHER MODIFIED, AND 4287, AS MODIFIED

Mr. INOUYE. Pursuant to the order, I call up the managers' package, which is at the desk.

The PRESIDING OFFICER. Under the previous order, the managers' package is considered and agreed to and the motion to reconsider is considered made and laid upon the table.

The amendments were agreed to, as follows:

AMENDMENT NO. 4178

(Purpose: To facilitate a transmission line project)

On page 79, between lines 3 and 4, insert the following:

RIGHT-OF-WAY

SEC. ___. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN-49781/IDI-26446/NVN-85211/NVN-85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled ''Southwest Intertie Project'' and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

AMENDMENT NO. 4205

(Purpose: To make a technical correction)

On page 81, between lines 23 and 24, insert the following:

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion

of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

AMENDMENT NO. 4217

(Purpose: To provide for the submittal of the charter and reports on the High-Value Detainee Interrogation Group to additional committees of Congress)

On page 26, between lines 2 and 3, insert the following:

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

AMENDMENT NO. 4222

(Purpose: To limit the use of funds for the Department of Veterans Affairs for the presumption of service-connection between exposure of veterans to Agent Orange during service in Vietnam and certain additional diseases until the period for disapproval by Congress of the regulation establishing such presumption has expired)

At the end of chapter 9 of title I, add the following:

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading ''VETERANS BENEFITS ADMINISTRATION'' under the heading ''COMPENSATION AND PENSIONS'' may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the ''Congressional Review Act''), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

AMENDMENT NO. 4224

(Purpose: To make a technical correction related to Amtrak security in the Consolidated Appropriations Act, 2010)

On page 81, between lines 23 and 24, insert the following:

SEC. 3008. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

AMENDMENT NO. 4245

(Purpose: To add a provision relating to commitments of resources by foreign governments)

On page 58, line 19, after the period insert the following:

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' for Afghanistan, Pakistan and Iraq, up to $300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

AMENDMENT NO. 4246

(Purpose: To strike a technical clarification)

On page 69, strike lines 4 through 8.

AMENDMENT NO. 4249

(Purpose: To modify a condition on the availability for funds to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan)

On page 55, line 20, strike ''and'' and all that follows through ''such commissions; and'' and insert the following: ''has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and''.

AMENDMENT NO. 4260

(Purpose: To clarify that non-military projects in the former Soviet Union for which funding is authorized by this Act for the purpose of engaging scientists and engineers shall be executed through existing science and technology centers)

Beginning on page 66, line 24, strike ''activities'' and all that follows through ''notwithstanding'' on page 67, line 2, and insert ''projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding''.

AMENDMENT NO. 4280

(Purpose: To require the Administrator of General Services to make publicly available the contractor integrity and performance database established under the Clean Contracting Act of 2008)

On page 81, between lines 23 and 24, insert the following:

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: ''In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.''.

AMENDMENT NO. 4184, AS FURTHER MODIFIED

(Purpose: To require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico at full Federal expense)

On page 30, between lines 6 and 7, insert the following:

SEC. 4____. (a) The Secretary of the Army may use funds made available under the heading ''OPERATION AND MAINTENANCE'' of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast Region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this seciton.

AMENDMENT NO. 4259

(Purpose: To require assessments on the detainees at United States Naval Station, Guantanamo Bay, Cuba)

On page 81, between lines 22 and 23, insert the following:

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

AMENDMENT NO. 4255

(Purpose: To make a technical correction)

On page 81, between lines 23 and 24, insert the following:

SEC. 3009. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the

heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

AMENDMENT NO. 4248

(Purpose: To authorize the Secretary of State to award task orders for police training in Afghanistan under current Department of State contracts for police training)

On page 56, between lines 17 and 18, insert the following:

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

AMENDMENT NO. 4200

(Purpose: To make a technical correction)

On page 34, line 5, strike ''prior'' and all through page 34, line 7, and insert the following: appropriations made available in Public Law 111–83 to the ''Office of the Federal Coordinator for Gulf Coast Rebuilding'', $700,000 are rescinded.

AMENDMENT NO. 4213, AS MODIFIED

(Purpose: To provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis)

On page 81, between lines 23 and 24, insert the following:

SEC. 30___. COASTAL IMPACT ASSISTANCE.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

''(e) EMERGENCY FUNDING.—

''(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

''(A) consistent with subsection (d); and

''(B) specifically designed to respond to the spill of national significance.

''(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursal of the funds under paragraph (1).

''(3) STATE REQUIREMENTS.—

''(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.''.

AMENDMENT NO. 4251, AS FURTHER MODIFIED

(Purpose: To provide funds for drought relief, with an offset)

On page 71, line 21, strike ''$15,000,000'' and insert ''$25,000,000''.

On page 28, between lines 3 and 4, insert the following:

SEC. 4___. EMERGENCY DROUGHT RELIEF.

For an additional amount for ''Water and Related Resources'', $10,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West:

AMENDMENT NO. 4287, AS MODIFIED

(Purpose: To provide fisheries disaster relief, conduct a study on ecosystem services, and conduct an enhanced stock assessment for Gulf of Mexico fisheries impacted by the Deepwater Horizon oil discharge)

On page 79, between lines 3 and 4, insert the following:

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2002.

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

IN GENERAL.—Of the amounts appropriated or made available under Division B, Title I of Public Law 111–117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, $26,000,000 of the amounts appropriated are hereby rescinded.

CDBG AND EDA FUNDING

Mr. REED. Mr. President, I rise to enter into a colloquy with the chairman, Mr. INOUYE, and vice chairman, Mr. COCHRAN, of the Senate Appropriations Committee, as well as my colleague from Tennessee, Mr. ALEXANDER.

I want to thank my colleagues who have recognized the needs of Rhode Island, which is struggling to overcome the effects of the worst flooding in centuries in midst of the worst economic environment in generations. Indeed, Rhode Island was among the first States to sink into recession. In the last 2 years it has consistently ranked among the top three States in unemployment, with as much as 13 percent of the workforce without jobs. As my colleagues know, Rhode Island has been fortunate for many decades until now to have avoided the kind of major natural disaster damage that has affected so many other States. When those disasters have occurred in other States, there has been no question about the support of the people of Rhode Island or our State's congressional delegation for Federal disaster assistance. I am grateful that in the midst of challenging fiscal environment that the committee, on a bipartisan basis has included assistance for flood-impacted States, specifically Rhode Island and Tennessee. I am particularly grateful for the inclusion of additional community development block grant, CDBG, and economic development assistance, EDA, grant funding, along with a reduction of the non-Federal cost share for FEMA assistance. I also appreciate the challenge of including this funding while trying to stay within the President's top-line request for emergency funding. In the past, the committee has had greater flexibility in responding to emergencies, including in 2008 when over $20 billion was provided to States with major disasters in that year. Given the comparatively limited funding available, I would like to ask the chairman and vice chairman to help clarify the intent of the funding included in the underlying bill, specifically that the intent with respect tothe CDBG and EDA funding provided in the bill is to assist hard-hit communities in Rhode Island and Tennessee. I would

ask my colleagues for their support in maintaining this position in negotiations with the House on the final package.

Mr. INOUYE. Mr. President, the Senator from Rhode Island is correct about the intent of the funding provided here. As the Senator knows, the Appropriations Committee's capacity to provide additional funding for disaster recovery is constrained by the President's top-line number for emergency supplemental appropriations. Given the relatively modest funding available in comparison to previous disaster supplemental appropriations bills, the intent is to focus CDBG and EDA assistance on Rhode Island and Tennessee, where the underlying economic need is greatest. We will work to clarify and maintain that position during conference with the House.

Mr. COCHRAN. Mr. President, I concur with the chairman. The scale of need in both States is significant. While I know the committee would have liked to accommodate a greater amount of funding for Tennessee and Rhode Island, as well as other States, the need to stay within the top-line number in the administration's request has limited the amount of funding available. Given the limited funding available, it is appropriate to focus on States where the underlying economic need is greatest, and I will work to maintain the position described by the chairman.

Mr. ALEXANDER. Mr. President, I thank the chairman and the vice chairman for their comments and their work on this bill, particularly the assistance they have worked to provide to my state. As my colleagues know, the amount of property damage in Tennessee may be more than $10 billion and is the worst natural disaster since President Obama has been in office. While the funding in this bill is important and significant for Tennessee and Rhode Island, it represents only the beginning of what is needed in my state, and I ask for the chairman and vice chairman's continuing support for additional funding for recovery efforts in Tennessee.

Mr. INOUYE. Mr. President, I thank the Senator from Tennessee for his comments, and we will continue to work with him and the Senator from Rhode Island to help address the needs of their States.

Mr. ALEXANDER. Mr. President, I thank the chairman and vice chairman for their commitment and the assistance they have already extended to my State in this bill.

Mr. REED. Mr. President, I thank also my colleagues for their assistance and look forward to working with them to secure passage of this important bill.

AMENDMENT NO. 4251, AS MODIFIED

Mr. MERKLEY. Mr. President, I ask unanimous consent that my as modified amendment No. 4251 to printed in the RECORD.

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

The amendment, as modified, is as follows:

On page 27, line 7, strike ''$173,000,000'' and insert ''$163,000,000''.

On page 28, between lines 3 and 4, insert the following:

SEC. 4___. EMERGENCY DROUGHT RELIEF.

For an additional amount for ''Water and Related Resources'', $9,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West:

Mr. LEAHY. Mr. President, amendment No. 4245 to H.R. 4899, the fiscal year 2010 supplemental appropriations bill, provides the Department of State with authority to transfer up to $300,000,000 between the ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' accounts in chapter 10 of the bill, to respond to potential increases in the cost of security for civilian personnel. This authority is not intended to be used to support site development or construction of permanent consulates or other such facilities.

Mr. President, I want to speak briefly about a heinous crime that occurred in El Salvador that has yet to be solved. On June 18, 2009, Gustavo Marcelo Rivera, an activist and community leader from the city of San Isidro, Cabaas, was kidnapped. His tortured remains were found on July 1 at the bottom of a dry well in the village of Agua Zarca. The cause of death apparently was asphyxiation, and evidence reportedly indicated that his kidnappers may have kept him alive for several days before murdering him.

It is my understanding that four suspects, gang members, have been identified by the Attorney General's office as key suspects in the crime. Apparently, the prosecutor's hypothesis is that Mr. Rivera was with these gang members and was killed after a heated argument; in other words, that his death was a common crime, not a political assassination.

There is reason to suspect otherwise. Mr. Rivera was a well known community leader. He was the founder and director of the Casa de la Cultura in San Isidro, a member of the departmental board of the FMLN party, and the director of the Association of Friends of San Isidro Cabaas. He had been a defender of the environment, and he was outspoken in his opposition to industrial mining by the Canadian mining company Pacific Rim in San Isidro. In addition, I am informed that during the January 2009 municipal elections, Mr. Rivera and other leaders denounced suspected electoral fraud in his municipality. As a result of his activism, Mr. Rivera was the target of threats and accusations and someone reportedly tried to run over him with a car. In addition, the brutal manner in which he was tortured and killed suggests that this was a premeditated crime that may have been intended as a warning to other community activists.

Crimes like this are all too common in El Salvador today, and they concern not only the Salvadoran people but those of us who follow developments in that country. Rarely are competent investigations performed, and almost never is anyone convicted and punished. Impunity is the norm.

I urge the Attorney General to conduct a thorough, transparent, and credible investigation to ensure that not only those who tortured and killed Mr. Rivera are brought to justice, but anyone who may have ordered such a heinous crime is also prosecuted and punished. Democracy is fragile in El Salvador and it cannot survive without a functioning justice system and responsible judicial authorities who have the people's confidence.

I have strongly supported assistance for El Salvador. In the supplemental appropriations bill we have been debating this week, I included $25,000,000 for El Salvador to help rebuild schools, roads, and other infrastructure that was damaged or destroyed during Hurricane Ida last November. Some 150 Salvadorans lost their lives in that disaster. Those funds were not requested by the President in the supplemental bill. I included them because I felt we should help El Salvador rebuild.

But I also feel strongly about justice in El Salvador, whose people suffered from years of civil war during the 1980s. Human rights defenders, journalists, and community activists are increasingly threatened and killed. How the Rivera case is resolved will be a measure of whether the Government of El Salvador is serious about defending the rights of its citizens who courageously speak out against injustice, and upholding the rule of law.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The committee amendment in the nature of a substitute, as amended, is agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

Mr. INOUYE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: The Senator from Georgia (Mr. CHAMBLISS), the Senator from Louisiana (Mr. VITTER), and the Senator from Texas (Mrs. Hutchison).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 28, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—67

Akaka	Durbin	Mikulski
Alexander	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bennett	Inouye	Reed
Bingaman	Johanns	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Burris	Kohl	Snowe
Byrd	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	LeMieux	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Warner
Collins	Lugar	Webb
Conrad	McConnell	Whitehouse
Dodd	Menendez	
Dorgan	Merkley	

NAYS—28

Barrasso	Enzi	Risch
Brownback	Feingold	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Coburn	Gregg	Thune
Corker	Hatch	Voinovich
Cornyn	Inhofe	Wicker
Crapo	Isakson	Wyden
DeMint	Kyl	
Ensign	McCain	

NOT VOTING—5

Chambliss	Lincoln	Vitter
Hutchison	McCaskill	

The bill (H.R. 4899), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. INOUYE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title amendment is agreed to.

Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees.

The Presiding Officer (Mr. WARNER) appointed Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. TESTER, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Ms. MURKOWSKI conferees on the part of the Senate.

UNANIMOUS CONSENT REQUEST—H.R. 4853

Mr. GRASSLEY. As the majority struggles in an attempt to pass another massive deficit spending bill through Congress, biodiesel plants in Iowa and 42 other States continue to lay off workers because the Democratic-controlled Congress has not extended the biodiesel tax credit. This is a simple and noncontroversial tax extension that will likely reinstate more than 20,000 jobs nationwide and about 2,000 jobs in my State of Iowa alone.

These jobs have fallen victim to a tactic used by the Democratic leadership to hold this popular and noncontroversial tax provision hostage to out-of-control deficit spending here in Washington.

This past February I worked out a bipartisan compromise with Chairman BAUCUS to extend the expired tax provisions, including the biodiesel tax credit. However, the Senate majority leader decided to put partisanship ahead of job security for thousands of workers, and that compromise did not move ahead.

So I am here again to try to put thousands of Americans back to work producing a very clean and renewable fuel. Therefore, I ask unanimous consent to proceed to H.R. 4853; that my substitute, which contains a 1-year extension of the biodiesel and renewable diesel tax credits for all of the year 2010, be agreed to, and the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, reserving the right to object, and it is not with great pleasure, I object to the request offered by my good friend from Iowa. This provision he is seeking unanimous consent about is one of the provisions in the larger tax extenders bill that the House is working on and attempting to pass tonight. They are laboring mightily but so far have not been able to pass the extenders job legislation that would contain the provision mentioned by the Senator from Iowa. This is the tax credit for biodiesel and renewable diesel. It has created jobs. It is a good provision.

I might say to my friend, the jobs are now lost because it expired. It expired the end of last year. We will extend this provision. We should extend it and we will extend it. We are not able to extend it tonight by itself. Why? Because many other Senators have specific provisions in the job extenders legislation that are particularly applicable to their States.

One I am particularly interested in is the property tax deduction, irrespective of whether the taxpayer itemized his or her deductions.

There will be a time, when we get back after the recess, to try to get these provisions passed so jobs are created. But we have to do it together as a package. We can't do it singly, separately, tonight. I want to tell my good friend from Iowa I will work with him when we get back after the recess. For the time being I feel obliged to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. HARKIN. Mr. President, on the Executive Calendar, I ask unanimous consent the Senate proceed to executive session to consider en bloc Executive Calendar Nos. 427, 493, 494, 688, 500, 501, 521, 556, 581, 588, 589, and a number of others that the minority, I am sure, is aware of, and it includes all nominations on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps and Navy—these are military people waiting to get their increases in rank. They have all been cleared and they need to be cleared so they can get their increases in rank—that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, that no further motions be in order, that any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action and the Senate resume legislative session.

These are nominees, as I said. First of all, they are military people waiting for their increase in rank. But it is also people such as Brian Hayes, a member of the NLRB; Mark Pearce, member of the NLRB, et cetera, et cetera.

Craig Becker, member of the NLRB; Anthony Coscia, Amtrak board of directors; Mark Rosekind, member of the NTSB. Here is David Lopez, general counsel of the EEOC. Here is Michael Punke, Deputy U.S. Trade Representative; Islam Siddiqui, Chief Ag Negotiator for the U.S. Trade Representative; Jeffrey Moreland, director of Amtrak; Carolyn Radelet, Deputy Director of the Peace Corps; Lana Pollack, Commissioner of U.S. International Joint Commission for the U.S. and Canada. And there are a number of others. I will not go through them all. They are a number of people who need to be in place to make our government work and run. That is who we are trying to ask unanimous consent that we can get them confirmed.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. Mr. President, I would say to my good friend from Iowa, the majority leader and I have been working on a package of nominations. Unfortunately, we are snagged over one particular nomination which has already been defeated by the Senate, and that was the nomination of Craig Becker to be on the NLRB. The President then recessed Mr. Becker and recessed a Democratic nomination to the NLRB but not a Republican nominee to the

NLRB. There is a fundamental lack of equity and fairness involved, and that has been a significant hindrance in coming to a consent agreement.

Obviously, before we leave we will clear the military nominations. Those are really not in dispute. But typically what happens here before a recess, the majority leader and I get together and we try to work out as many of these as we can. To just clear the whole calendar involves, in addition, clearing judges who just got out of committee this week. We have a way that we sequence those who have been acceptable to both sides.

In short, I have not seen every single name on the list of the Senator from Iowa, but it is simply not the way we are going to go forward, certainly not this evening.

Accordingly, I would now ask unanimous consent that the Senate proceed to executive session to consider en bloc the following list of nominations that I will send to the desk. This is a list of approximately 60 nominations from the Executive Calendar.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Iowa.

Mr. HARKIN. I say to my friend from Kentucky, fairness and equity? OK. Let's talk about fairness and equity. Let's talk about this. Mr. Becker was brought up in our committee last fall, along with Mark Pearce and Mr. Brian Hayes. They all went through our committee—bipartisan. Mr. ENZI, the ranking Republican on our committee, voted for that, and so did the Senator from Alaska, Ms. MURKOWSKI.

The names were then forwarded to the Senate. They came to the Senate, and the leadership on the Republican side decided to filibuster—decided to filibuster. We had an agreement to move this package forward on the National Labor Relations Board.

Fairness and equity? Since 1985, we have never had a hearing for a member to be on the National Labor Relations Board who wasn't nominated for Chair because when the Republicans were in power, they would have their people, we would have ours, we would agree, and they would go through. That is what we did last fall with Mr. Becker and Mr. Pearce and Mr. Hayes. And I thought things were fine. That is the way we have always done things. We agreed. We came out on the floor. And then the Republican leadership decided to filibuster—decided to filibuster.

Well, what happened then was that at the end of the year—I want to set the record straight here—what happens is at the end of the last session, there is always a unanimous consent to carry over the calendar, the Executive Calendar, from one session to the next.

One Senator, the Senator from Arizona, Mr. MCCAIN, objected to Mr. Becker. Under the rules of the Senate, then Mr. Becker had to go back to the White House and get renominated and sent back to the Senate.

The Republicans asked for a hearing on Mr. Becker. Now, mind you, we have never had a hearing on one of these people since 1985. As the chair of the relevant committee, I did not have to have a hearing. But I decided, Mr. Becker has nothing to hide. He is willing to confront and answer all questions in open session. So I agreed to have a hearing.

I could have had a hearing on Mr. Hayes, also, the Republican, but I said: No, we do not have to do that.

So I had a hearing. We brought Mr. Becker before the committee, in open session, to answer any questions anyone asked him. If I am not mistaken, I think only three people showed up to ask him questions. But what they did is they submitted questions in writing. The Republicans submitted 440 written questions to Mr. Becker, almost twice what they did for Justice Sotomayor going on the Supreme Court. There were 440 written questions, and Mr. Becker obliged and answered all of those questions. Well, the Republicans still objected—still objected.

Now the minority leader says he failed a vote in the Senate. That is not true because there was a filibuster. We needed 60 votes to overcome the filibuster. When we brought up Mr. Becker's name, he got 52 votes on the Senate floor. Quite frankly, he would have had more, but there were several Senators who were absent because of weather conditions. I know who said on the RECORD that they would have supported him. So it is not quite right when the minority leader says Mr. Becker did not get approved on the Senate floor. He did. He just could not get the 60 votes to overcome the Republican filibuster.

So, again, you know, Mr. Becker is well qualified. Even my Republican colleagues freely admitted that in the committee, that he was well qualified. Do you know what their objection was? He comes from a union background. He comes from a union background. To the Republicans, that is a mortal sin. Well, if you are Catholic, you know what that means. That is a mortal sin. That is unforgivable to Republicans to have a union background.

As I said, he was willing to answer any questions. He did, in writing. I have heard nothing—nothing from the Republican side pointing to some answer he gave that would disqualify him from being on the NLRB. They have simply drawn a line in the sand and said that because he has a union background, they are not going to support him and they are going to filibuster.

So here we are. We wanted to get through all of those nominations tonight. I read some of them. I did not read them all. Ambassador to the Slovak Republic, Ambassador to the Dominican Republic, Ambassador to Niger, Deputy Director of the Peace Corps—they will not let them go through. Why? Because of one person—Mr. Becker—who has a union background and they do not want him on the NLRB.

Well, Mr. Becker has a recess appointment. He did get a recess appointment from the President. But they will not let him get a full appointment by the President. And they are willing to stop everything, stop every nomination because of their objections to Craig Becker even through Craig Becker got 52 votes here on the Senate floor.

So when the minority leader talks about fairness and equity, well, I think the fairness and equity is on this side of the aisle on this one. I am sorry to say that a lot of these people will not get their nominations. But, again, the Republicans do not care. They do not care. They would just as soon the government stop everything.

Do they care whether we have enough people in the Peace Corps to run the Peace Corps? They do not care. Do they care whether we have an Ambassador to the Slovak Republic? They do not care. Do they care if we have members on the TVA, the Tennessee Valley Authority, board of directors? Obviously not. They have been holding up these nominees for a long time. This is not the first time they have held up these nominees.

So fairness and equity? Well, I wish the minority side would show a little fairness and equity when it comes to decency and to abiding by agreements. We had an agreement. We had an agreement to move these people through as a package. We did that in committee. That agreement was broken by the Republicans, not by the Democrats.

I am sorry to have to take this time on the floor to correct my friend from Kentucky on fairness and equity, but I think the public has a right to know why we are where we are right now and who is responsible for the fact that we cannot get nominations through here on the Senate floor.

I yield the floor, and 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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

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

Mr. DURBIN. I was trying to get down here when Senator HARKIN was completing his remarks, to join him, because I am as concerned as he is about the impact of these nominations that still remain on our Executive Calendar here at the Senate.

This publication comes out on a daily basis to tell us which nominations have been sent to the floor of the Senate by the committees. They do not reach the floor of the Senate until a process is followed which involves nomination by the President of the United States, an investigation of the nominee by agencies of the government and by our committees, and then consideration of those nominees.

Many committees have hearings where the nominees are called before them. Questions can be asked. They certainly are in the Judiciary Committee where I serve. Then, at the end of the day the committee decides whether to submit this nominee's name for the consideration of the full Senate.

So the fact that Senator HARKIN came to the floor this evening is an indication of the frustration many of us feel about what has happened.

So far since President Obama took office last year, the Senate has had rollcall votes on 51 nominations. There are others who have been approved without rollcalls. But of those 51 nominations which were subjected to rollcall votes, 22 were confirmed with more than 90 votes and 18 were confirmed with 70 votes or more. That means that almost 80 percent of those nominees have passed with overwhelming support.

Many of those votes took place after lengthy delays. In other words, these men and women who agreed to serve our Nation and to serve the President and made personal sacrifices to do that went through the long and arduous process, made it to the Senate calendar, and then had to wait. On average, the President's nominees have languished on this Senate calendar for over 105 days, with many taking much longer; more than 3 months for those who were sent to the Senate floor. I know because some of these nominees are people I have met and worked with, even people I have recommended to the President. It is an uneasy feeling to be nominated, to be waiting for your opportunity to serve in positions large and small, and then to be told, day after weary day, that the Senate just did not get around to it.

This week the Executive Calendar contains more than 107 names of nominees. More than 85 percent of those nominees came through the committee process with overwhelming support. Point of comparison for those who will say: The Republicans may be playing games now with nominations, but I am sure you Democrats did the same thing to President Bush.

Not true. At this time in President George W. Bush's Presidency, there were exactly 13 nominees on the calendar. There are over 107 nominees on the calendar at this moment. There is no comparison.

It is time for the Republicans to stop abusing the Senate's responsibility to provide advice and consent on the President's well-qualified nominees. If I take a look at some of these nominees, it is troubling because they are overwhelmingly qualified for the jobs for which they have been recommended.

The Illinois nominees currently on the calendar include Craig Becker to be a member of the National Labor Relations Board. He was recess-appointed after waiting for 16 weeks on the calendar. Mary Smith to be Assistant Attorney General, she has been on the calendar for more than 16 weeks. Gary Scott Feinerman, to be U.S. district judge for the Northern District of Illinois, has been waiting 6 weeks. He is a man eminently qualified who was passed out of the Judiciary Committee by voice vote. Sharon Johnson Coleman, another nominee from Illinois to be U.S. district judge, again approved by voice vote unanimously, has been sitting on the calendar for 6 weeks. Robert Wedgeworth to be a member of the National Museum and Library Services Board, has been waiting for 4 weeks; Carla D. Hayden, to be a member of the National Museum and Library Services Board, another 4 weeks; and Darryl McPherson, who we would like to have serve as a U.S. marshal in the Northern District of Illinois. He was just sent to the calendar. This is an indication. In the Northern District of Illinois, several years ago, we had the tragic murder of the family of a U.S. district court judge. So when we talk about filling the position of U.S. marshal in that particular district, it is because we know that there is a vulnerability for the men and women serving the government as judges, a vulnerability which resulted in a tragedy for one of our more celebrated and liked Federal judges in Chicago.

Why would we hold up this man's nomination? Wouldn't we want the U.S. marshal in place doing his job? It is an important responsibility administratively, but it is equally important to protect the men and women in the judiciary. Why would we want to delay that when we have been through the tragic murder of a family in the Northern District of Illinois?

That is why I wanted to join Senator HARKIN. We are leaving now for a little over a week over Memorial Day. Many of us will be back home for Memorial Day, then moving around in different places. This calendar will sit here for another 10 or 12 days. The men and women whose names are in nomination will wait another 12 days or 2 weeks before they can be considered. In the meantime, their lives are on hold. Their service to our country is delayed. The President's ability to put his team together has been diminished by this strategy from the Republican side.

Tonight Senator HARKIN tried to move 51 of these nominees. Senator MCCONNELL objected. It is unfortunate, truly unfortunate, that we don't step forward and give these men and women a chance to serve the government and give the President a chance to have those in place who will make his administration complete. That is the only fair thing for us to do.

I hope when we return we will come to our senses and take a different strategy. More than 107 men and women whose names are on this calendar are waiting for us to make that decision. In fairness to the President and to the Nation, I hope we make it with dispatch.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, as the Senate recesses for Memorial Day, I wish the Republican leadership had worked with us to clear the nominations that have been pending on the calendar for far too long. There is now a backlog of 26 judicial nominees awaiting final Senate action. Nineteen of the 26 were reported by the Judiciary Committee without a single negative vote from any Republican or any Democratic Senator on the committee. There is no reason, nor is there any excuse, for the Senate not having promptly considered and confirmed those judicial nominees. Two other nominations received only one or as few as four negative votes. That means that six of the seven Republicans voted in favor of Judge Wynn to the Fourth Circuit, and nearly half the Republicans on the committee supported Jane Stranch's nomination to the Fourth Circuit, as does Senator ALEXANDER. Still Republicans refuse to enter into time agreements on those nominations, the four others or, for that matter, any of the 26 judicial nominations they are stalling from consideration and confirmation.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. By this date in President Bush's Presidency, the Senate had confirmed 57 of his judicial nominees. Despite the fact that President Obama began sending us judicial nominations 2 months earlier than President Bush had, the Senate has only confirmed 25 of his Federal circuit and district court nominees to date.

Federal judicial vacancies remain over 100 around the country. Yet 26 judicial nominations considered and favorably reported by the Senate Judiciary Committee remain stalled awaiting final Senate action. The Senate should vote on all of them without further obstruction or delay.

Before the Memorial Day recess in 2002, there were only six judicial nominations reported by the Senate Judiciary Committee and awaiting final consideration by the Senate. They had all been reported within the last week before the recess began. This year, by contrast, Republicans have stalled nominations reported as long ago as last November. Only one of the 26 was reported close to this recess. The others, more than two dozen, have all been languishing without final action because of Republican obstruction. This is not how the Senate should act, nor how the Senate has conducted its business in the past. This is new and it is wrong.

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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

TRIBUTE TO JOSEPH FLYNN

Mr. DURBIN. Mr. President, I rise to congratulate Joseph Flynn, a constituent and friend, on the occasion of his 90th birthday. It has often been said that our Greatest Generation is comprised of those Americans who pulled the country out of the depths of the Great Depression and went on to lead the Allies to victory in World War Two. My friend Joe Flynn is a quintessential member of that generation. One of 11 children born to immigrant parents in Chicago, he exemplifies the virtues of love of family, devotion to country, generosity to neighbors, and unstinting hard work.

Growing up in Chicago's Old Town neighborhood, the guiding light of Joe's life was his mother, Mary. She instilled in him the moral foundation that continues to guide him to this very day. Joe began his working life while still a boy, hawking newspapers on Chicago street corners and stocking shelves in the neighborhood grocery store. When Joe was just out of his teens, he, like so many other young men of his time, faced the prospect of his country going to war and calling on him to do his part.

Except Joe didn't wait for his country to call—he enlisted in the Army 2 months before the attack on Pearl Harbor.

Joe spent the next 4 years in the Army serving as a medic in the 941st Field Artillery. His unit landed on Omaha Beach shortly after D-day, was among the first American units to enter a liberated Paris, and saw action at the Battle of the Bulge.

Despite all that, Joe—never one to complain—says that he had an easy war. His opinion is that the American men and women in uniform today are the ones with the tough duty. They are the ones that this old soldier respects.

Coming home to a country at peace, Joe married his girlfriend, Martha Tampa, herself a veteran of the Women's Army Corps. They raised six children: Tim, Joe, Anne, Martha, Deborah and Kevin. Joe and Martha had been married for more than 57 years when Martha passed away, but if you ask Joe, he will no doubt tell you she is still very much alive in his heart.

To provide for his family, Joe worked at the A. Finkl & Sons steel mill. He supervised the loading of multiton pieces of machined steel onto trucks to keep America's industrial base supplied. He rose at 4:30 a.m. to take a CTA bus to his job, and he often worked 60 hours or more to earn the precious overtime money his family needed to pay for their mortgage, their groceries, and their education.

As hard as Joe worked, when he got off the bus at night, he would run a half mile home because he couldn't wait to see his family. After greeting Martha and his kids, he would sit down and call his mother.

The people Joe loves are everything to him, and he now has nine grandchildren and two great-grandchildren: Ryan, Meghan, Gwyneth, Gillian, Dylan, Ashley, Brittney, Courtney, Caitie, Ethan and Oliver. He also holds dear his children's spouses and significant others: Doug, Catherine and Bill.

Joe's politics are simple. Being a lifelong working man—who still mows his own lawn and cleans his own gutters—he believes that the working men and women of the United States deserve their fair share of the country's prosperity in the good times and its help in the hard times.

History doesn't often record people like Joe as being great men, but as his family will tell you, he is the greatest example of a good man they know.

SANCTIONS ON IRAN

Mr. KYL. Mr. President, on May 25, Robert Kagan, a senior associate at the Carnegie Endowment for International Peace, wrote a column in the Washington Post explaining that Russia's recent agreement to tighten sanctions on Iran is not as significant as the Obama administration has claimed.

Dr. Kagan wrote that the Obama administration paid a high price to get Russia to agree to ''another hollow U.N. Security Council resolution'' and that the Russians ''sometimes used to say and do more'' during the Bush administration. It is unclear to me what the administration can point to as the fruits of the Russia reset, at least as far as the United States is concerned.

Mr. President, I ask unanimous consent to have Dr. Kagan's column printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Washington Post, May 25, 2010]

A HOLLOW 'RESET' WITH RUSSIA

(By Robert Kagan)

It took months of hard negotiating, but finally the administration got Russia to agree to a resolution tightening sanctions on Iran. The United States had to drop tougher measures it wanted to impose, of course, to win approval. Nevertheless, senior Russian officials were making the kinds of strong statements about Iran's nuclear program that they had long refused to make. Iran ''must cease enrichment,'' declared Russia's ambassador to the United Nations. One senior European official told the New York Times, ''We consider this a very important decision by the Russians.''

Yes, it was quite a breakthrough—by the administration of George W. Bush. In fact, this 2007 triumph came after another, similar breakthrough in 2006, when months of negotiations with Moscow had produced the first watered-down resolution. And both were followed in 2008 by yet another breakthrough, when the Bush administration got Moscow to agree to a third resolution, another marginal tightening of sanctions, after more negotiations and more diluting.

Given that history, few accomplishments have been more oversold than the Obama administration's ''success'' in getting Russia to agree, for the fourth time in five years, to another vacuous U.N. Security Council resolution. It is being trumpeted as a triumph of the administration's ''reset'' of the U.S.-Russian relationship, the main point of which was to get the Russians on board regarding Iran. All we've heard in recent months is how the Russians finally want to work with us on Iran and genuinely see the Iranian bomb as a threat—all because Obama has repaired relations with Russia that were allegedly destroyed by Bush.

Obama officials must assume that no one will bother to check the record (as, so far, none of the journalists covering the story has). The fact is, the Russians have not said or done anything in the past few months that they didn't do or say during the Bush years. In fact, they sometimes used to say and do more. Here's Vladimir Putin in April 2005: ''We categorically oppose any attempts by Iran to acquire nuclear weapons. . . . Our Iranian partners must renounce setting up the technology for the entire nuclear fuel cycle and should not obstruct placing their nuclear programs under complete international supervision.'' Here's one of Putin's top national security advisers, Igor S. Ivanov, in March 2007: ''The clock must be stopped; Iran must freeze uranium enrichment.'' Indeed, the New York Times' Elaine Sciolino reported that month that Moscow threatened to ''withhold nuclear fuel for Iran's nearly completed Bushehr power plant unless Iran suspends its uranium enrichment as demanded by the United Nations Security Council''—which prompted the Times' editorial page to give the Bush administration ''credit if it helped Moscow to see where its larger interests lie.'' Nine months later, of course, Russia delivered the fuel.

It remains to be seen whether this latest breakthrough has greater meaning than the previous three or is just round four of Charlie Brown and the football. The latest draft resolution tightens sanctions in some areas around the margins, but the administration was forced to cave to some Russian and Chinese demands. The Post reported: ''The Obama administration failed to win approval for key proposals it had sought, including restrictions on Iran's lucrative oil trade, a comprehensive ban on financial dealings with the Guard Corps and a U.S.-backed proposal to halt new investment in the Iranian energy sector.'' Far from the comprehensive arms embargo Washington wanted, the draft resolution does not even prohibit Moscow from completing the sale of its S–300 surface-to-air missile defense system to Tehran. A change to the Federal Register on Friday showed that the administration had lifted sanctions against four Russian entities involved in illicit weapons trade with Iran and Syria since 1999, suggesting last-minute deal sweeteners.

What is bizarre is the administration's claim that Russian behavior is somehow the result of Obama's ''reset'' diplomacy. Russia

has responded to the Obama administration in the same ways it did to the Bush administration before the ''reset.'' Moscow has been playing this game for years. It has sold the same rug many times. The only thing that has changed is the price the United States has been willing to pay.

As anyone who ever shopped for a rug knows, the more you pay for it, the more valuable it seems. The Obama administration has paid a lot. In exchange for Russian cooperation, President Obama has killed the Bush administration's planned missile defense installations in Poland and the Czech Republic. Obama has officially declared that Russia's continued illegal military occupation of Georgia is no ''obstacle'' to U.S.-Russian civilian nuclear cooperation. The recent deal between Russia and Ukraine granting Russia control of a Crimean naval base through 2042 was shrugged off by Obama officials, as have been Putin's suggestions for merging Russian and Ukrainian industries in a blatant bid to undermine Ukrainian sovereignty.

So at least one effect of the administration's ''reset'' has been to produce a wave of insecurity throughout Eastern and Central Europe and the Baltics, where people are starting to fear they can no longer count on the United States to protect them from an expansive Russia. And for this the administration has gotten what? Yet another hollow U.N. Security Council resolution. Some observers suggest that Iran's leaders are quaking in their boots, confronted by this great unity of the international ''community.'' More likely, they are laughing up their sleeves—along with the men in Moscow.

Robert Kagan, a senior associate at the Carnegie Endowment for International Peace, writes a monthly column for The Post.

HONORING OUR ARMED FORCES

Mr. COCHRAN. Mr. President, I wish to acknowledge Memorial Day, which provides us with an opportunity to take time out from our busy lives to remember and honor those men and women who have made the ultimate sacrifice to protect the United States and the liberties we hold dear.

Mississippians have a strong affinity for our national defense, with thousands of brave citizens volunteering to serve in the Armed Forces. We also understand that, unfortunately, we will lose loved ones as part of that dedication.

The very first Memorial Day, originally known as Decoration Day, was observed in 1868 by decorating the graves of Civil War soldiers, and since then Americans have set aside a time each year to honor their fallen heroes.

Columbus, MS, proudly claims to be the birthplace of this tradition, but Memorial Day wasn't officially established as a Federal holiday until 1971. In the nearly 234 years since we became an independent nation, Americans have fought in numerous wars, and many have given their lives in defense of the ideals that the United States represents.

As we gather this year to commemorate Memorial Day, we can reflect on all of the Mississippians who have perished protecting our Nation, whether in battles long ago or in the ongoing conflicts in Afghanistan and Iraq.

Since the start of Operation Enduring Freedom and Operation Iraqi Freedom almost 10 years ago, more than 70 members of the Armed Forces with close ties to Mississippi have died fighting in the wars in Afghanistan and Iraq. Since Memorial Day last year, nine Mississippi soldiers have died while serving the American people. Those valiant men include LCpl. Phillip P. Clark, 19, of Brandon, died May 18, 2010; SGT Anthony O. Magee, 29, of Hattiesburg, died April 27, 2010; Army PFC Anthony Blount, 21, of Petal, died April 7, 2010; SSG William S. Ricketts, 27, of Corinth, died Feb 27, 2010; SFC Christopher D. Shaw, 26, of Natchez, died Sept. 29, 2009; SGT Matthew L. Ingram, 25, of Newton, died Aug. 21, 2009; and SFC Alejandro Granado, 42, of Fairfax, Va., died Aug. 2, 2009. Mississippi Guard; SFC Severin W. Summers III, 43, of Bentonia, died Aug. 2, 2009; and Army SSG Johnny Roosevelt Polk, 39, of Gulfport, died July 31, 2009.

I honor them, and my heart goes out to the families of all the brave Mississippi men and women in uniform who have died for our country. It is the endless support of families that motivates our service men and women to carry out their duties, and their dedication must not be forgotten this Memorial Day.

Congress is working diligently to provide our troops in Afghanistan with the funds necessary to finish the job and come home safely. I understand the necessity of matching our soldiers' readiness with the means to complete their mission, and I am confident that the entire Mississippi delegation and Congress continue to take that duty very seriously.

As a veteran of the U.S. Navy, I am particularly thankful for the bravery and dedication of those who have fought and died for our country in our defense. We are blessed to live in a country that protects its citizens with such a fine, fighting force.

This Memorial Day, I encourage everyone to take a moment to remember the courageous American soldiers who have given their lives for our Nation and to thank their families. Our fallen warriors are true heroes, and we owe them our solemn gratitude for their service and sacrifice.

MEMORIAL DAY

Mr. President, next week our Nation will observe Memorial Day, an occasion on which we honor the men and women who gave this country what President Lincoln called ''the last, full measure of devotion''—their very lives. President Lincoln uttered those now timeless words at a ceremony honoring thousands of Civil War troops who fell in a battle surrounding a small town called Gettysburg. To this day, his words reflect, with unparalleled clarity, the heroic sacrifices that made, and have kept, this country safe and free. This Memorial Day we once again honor those men and women.

How do we properly honor those who gave their lives while in military service? Lincoln answered that question—''We honor them by dedicating ourselves to the cause for which they gave themselves. We honor those who died by ensuring, in Lincoln's words, that they ''shall not have died in vain.'' We carry on, we remember them, and we remember to tend to their comrades and their families who live among us still.

The Senate's role in this important task, to honor veterans and their family members with the care and benefits they have earned, falls in part to the Committee on Veterans' Affairs. I have had the honor of serving on that committee for 20 years, most recently as its Chairman. In that capacity, I am pleased to report on the progress Congress has made since last Memorial Day.

Last Memorial Day, Congress had good reason to be proud when looking back at recent gains for veterans and their families. Since 2007, we have passed historic appropriations bills to properly fund VA, following years of drastic underfunding. We passed the most substantive GI bill since World War II, which has already been put to use by hundreds of thousands of Americans. And we made wide-ranging reforms to the Department of Veterans Affairs—overhauling its mental health care and suicide prevention programs, and enhancing cooperation and collaboration between the Departments of Defense and Veterans Affairs.

This Memorial Day, we can be proud of having done even more to help VA adapt to the needs of today's veterans and their families. I will focus on two of the most significant bills—one which reformed the broken funding process for veterans' health care, and the other, which charts a course for VA where the needs of women veterans and family caregivers receive special attention.

When I became chairman of the committee, the VA health care system had endured many years of chronic underfunding, leading to health care rationing and budget shortfalls. While we succeeded in restoring VA's budget to appropriate levels, we still had not addressed the underlying funding process—a one-year-at-a-time appropriations process that led to funding delays in 20 of the last 23 years. To fix this broken system, I introduced the Veterans Health Care Budget Reform and Transparency Act. This bill was designed to take the process of advance appropriations—funding a program one year ahead of the regular appropriations process—and apply it to the Nation's largest health care system. At this time last year, that bill was still pending in Congress. Since then, our colleagues overwhelmingly chose to support this legislation, and the President signed it into law. This change will be felt in every State of the Union. At the one thousand-plus points of care run by VA, administrators will know

what their budget will be for the current year and for the year to come. The 6 million veterans who are projected to seek VA care will not have to worry about whether their local VA clinic will have to go months without a proper budget, as they did in the past.

We now turn to the important task of overseeing the implementation of the new law and standing by should VA or the Administration ask for appropriate funding. We are currently working on the first budget with advance appropriations under the new authority, and I have been pleased with what has been a smooth transition.

At this point last year, many other veterans' initiatives were pending—for veterans in rural areas, for the caregivers of wounded warriors, and for women veterans—to name a few. All of these proposals, along with others, were wrapped into one important package—the Caregivers and Veterans Omnibus Health Services Act. While this was a bipartisan bill from the beginning, its passage was far from assured. Isolated Members of Congress sought to block the bill at several stages, citing fears of cost and change. Resolute that it would be change for the better and that its cost is, in fact, a cost of war, the supporters of this bill prevailed last month when President Obama's signature made it law.

This new law's many provisions where reviewed by this body before we voted for them, so I will not again go into all of the details. Instead, I will highlight just a few of the changes in the new law:

For the families caring for wounded warriors, it brings an unprecedented permanent program to train, certify, and financially support them. With this important change, VA recognizes that the families of disabled veterans should be treated as partners, not ignored.

For a growing number of women veterans who served our Nation honorably, it brings changes to help VA adapt to their needs. These include an authorization for VA to provide health care for a woman veteran's newborn child for up to one week; a mandate for VA to implement a pilot program to provide child care and adjustment care to women veterans; and a requirement that VA train mental health providers to treat military sexual trauma.

For veterans in rural areas, the new law brings programs and reforms to break down barriers between them and the care they deserve. To name a few, these include travel reimbursements for veterans treated at VA facilities; grants for veterans service organization transporting veterans from remote areas; an expansion of telehealth options for veterans; and provisions promoting collaboration with community organizations and providers such as the Indian Health Services.

The bill makes other important changes, from eliminating copayments for catastrophically disabled veterans to strengthening VA's ability to recruit and retain first-class health care professionals. These valuable changes and others are now law, thanks to the support of Congress and the President.

As I noted at the outset, these measures, which demonstrate Congress's gratitude to our troops abroad and veterans at home, are the best way we can honor those who gave their lives in service to their country. While much remains to be done, as we pause this Memorial Day, we can recall the significant changes over the past year.

I close by expressing once more my gratitude to the patriots who are with us in the flesh and in spirit, and to the nation and the national ideals that unite us all.

Ms. MURKOWSKI. Mr. President, as you are aware, on Memorial Day citizens across our great country pause to reflect on our fallen heroes. American hearts swell with pride as men and women everywhere stand just a little bit taller when hearing our National Anthem, and they feel a lump in their throat at the sound of a bugle playing taps. We stand proud and remember our Nation's sons and daughters who no longer stand with us but whose names and memories remain forever preserved in our hearts. On Memorial Day, our Nation weighs and respects the price of our freedom.

We can and we should learn from those Americans who went to war but never returned home. For them, service meant accepting the risk that they might not have a chance to enjoy the freedom their service protects. They selflessly chose to serve anyway. For the fallen, honor meant the privilege of wearing a U.S. military uniform and a chance to earn the respect that it garners around the world despite the risk that it might make them a target for those who mean us harm. For them, selflessness meant answering a call for help from a fellow soldier, without hesitation, even if chances were high that it would be their final act.

These timeless qualities of service, honor, respect, and selflessness form the bedrock of military service in a free society. On Memorial Day, we commemorate those who lived according to these principles so that we might assemble in this Chamber and across the land as free people, safe under the umbrella of protection that their brothers and sisters continue to provide around the world today.

It is appropriate that on Memorial Day, we should set aside our differences and unite as Americans—a unified nation with one common voice to honor our fallen. Let us celebrate that we are a free nation, a proud nation, a nation guided by principles and universal truths. And although we may disagree on many things, we do so peacefully and lawfully. Even in tough times such as these, we remain a beacon of light around the world for those who can only imagine a life of freedom as they struggle to survive under the grip of tyranny and oppression. Today we remember the men and women who kept that beacon lit and consider the gravity of their sacrifice.

As a nation, we must also remember that with every fallen soldier there is a family left behind. We should appreciate with compassion and respect their enduring sacrifice and provide for them the support and gratitude they deserve. Ours is a grateful nation.

Often quoted is our Declaration of Independence that proclaims ''all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.'' It is those who have answered that call to service who ensured that our gift of liberty is not only unalienable, it is also enduring.

REMEMBERING DR. GEORGE TILLER

Mrs. SHAHEEN. Mr. President, 1 year ago this week, Dr. George Tiller, a provider of critical reproductive health services, was shot to death while at church in Wichita, KS. The anniversary of his death serves as a solemn reminder of the violence that reproductive health professionals face today.

Unfortunately, like so many of his colleagues who treat women across this country, Dr. Tiller faced years of constant harassment, intimidation and death threats. These acts of violence eventually culminated in his murder.

We know, however, that Dr. Tiller's murder is not an isolated incident. A pattern of intimidation, threats and violence against reproductive health providers exists in this country and must end.

Since 1993, eight clinic workers have been murdered in the United States. During that time period there have been thousands of reported acts of violence against providers of reproductive health care including bombings, arsons, death threats, kidnappings and assaults. As the Tiller murder demonstrates, we simply cannot tolerate any form of harassment and threats to health care providers and their patients.

I remember clearly 10 years ago tomorrow—May 28, 2000—when the Concord Feminist Health Center in my home State of New Hampshire was the victim of an arson attack. The facility suffered extensive damage, costing tens of thousands of dollars to repair. Thankfully, no one was injured in the attack. It was not merely the cost of the repairs that was so troubling—what was troubling was that this act of hate and intimidation left the community feeling fearful and uncertain. No one should live with that fear and certainly not because they provide critical health care services to women.

I recently heard the story about a reproductive health center director in Colorado who reports that he often wears a bulletproof vest in public. He said: ''I walk out of my office and the first thing I do is look at the parking garage that the hospital built two

doors away and see if there is a sniper on the roof. I basically expect to be shot any day. . . . It's a war zone. . . . It's very frightening and it ruins your life''.

Now, I recognize that there is a deep divide on the issue of reproductive freedom. And I recognize that there are many heartfelt feelings on both sides of the aisle and even within my own caucus. But, no matter which side of this debate you are on, we should all be able to agree that violence is never the answer.

So today I urge all my colleagues to join me in condemning the kind of senseless violence that led to the death of Dr. George Tiller.

NATIONAL CANCER RESEARCH MONTH

Mr. DODD. Mr. President, I rise today to recognize May as National Cancer Research Month. This year, nearly 1.5 million Americans will be diagnosed with cancer and more than 500,000 will die from the disease. Of course, when we talk about cancer, we are referring to more than 200 diseases but taken together, cancer remains the leading cause of death for Americans under age 85, and the second leading cause of death overall.

In my capacity as a member of the Senate Committee on Health, Education, Labor, and Pensions, I have spent my career fighting alongside my colleagues to provide increased funding for medical research to ensure that organizations like the National Institutes of Health have the ability to continue their critical lifesaving work. It remains my hope that, as the NIH continues to provide us with new and innovative research and treatments, we will continue to provide them with the resources they need.

As a person directly affected by cancer, I believe we must continue to strengthen our Nation's commitment to this lifesaving research for the health and well-being of all Americans. The nation's investment in cancer research is having a remarkable impact. Discoveries and developments in prevention, early detection, and more effective treatments have helped to find cures for many types of cancers, and have converted others into manageable chronic conditions. The 5-year survival rate for all cancers has improved over the past 30 years to more than 65 per cent, and advances in cancer research have had significant implications for the treatment of other costly diseases such as diabetes, heart disease, Alzheimer's, HIV/AIDS and macular degeneration.

I take this opportunity not only to mention the value and importance of cancer research, but also to remember the people in my life who have been touched by this disease. Last year alone, we lost not only my sister Martha, but my dear friend Ted Kennedy to aggressive forms of cancer. Like many of my constituents whose lives have been touched by cancer, I think of them every day—and their battles strengthen my resolve to fight for better treatment and more cures.

I want to thank every one of my constituents who have come to my office to meet with my staff and me about this disease. It is no secret that cancer touches the lives of more Americans than those who are just diagnosed with it—friends and family also face the difficulty of supporting their loved ones through these hard times. I know how much time, effort and resources they expend on these trips. Many of them are sick or in recovery, or taking care of very ill loved ones, yet they still find the time to come down and share their stories with us, and I thank them for it. Their stories, anecdotes and struggles give a face to the people all across the country whose lives are touched by this important research, and hearing about them help us to do our jobs better. We could not have gotten health care reform passed without their constant efforts and support.

In commemorating May as National Cancer Research Month, we recognize the importance of cancer research and the invaluable contributions made by scientists and clinicians across the U.S. who are working not only to overcome this devastating disease, but also to prevent it. I lend my support as a father of two girls, as a husband, and as a public servant to supporting those who struggle with this deadly disease and I urge my colleagues to join me and do the same.

MILITARY AND OVERSEAS VOTER EMPOWERMENT (MOVE) ACT OF 2009

Mr. SCHUMER. Mr. President, since becoming chairman of the Committee on Rules and Administration with jurisdiction over Federal elections, I have come to have a better appreciation for and deeper understanding of the obstacles and barriers that our military men and women serving abroad and at home and U.S. citizens living in foreign lands encounter when they try to vote.

As I explained at a Rules Committee hearing held in May of 2009, every couple of years around election time, there is a great push to improve military and overseas voting. But as soon as the election is over, Congress all too often forgets the plight of these voters.

But last year, Congress delivered. Our motive was simple—we wanted to break down the barriers to voting for our soldiers, sailors, and citizens living overseas. On a bipartisan basis, we agreed that it was unacceptable that in the age of global communications, many active military, their families, and thousands of other Americans living, working, and volunteering in foreign countries cannot cast a ballot at home while they are serving or living overseas. For our military, what especially moved us to act was the fact that they can fight and put their life on the line for their country, but they can't choose their next commander-in-chief. This shouldn't happen—not in the United States of America where elections are the bedrock of our democracy.

With the 2010 elections less than 7 months away, a new law is on the books. The provisions of the Military and Overseas Voter Empowerment Act, MOVE Act, of 2009 were incorporated in Public Law 111–84, the National Defense Authorization Act of 2010. This law will make it easier for members of our Armed Forces and citizens living abroad to receive accurate, timely election information and the resources and logistical support to register and vote and have that vote count.

Mr. President, a legislative history of the MOVE Act is as follows:

BACKGROUND AND PURPOSE OF THE MOVE ACT

American citizens believe voting is one of the most treasured of our liberties and a right to be defended at any cost. It is therefore unacceptable that our military men and women serving abroad and at home, who put their lives on the line every day to defend this right, often face obstacles in exercising their right to vote.

Empirical evidence confirms that members of the military and citizens living overseas who have attempted to vote through the absentee balloting procedures that has been in place for the last 30 years were often unable to do so. The reasons were many, including insufficient information about military and overseas voting procedures, failure by States to send absentee ballots in time for military and overseas voters to cast them, and endemic bureaucratic obstacles that prevent these voters from having their votes counted. While the Uniformed and Overseas Citizens Absentee Voting Act, UOCAVA, enacted in 1986, created a Federal framework for both military and overseas citizens to vote it was clear that, in order to break down these barriers to voting, UOCAVA was in need of an overhaul.

A history of congressional efforts to aid military and overseas voters highlights the obstacles faced by these voters. In 1942, the first Federal law was enacted to help military members vote in Federal elections. The Soldier Voting Act of 1942 was the first law to guarantee Federal voting rights for servicemembers during wartime. It allowed servicemembers to vote in elections for Federal office without having to register and instituted the first iteration of the Federal Post Card Application for servicemembers to request an absentee ballot. Though this was a commendable first effort by Congress, the 1942 law's provisions only applied during a time of war, and barriers to voting remained. In 1951, President Truman commissioned a study from the American Political Science Association on the problem of military voting. Recognizing the difficulties faced by military members serving overseas during World War II and the Korean War in trying to vote, President Truman wrote a letter to Congress that called on our legislators to fix the problem. In response, Congress passed the Federal Voting Assistance Act, FVAA, in 1955 which recommended—but did not guarantee—absentee registration and voting for military members, Federal employees serving abroad, and members of service organizations affiliated with the military. In 1968, FVAA was amended to cover U.S. citizens temporarily living outside of the United States, thus increasing the number and scope of U.S. citizens that fell within the law's purview. In 1975, the Overseas Citizens

Voting Rights Act at last guaranteed military and overseas voters the right to register and vote by absentee procedures. In 1986, Congress enacted UOCAVA as the primary military and overseas voting law, incorporating the expansion of rights granted under prior Federal legislation and making several significant advances to improve military and overseas voting. UOCAVA has been the operational voting framework provided to military and overseas voters.

UOCAVA's main provisions placed several mandates on States. First, States must allow members of the uniformed services, their families, and citizens residing overseas to register and vote by absentee procedures for all elections for Federal office including all general, primary, special and runoff elections. Second, States are required under UOCAVA to accept and process all valid voter registration applications submitted by military and overseas voters—as long as the application is received no less than 30 days prior to an election. Third, UOCAVA created the Federal write-in absentee ballot, FWAB, a failsafe backup ballot for Federal general elections.

Congress has amended UOCAVA several times over the last 24 years. The 1998 amendments included certain reporting requirements on States to provide information on military and overseas voting participation; and the 2001 amendments required States to accept the Federal Post Card Application, FPCA, as a combined voter registration and absentee ballot request form, and gave voters the opportunity to request that the FPCA be a standing absentee ballot request for each subsequent Federal election in the voter's State that year. In 2002, the Help America Vote Act, HAVA, modified this provision to allow voters to automatically request an absentee ballot through the FPCA for the two subsequent regularly scheduled Federal election cycles after the election for which the FPCA was originally submitted. HAVA also added a number of substantive provisions to UOCAVA, including a provision to give voting assistance officers the time and resources to provide voting guidance and information to active duty military personnel, a mandate that the Secretary of each branch of the Armed Forces provide information to service personnel regarding the last date that an absentee ballot can reasonably be expected to arrive on time, and a requirement that States identify a single office for communication with UOCAVA voters. Finally, Congress amended UOCAVA in 2004 to allow military personnel to use the Federal write-in absentee ballot, or FWAB, from within the territorial United States.

Despite these improvements over the years, evidence revealed that significant barriers to voting continued for military and overseas citizens. Registration among military voters has been shown to be substantially lower than among other voting-eligible U.S. citizens. According to testimony submitted by hearing witnesses, in 2006, the registration rate among military personnel was 64.86 percent compared to a registration rate of 83.8 percent for the general voting age population. According to one survey of military and overseas voters conducted after the 2008 election, of those overseas voters who wanted to vote but were unable to do so, over one-third—34 percent—could not vote because of problems in the registration process. The same survey found that even among experienced overseas voters, nearly one-quarter—23.7 percent—experienced problems during the registration process. Military and overseas voters have had to deal with a lack of information about registration procedures and a slow, cumbersome registration process that often turns into the first roadblock to voting.

Military and overseas voters also have trouble even when they have been able to properly register. The Congressional Research Service, CRS, found that during the 2008 election military personnel and overseas citizens hailing from the seven States with the highest number of deployed soldiers requested 441,000 absentee ballots. Of these, 98,633 were never received by local election officials. Further, survey data shows that two out of every five military and overseas voters, 39 percent—who requested an absentee ballot in 2008 received it from local election officials in the second half of October or later—much too late for a ballot to be voted and mailed back in time to be counted on election day. Sending absentee ballots too late to have the opportunity to actually vote is an unacceptable situation for military and overseas Americans.

Finally, some States reject ballots from military and overseas voters for reasons unrelated to voter eligibility, including unnecessary notarization requirements and criteria such as the paper weight of the ballot or ballot envelope. As many as 13,500 ballots were rejected from military and overseas voters from the seven States with the greatest number of troops deployed overseas.

These numbers are totally unacceptable. These barriers effectuate rampant disenfranchisement among our military and overseas voters. Congress has a compelling interest to protect the voting rights of American citizens, and it is especially incumbent upon Congress to act when those very individuals who are sworn to defend that freedom are unable to exercise their right to vote.

The need for sweeping improvement was clear. The Military and Overseas Voter Empowerment Act is a complete renovation of UOCAVA that brings it into the twenty-first century and streamlines the process of absentee voting for military and overseas voters through a series of common sense, straightforward fixes.

First, it allows military and overseas voters to request, and when so requested, requires States to send, registration materials, absentee ballot request forms, and blank absentee ballots electronically. It ensures that military and overseas voters have at least 45 days to receive and complete their absentee ballots and return them to election officials. The legislation also requires that absentee ballots from overseas military personnel be sent through expedited mail procedures, making it faster and easier to send voted ballots back to local election officials. In addition, it prevents election officials from rejecting overseas absentee ballots for reasons not related to voter eligibility, like paper weight and notarization requirements.

Second, the MOVE Act expands accessibility and availability of voting resources for military and overseas voters. It shores up the Federal Voting Assistance Program, or FVAP, an organization within the Department of Defense, DOD. Under the provisions of MOVE, FVAP will make a number of improvements to its voter education efforts for our military and other Americans living and working abroad and serve as the central administrative office for carrying out the Federal responsibilities under UOCAVA and MOVE. It also increases the usability and accessibility of the FWAB. This failsafe ballot allows military and overseas voters to vote even when they face a situation where they don't receive a State-issued ballot in time. In addition to all these improvements, the legislation advances voter registration for our military by directing each of the Secretaries of the military departments to designate offices in military installations where soldiers and their families can register to vote, update their registration information, and request an absentee ballot.

The MOVE Act also aims to secure future voting rights for military and overseas voters. It increases accountability for future elections by directing the Department of Defense to regularly report to Congress on their activities for implementing the programs and requirements under MOVE, including information on ballot delivery success rates. It also authorizes the Defense Department to create a pilot program testing new technologies for the future benefit of military and overseas voters.

The enactment of the provisions of the MOVE Act brings to an end a system that could ever allow a quarter of ballots requested by U.S. troops to go missing. It instead aims to ensure that every single military and overseas vote be counted.

COMMITTEE HEARING AND CONSIDERATION AT MARKUP

The Committee on Rules and Administration held a hearing on May 13, 2009, which I chaired entitled ''Hearing on Problems for Military and Overseas Voters: Why Many Soldiers and Their Families Can't Vote.'' The first panel consisted of one witness, Gail McGinn, Acting Under Secretary for Personnel and Readiness for the Department of Defense. Testifying on the second panel were Patricia Hollarn, board member of the Overseas Vote Foundation and former supervisor of elections in Okaloosa County, FL; Donald Palmer, director of the Division of Elections at the Florida Department of State; LTC Joseph DeCaro, active duty member of the U.S. Air Force, on his own behalf; Eric Eversole, former attorney at the Department of Justice Civil Rights Division, Voting Rights Section, adviser to the McCain-Palin campaign, and former member of the Navy's Judge Advocate General Corps from 1999–2001; and Robert Carey, executive director of the National Defense Committee.

The hearing focused on the reasons why so many military and overseas voters find it difficult or impossible to effectively cast their ballots, with special attention paid to recommendations from the witnesses who possess extensive experience with the military and overseas absentee voting process. The hearing opened with a discussion of the preliminary results from a study of military and overseas voting in 2008 conducted by the Congressional Research Service. The findings showed that in several of the largest military voting States, up to 27 percent of the ballots requested by military and overseas voters were not counted for one reason or another.

Letters from soldiers serving abroad who wanted to cast ballots in 2008 but were unable to do so were shared. One letter from a soldier in Alaska concisely summarized the problem underscored by the hearing: ''I hate that because of my military service overseas, I was precluded from voting.''

Gail McGinn, Acting Under Secretary for Personnel and Readiness at the Department of Defense, testified in detail about the logistical and administrative challenges facing military and overseas voters. Ms. McGinn identified time, distance, and mobility as the chief logistical barriers to these voters. She said, ''Our legislative initiatives for states and territories to improve ballot transit time are, first, provide at least 45 days between the ballot mailing date and the date that ballots are due; give state chief election officials the authority to alter elections procedures in emergency situations; provide a state write-in absentee ballot to be sent out 90 to 180 days before all elections; and expand the use of electronic transmission alternatives for voting material.'' Ms. McGinn further pointed out that 23 States do not provide the minimum of a 45-day round trip for military and overseas absentee ballots. Patricia Hollarn, board member of the Overseas Vote Foundation and

former supervisor of elections in Okaloosa County, FL, testified about her personal experience with local election officials who, she said, had a lot of confusion about the proper absentee balloting procedures they needed to provide for overseas citizens and military personnel. She echoed Ms. McGinn in recommending that States and local jurisdictions provide a minimum of 45 days for absentee ballots to be delivered to overseas voters, completed, and returned before the state's deadline. She also emphasized the logistical challenge facing the U.S. Postal Service and military mail service with respect to the speedy delivery of overseas ballots.

Donald Palmer, director of the Division of Elections for the Florida Department of State, testified about Florida's experience serving its military and overseas voters. Mr. Palmer said that providing 45 days for ballot transmission and delivery, as Florida does, is ''prudent'' and ''absolutely necessary, when relying solely on the mail service.'' Mr. Palmer also discussed Florida's experience using technology, including e-mail, fax, and the Internet, to communicate with military and overseas voters and transmit balloting materials to and from Americans abroad. Mr. Palmer testified about an invitation from the Department of Defense for Secretaries of State to travel to the Middle East and see firsthand how soldiers receive their absentee ballots. Florida Secretary of State Kurt Browning relayed to Mr. Palmer that soldiers abroad many times do not have access to fax machines and often use e-mail as a primary source of communication and expressed their desire to be able to use email or the internet to transmit balloting materials to local election officials. Mr. Palmer also detailed pilot programs in Florida which have used new technologies to facilitate ballot transmission from abroad. He also described Florida's efforts to work with the U.S. Postal Service to reduce error rates in ballot delivery and to use intelligent code technology to track absentee ballots while in the Continental United States.

United States Air Force LTC Joseph DeCaro, testifying on his own behalf, described his personal experiences with absentee voting while serving abroad in 2004. His experience illustrates the burdens facing uniformed servicemembers overseas who want to vote:

Every moment I spent researching and coordinating with state-side resources to be able to cast my ballot was against any personal time off. The mission is and always must be the main focus. Being deployed is difficult enough as it is . . . I think every American should do what they can to cast their ballot and make their voice heard. As with many other citizens, I will continue to do this, but there should be a better way in which [service personnel can] cast their ballot while deployed.

Lieutenant Colonel DeCaro also lamented that he had no way of knowing whether the ballot he mailed to his local election office would ever reach its destination.

Eric Eversole, former attorney at the Department of Justice Civil Rights Division, Voting Rights Section, began his testimony by arguing that ''when it comes to the military members' right to vote, we seem to forget their sacrifices and we deny them the very voting rights that we ask them to defend.'' He cited statistics which showed that only 26 percent of Florida's deployed servicemembers were able to successfully request an absentee ballot in 2008. He also echoed prior testimony that States should mail out absentee ballots to military and overseas voters at least 45 days before the local deadline to have the ballot count. Mr. Eversole testified about the need for improvements in the Federal Voting Assistance Program. Mr. Eversole strongly advocated for military personnel to receive appropriate voting information and voter registration materials when they move or deploy to a new installation or port. In response to a question I asked, Mr. Eversole also testified that certain offices at the Department of Defense should be designed as voter registration agencies under the National Voter Registration Act.

Robert Carey, executive director of the National Defense Committee, testified about his own experience taking a leave of absence from his duty as a member of the U.S. Navy Reserves and flying back to New York City at his own expense in order to vote in the 2004 election. He cited research showing that only 26 percent of the ballots requested by overseas soldiers in 2006 were successfully cast. Mr. Carey emphasized that insufficient time was the chief reason for these statistics, arguing that States too often send out ballots too late for military voters to complete and return them in time to be counted. He pointed to a study conducted by the Pew Center on the States, Pew, which found that 23 States do not provide enough time for military and overseas voters to successfully cast their ballots. Mr. Carey also recommended that ballots be sent out at least 60 days before they were due.

Several organizations submitted statements for the hearing record. Pew submitted a copy of its 2009 study of military and overseas voting, No Time to Vote, for the committee record. In its accompanying letter, Pew highlighted several recommendations for reform from the study, including ''sending out overseas absentee ballots sooner, eliminating notary and witness requirements and harnessing technology to allow for the electronic transmission of ballots and election materials to voters overseas.''

The Overseas Vote Foundation, OVF, submitted a copy of its 2008 post-election survey for the record. The survey included data obtained from over 24,000 overseas voters and over 1,000 local election officials. Among OVF's key findings was that more than half, 52 percent, of those overseas military voters who tried but could not vote were unable to because their ballots were late or did not arrive. OVF also found that despite concerted efforts, less than half of UOCAVA voters were aware of the Federal write-in absentee ballot.

Democrats Abroad submitted a statement for the record emphasizing the difficulties for military and overseas voters stemming from the patchwork of varied State and local regulations, a lack of awareness of the Federal write-in absentee ballot, and general inability to effectively communicate with local election officials from abroad.

Tom Tarantino, legislative associate with Iraq and Afghanistan Veterans of America, submitted a statement for the record including testimony about his own experience as a voting assistance officer, citing the lack of sufficient training about how to effectively educate soldiers about absentee balloting procedures. Mr. Tarantino recommended improving the voting assistance officer program and suggested that the Department of Defense be required to ensure safe and timely passage of military ballots to their home districts.

The Federation of American Women's Clubs Overseas submitted a statement for the record in which it recommended that States send overseas absentee ballots at least 45 days before the deadline and that voter materials, including ballots, not be rejected for reasons unrelated to voter eligibility.

Everyone Counts submitted a ''white paper'' for the record comparing the effectiveness of various voting technologies for military and overseas voters.

Alex Yasinac, dean of the School of Information and Computer Sciences at the University of South Alabama, submitted a statement for the record analyzing various technological solutions to improve overseas absentee voting. Dr. Yasinac suggested the creation of a technological pilot program for overseas voters, including the use of virtual private networks, cryptographic voting systems, and document delivery upload systems to ensure secure electronic transmission of balloting materials.

INTRODUCTION OF THE BILL

I introduced S. 1415, the MOVE Act of 2009, on July 8, 2009, and was joined by Senators Saxby Chambliss and Ben Nelson as original cosponsors. After the bill's introduction, 56 additional Senators joined as cosponsors. The bill was referred to the Senate Committee on Rules and Administration.

COMMITTEE CONSIDERATION AT MARKUP

S. 1415 was considered by the Senate Rules Committee at a markup held on July 15, 2009. The committee adopted three amendments which I submitted on behalf of Senator John Cornyn, who had introduced separate legislation on improving military voting that was pending at the time in the Rules Committee. Senator Cornyn joined in this endeavor by contributing his knowledge and expertise on military voting to the MOVE Act. Senator Robert Bennett, ranking member of the Rules Committee, introduced an amendment with several provisions intent on improving the effectiveness of the MOVE Act.

The first amendment, which I submitted on behalf of Senator Cornyn, strengthened the bill by ensuring that overseas military personnel can mail their marked absentee ballots to their local election offices with confidence that those ballots will be received and counted by directing the Presidential designee to work with the U.S. Postal Service to provide expedited delivery services for ballots that are collected before a prescribed deadline. The provision provides ample discretion for the Presidential designee to extend that deadline for collection of ballots, allowing the Presidential designee to permit a longer transit time for completed ballots to be delivered to local election officials. To ensure Department of Defense accountability under this section, the amendment directed the Presidential designee to submit reports to the relevant congressional committees to explain the procedures implemented to provide the expedited mail delivery and inform the committees of the number of military overseas ballots successfully and unsuccessfully delivered to local election offices in time. Finally, the amendment included language requiring the Presidential designee to ensure, to the greatest extent allowable, that the privacy of military servicemembers and security of their ballots are protected during the delivery process.

The second amendment, which Senator Cornyn and I worked on together, fortified the bill by expanding voter registration opportunities, services, and information for military and overseas voters. It also required the Department of Defense to provide voting information and an opportunity for servicemembers to register and update voting information during certain points in service and provided the Secretary of Defense flexibility to designate certain pay, personnel, and identification offices as voter registration agencies. In addition to voter registration, the amendment required written information to be provided to servicemembers on absentee ballot procedures. Finally, the amendment contained reporting requirements for the Department of Defense to evaluate its voter support services and send Congress its

recommendations for improving those programs.

The third amendment was technical in nature and altered no substantive provisions of the bill.

Ranking Member Bennett offered a package of amendments modifying several provisions of the bill. First, the amendment clarified that States may delegate the obligations under the MOVE Act to local jurisdictions. Some local and State election administrators contacted the Rules Committee to express concern because they thought that the MOVE Act could be interpreted to require States, instead of localities, to take administrative responsibility for running elections for UOCAVA voters. Though there was no intent to shift routine administrative responsibility of elections to States, for the sake of clarity in the bill, I supported this amendment. While clarifying that the MOVE Act can be administered and implemented at the local level, the amendment did not modify or otherwise alter the ultimate responsibility of MOVE Act compliance, which remains with the State. Accordingly, States retain the responsibility to ensure local jurisdictions' compliance with UOCAVA and MOVE and thus the State will continue to be the focus of any potential enforcement actions that need to be taken by the Attorney General.

Senator Bennett's amendments also modified provisions of the MOVE Act which had originally required States to transmit balloting materials ''by mail, electronically, or by facsimile.'' The text of the amendment instead read to require transmission of balloting materials ''by mail and electronically.'' This change clarified the requirement on State and local election administrators that, in addition to mail, they must provide at least one method of fast and effective electronic means of transmitting balloting materials to U.S. citizens overseas and uniformed servicemembers. It is important to note that Bob Carey during his testimony before the Rules Committee on May 13, 2009, testified that ''[R]ecent research by the National Defense Committee indicates that fax transmission is not an effective option for military personnel, especially those suffering the greatest disenfranchisement in this process.'' However, at the same time, the amendment's language clarified that election administrators may provide multiple means of electronic communication in order to ensure speedy transmission of information, registration and balloting materials.

Senator Bennett's amendments also reinforced the privacy and security provisions of the original legislation by directing States to protect, to the extent practicable, the integrity of the voter registration and absentee ballot process through procedures that shield identity and personal data.

The amendments also simplified the timing provisions of the original legislation by mandating that whenever a State receives an absentee ballot request at least 45 days before a Federal election it must send out an absentee ballot not later than 45 days before the election. With respect to valid ballot applications received after 45 days prior to such an election, States are required to transmit a validly requested absentee ballot in accordance with State law and as expeditiously as possible. However, the amendment did not impact the 30-day requirement under UOCAVA. At the same time, the amendment removed language from the original version of the bill which would have required States to accept and count absentee ballots received up to 55 days after the date on which an absentee ballot was transmitted or the date on which the State certified an election, whichever was later. The negotiated modification placed a 45-day mandate on States to promptly respond to military and overseas absentee ballot requests.

The amendments also strengthened Department of Justice oversight of absentee voting by uniformed services and overseas voters by requiring the Presidential designee to consult with the Attorney General before approving any hardship exemptions from States unable to comply with the bill's timing provisions. This will help ensure a unified governmental response to State compliance with the MOVE Act.

Finally, the amendments repealed subsections (a) through (d) of §104 of the Uniformed and Overseas Absentee Voting Act, which allowed military and overseas absentee ballot applicants to indicate on their Federal Postcard Application form that their application should be considered a continuing application for an absentee ballot through the next two regularly scheduled general elections. Given the highly mobile nature of military and overseas voters, there was a concern among States that this provision of UOCAVA required a large number of ballots to be sent to old and outdated addresses. Election officials reported receiving a large number of these continuing absentee ballots as ''returned undeliverable,'' thus artificially inflating the number of failed ballots, and potentially wasting State resources. Repealing these sections addressed those concerns. This amended section does not prohibit States from providing continuing applications for absentee ballots, or accepting ballots received under such continuing applications. This amended section also does not prohibit States from considering a Federal Postcard Application submitted for a primary election to carry over to the general election in that same election cycle.

The committee agreed to all of the proposed amendments and adopted them by voice vote. The committee then voted to report S. 1415, the Military and Overseas Voter Empowerment Act, as amended. The committee proceeded by voice vote, and all members present became cosponsors of the legislation. S. 1415, as amended, was ordered reported to the Senate.

PASSAGE BY THE SENATE OF THE MOVE ACT PROVISIONS IN THE DOD AUTHORIZATION BILL

On July 22, 2009, I offered Senate amendment No. 1764 to S. 1390, the National Defense Authorization Act for fiscal year 2010, on the Senate Floor.

Senator Cornyn spoke in support of this amendment that day:

Our military servicemembers put their lives on the line to protect our rights and our freedoms. Yet many of them still face substantial roadblocks when it comes to something as simple as casting their ballots and participating in our national elections . . . This important amendment contains many other commonsense reforms suggested by other Senators and will help end the effective disenfranchisement of our troops and their families. Our goal has been to balance responsibilities between elections officials and the Department of Defense, and I believe this amendment accomplishes that goal.

On July 23, 2009, I urged my colleagues to support the MOVE Act amendment to the DOD authorization legislation:

Now, if [our soldiers] can risk their lives for us we can at least allow them to vote. They take orders from the commander-in-chief. They are the first people who ought to be allowed to elect and vote for a commander-in-chief. And if we can deploy tanks and high-tech equipment and food to the front lines, we can figure out a way to deliver ballots to our troops so they can be returned and counted. And that, Mr. President, is what the MOVE Act does.

Senator Bennett spoke in support of the amendment:

Now, then the legislation was introduced in its original form, I raised concerns with Senator Schumer about some of its provisions. He worked with me and my staff to address these concerns and the amendment that we have before us today effectively does so. That's why I'm pleased to now be a cosponsor of the bill. The difficulties our service personnel face in voting and the Senator from New York has described them, and I believe this amendment deals with them in a proper fashion.

Senator Chambliss also spoke in support of the amendment:

[N]ot since the passage of the Uniform and Overseas Voting Act in 1986 have we proposed such significant legislation designed to help the men and women of the military who time and time again are called upon to defend the rights and freedoms that we Americans hold so sacred. Unfortunately, our military's one of the most disenfranchised voting blocs we have and today we have the opportunity to correct this.

Senator Nelson also added comments in support:

We owe it to our men and women in uniform to protect their right to vote. And for military and overseas votes, that right is only as good as their ability to cast a ballot and have it counted. For years, we have known of the obstacles these brave Americans face in exercising their right to vote, often when far from home and in harm's way. I firmly believe this legislation will make a huge impact in empowering our military and overseas voters to have their votes counted no matter where they find themselves on election day.

Senate amendment No. 1764 to S. 1390 was agreed to by voice vote on July 23, 2009. The Senate took up H.R. 2647 on July 23, approved an amendment that substituted the text of S. 1390, then passed the bill by unanimous consent and requested a conference with the House. A Senate-House conference was held, and the House passed the conference report to H.R. 2647, H. Rept. 111–288, on October 8, 2009, and the Senate passed it on October 22, 2009. H.R. 2647 was signed by the President on October 28, 2009, and became Public Law 111–84.

THE MOVE ACT TODAY

The Military and Overseas Voter Empowerment Act of 2009 is a response to an unacceptable situation—the disenfranchisement of Americans serving and living abroad who are unable to vote because of logistical and geographic barriers.

The MOVE Act brings to an end a system that in the past allowed a quarter of the ballots requested by U.S. troops to go unreturned. It does so by insisting that every military and overseas vote be counted. Congress recognized that those who fight to defend America's freedom often face the greatest obstacles in exercising their right to vote. Congress acted to break down the challenges and barriers to voting faced by these citizens with passage of the provisions of the Military and Overseas Voter Empowerment Act.

Most of the MOVE Act provisions will be in place for the November 2010 general elections. States started implementing measures and procedures to comply with the MOVE Act almost immediately after passage of Public Law 111–84. At the Federal level, the Department of Defense has been in consultation with the Attorney General to develop and promulgate regulations to administer the waiver process. As the 2010 Federal election approaches, the States and the Department of Defense are making every effort to

ensure that military and overseas voters have every opportunity to register, vote, and have their vote counted.

Mr. President, I ask unanimous consent that a section-by-section of the MOVE Act provisions in the National Defense Authorization Act for fiscal year 2010 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE MOVE ACT IN THE NDAA

The following is an explanation of each provision of the bill, what it does, and how it improves the ability of military and overseas voters to register, vote, and have their votes count in elections. It should be noted that in conference, there were two major substantive changes in the MOVE Act provisions as passed by the Senate.

One, the section on ''Findings'' was stricken. The ''Findings'' section provided an explanatory foundation for MOVE and why it was critical for its provisions to be enacted. It highlighted the fundamental nature of the right to vote; the logistical, geographical, operational, and environmental barriers that create obstacles for military and overseas voters to exercise their right to the franchise; the central role shared by States and the Department of Defense in overseeing and facilitating military and overseas voting; and the need for the relevant State, local, and Federal government entities to work together to ensure the ability of military and overseas voters to have their ballots count.

Two, the responsibilities attributed to the Department of Defense in ensuring military voters can effectively register to vote was changed in conference from the Senate-passed version. The reason for this change is explained in the summary of Section 583.

Section 575. Short title.

Title: ''Military and Overseas Voter Empowerment Act''.

Section 576. Clarification regarding delegation of State responsibilities to local jurisdictions.

This section clarifies that while the MOVE Act contains a number of mandates on the States with respect to military and overseas absentee voting, States remain free to delegate those responsibilities to local officials as they did under UOCAVA. In effect, this provision puts States on notice that the MOVE Act does not intend to and does not in fact take administrative control of military and overseas voting out of the hands of local officials. Compliance with MOVE's mandates, however, ultimately remains a State responsibility, and States will continue to be the main entity against which the provisions of MOVE and UOCAVA will be enforced should enforcement by the Department of Justice become necessary.

Section 577. Establishment of procedures for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications by mail and electronically.

This section amends UOCAVA to require States to allow military and overseas voters the choice of requesting voter registration applications and absentee ballot applications either by mail or electronically. It mandates that the voter's choice of mail versus electronic extends to the mode of delivery of both the voter registration and absentee ballot applications. States must give all UOCAVA voters the option of receiving their applications by mail or electronically. To ensure military and overseas voters have an opportunity to choose their desired delivery method, States must provide a way for voters to designate their preferred method of delivery, and States are required to send these materials in accordance with the voter's designation. If no delivery preference is indicated, States are to transmit these materials according to applicable State law or, in the absence of such law, by mail. The requirements of this section apply to all general, special, primary, and runoff elections for Federal office.

Allowing military and overseas voters to request and receive voter registration and absentee ballot applications electronically requires States to establish at least one means of electronic communication for military and overseas voters to use. States are free to establish multiple means of electronic communication if they wish. In addition to using the electronic format to give voters the option of requesting and receiving voter registration and absentee ballot applications, it is also to be used to provide any other related voting, balloting, and election information requested by or otherwise provided to the voter.

In addition to email and the Internet, this provision contemplates the use of fax machines as a legitimate means of electronic transmission. This gives States an additional method of electronic communication. However, it is important to note that the Rules Committee received testimony regarding the challenges of solely relying on fax technology for military and overseas voting. Robert Carey, the Executive Director of the National Defense Committee pointed out in his written testimony that ensuring the privacy of a faxed absentee ballot is difficult. He also cited research indicating that only 39% of junior enlisted personnel had daily access to a fax machine. This provision therefore contemplates the use of fax technology as States gradually transition to more accessible forms of transmission for military and overseas voters through internet and email usage.

Information about how to communicate with States electronically, including any official designated email, web addresses, and phone numbers, should be readily accessible and is required to be included with any informational or instructional materials that accompany balloting materials sent to military and overseas voters.

The provisions of this section are a direct response to evidence gathered by the Rules Committee that showed lengthy mail transit times for voting materials, including registration forms and absentee ballot applications. This was a fundamental reason why so many of these voters did not have enough time to vote, and it showed the difficulty military and overseas voters have in communicating efficiently and effectively with State and local election officials. Taking advantage of modern technology is an important part of the solution to the ''no time to vote'' problem. The testimony of Lieutenant Colonel Joseph DeCaro at the Rules Committee's May 2009 hearing, in which he repeatedly expressed his gratitude for internet connectivity while serving in Air Force and described how he was able to use email to quickly communicate with local election officials, is particularly instructive. Lt. Colonel DeCaro testified that postal mail can sometimes take up to three weeks to reach its destination.

Compliance with this provision of the law may save States a substantial amount of money. Using a multiplier of $12.95 for a 1 oz. United States Postal Service Priority Mail international flat-rate mailing, States can potentially save as much as $1,295,000 for every 100,000 military and overseas voters that utilize electronic transmission methods of sending voter registration and ballot request materials.

This section also directs the Federal Voting Assistance Program of the Department of Defense to maintain and make available an online repository of State contact information with respect to Federal elections for use by military and overseas voters. The repository should include contact information for all the relevant State and local election officials in each State, including any designated email and Internet addresses and phone and fax numbers instituted to comply with the provisions of this law.

Finally, this section contains additional provisions directing States, to the extent practicable, to ensure the integrity of the voter registration and absentee ballot request process, as well as the protection of personal data.

Section 578. Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters.

This section amends UOCAVA to require States to establish procedures for transmitting blank absentee ballots to military and overseas voters both by mail and electronically for all general, special, primary, and runoff elections for Federal office. States are to use the preferred method of transmission identified by the voter and institute a procedure for allowing the voter to designate whether their preferred delivery method is by mail or electronic delivery. As in the previous section, if no delivery method is specified, States should follow applicable State law or, in the absence of such law, should deliver the blank absentee ballot to the voter by mail.

Additionally, this section contains the same language with respect to election integrity and voter privacy as the prior section, and the same rationale for the efficiency and effectiveness of electronic transmission also applies to this section with equal force.

Section 579. Ensuring absent uniformed services voters and overseas voters have time to vote.

This section amends UOCAVA to require States to transmit validly requested absentee ballots to military and overseas voters not later than 45 days before an election for Federal office, if a ballot request form is received by the relevant local election official at least 45 days before the election. In a circumstance when the absentee ballot request is received less than 45 days before the election, States must transmit a validly requested absentee ballot in accordance with State law and in as practicable a manner as possible that expedites the ballot's transmission so that the voter receives the ballot with enough time to cast the ballot and to have it counted. If States receive an absentee request less than 45 days before the election that contains an electronic delivery designation and related contact information, the State can expedite the blank ballot by electronic means. Of course, the UOCAVA voter still may request his or her ballot to be sent by mail. States may not be able to send the ballot electronically if the State lacks the necessary information, for example a correct email address or facsimile number.

The language ''validly requested'' in the MOVE Act refers to how this provision interacts with the pre-existing UOCAVA statute. Under §102a(2) of UOCAVA, each State is required to ''accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election.'' The language ''validly requested'' in MOVE refers to applications that are received by local election

officials in accordance with §102a(2). It should be noted that although UOCAVA requires election officials to accept and process applications up to at least 30 days before an election under §102a(2), States are of course free under UOCAVA to shorten that time period to less than 30 days to give military and overseas voters more time to send in their applications. In such circumstances, the language ''validly requested'' also refers to ballots that are requested in time under the more permissive State law.

Also relevant here is that UOCAVA, as amended by the MOVE Act, creates a 15-day ''gap'' in which a State might receive an absentee ballot application from a military or overseas voter less than 45 days in advance of an election, and thus cannot comply with the 45-day rule under MOVE, but is still required to accept and process the application due to the 30-day rule under §102a(2). To ensure that military and overseas voters whose applications are received during this 15-day gap are given enough time to vote, the MOVE Act directs States to transmit such ballots ''in accordance with State law,'' which is a directive for States to deliver ballots in accordance with any procedures that may exist under State law for transmitting ballots to UOCAVA voters, and in as practicable a manner as possible that expedites the ballot's transmission. This shall not supersede the MOVE requirement that UOCAVA voters be able to designate their preferred method of ballot delivery (mail or electronic) and the State's obligation to comply. State law may allow state election officials to fulfill requests that arrive less than 30 days before the election.

The ''time to vote'' provision was at the top of the list for potential reforms of military and overseas voting at the May 2009 Rules Committee hearing, with witnesses for both the Majority and the Minority endorsing such a measure. The original draft of the MOVE Act contained a 55-day mandate, under which States were required to send out ballots 45 days before an election and accept ballots up to 10 days after the election or by the State's certification date, whichever was later. This original provision was a response to complaints that certain jurisdictions refuse to count ballots from UOCAVA voters when those ballots are sent to States on or before Election Day but do not reach State or local election officials until after the polls have closed. However, there were concerns that this post-election requirement would intrude on States' ability to certify their elections in a manner that complies with their respective State laws or constitutions. Therefore the bill was modified to require that ballots be sent out at least 45 days before Election Day. The consensus recommendation emerged for a 45-day requirement following the hearing because it provides sufficient time for UOCAVA voters to request, receive and cast their ballots in time to be counted in the election for Federal office and better accommodates the laws of a number of states.

However, recognizing that circumstances may arise that prevent States from complying with the mandate to send ballots 45 days before Election Day, the MOVE Act also includes procedures whereby States can apply for a waiver from that provision. Waivers are submitted to the Presidential designee who, after consultation with the Attorney General, will decide whether to approve or deny the waiver request. If approved, the waiver is valid only for the election for which the State requested it. MOVE does not contemplate permanent waivers. Nor does MOVE contemplate ''automatic'' renewals of waivers—a waiver that is approved for one election is not automatically valid for or applicable to the State's next election. The reason is to protect UOCAVA voters from situations where a State's plan is approved by the Presidential designee, but ultimately proves insufficient to serve as a substitute for the 45-day rule. For example, if a waiver is granted for an election because the Presidential designee determines that the comprehensive State plan will give military and overseas voters enough time to vote, but evidence subsequently shows that, in practice during the election cycle, the State plan did not provide enough time to vote, a future waiver request with a similar State plan may not be granted just because it had been approved for the prior election. However, if a waiver is approved and the State plan is proven effective, a similar State plan resubmitted in a subsequent election cycle may be approved again. The key is that the State plan must provide adequate substitute procedures so that UOCAVA voters are given an opportunity to vote that is at least as sufficient as if the State complied with the 45-day rule. In some cases, the State waiver plan may provide even greater protection for UOCAVA voters, and such plans would serve the interests of the UOCAVA voters and the intent of the law. Thus state plans that offer protection for UOCAVA voters that is better than or equal to the 45-day provision and procedures that go beyond other minimum requirements for state assistance for those voters could merit repeated waivers.

This section mandates that the Presidential designee can only approve or reject a waiver after consulting with the Attorney General, since the Attorney General is the office that enforces UOCAVA and the provisions of the MOVE Act, and there should be coordination between the two entities. Consultation between the Presidential designee and Attorney General will promote consistency so that election officials do not receive mixed messages about the viability of waiver requests.

The Presidential designee may only grant a waiver if a specific standard is met, which is laid out in the MOVE Act. First, the Presidential designee may grant a waiver if one or more of the following circumstances exist to prevent a State from complying with the 45-day rule: (1) the State has a late primary election date, making it impossible to send validly requested ballots to voters 45 days before the election; (2) the State has suffered a delay in generating ballots due to a legal contest, such as a contested primary; or (3) the State's Constitution prohibits the State from complying with the 45-day rule. These are the only three circumstances under which a waiver request may be sought under MOVE.

In addition to a finding that at least one of these circumstances exists, the waiver request itself must include, in writing, the following: a recognition of the need to provide overseas voters with enough time to vote; an explanation of the hardship that prevents the State from transmitting absentee ballots 45 days before the election; the number of days prior to the Federal election that the State will transmit absentee ballots to military and overseas voters; and a comprehensive plan ensuring that military and overseas voters are able to receive and return requested absentee ballots in time to be counted. The plan must include the specific steps the State will take to ensure military and overseas voters have time to receive, mark, and submit their ballots in time to have them counted, an explanation of how the plan serves as an effective substitute for the 45-day rule, and relevant information that clearly explains how the plan is sufficient to substitute for the 45-day rule in a manner that allows enough time to vote. States are free to use innovative methods to ensure their comprehensive plan gives military and overseas voters enough time to vote.

Testimony before the Rules Committee supported the practice of some States that accept and count UOCAVA ballots after Election Day as one way of protecting the voting rights of their UOCAVA voters. This can be an acceptable option for states whose constitution and laws allow it and who want that flexibility. States must be mindful that even when they count UOCAVA ballots after an election, those voters may not be aware of that procedure. Therefore, a state should ensure that voters get ballots with enough time to vote and inform them of the state's procedures for receiving and counting ballots.

To summarize, the Presidential designee can issue a waiver only if one or more of three exigent circumstances exists: a prohibitively late primary date; a legal contest that results in a delay in generating ballots; or a conflict with a State's Constitution. In addition, the Presidential designee makes a determination that the State requesting the waiver has submitted an acceptable plan, containing all necessary information, which provides military and overseas voters with enough time to receive, mark, and submit their absentee ballots in time to have that ballot count in the election. The Presidential designee must consult with the Attorney General before approving a waiver request, since the Attorney General is charged with enforcing and ensuring State compliance with the provisions of UOCAVA and MOVE.

Waiver requests must be submitted by the chief State election official to the Presidential designee not later than 90 days before the Federal election for which it is requested, and the Presidential designee must approve or deny the waiver not later than 65 days before the election. If the hardship at issue is a legal challenge arising in a way that makes compliance with the 90-day deadline impossible, the State must submit the waiver request as soon as possible and the Presidential designee will approve or reject it not later than 5 business days after its receipt. It is certainly possible that DOD in consultation with DOJ, rather than rejecting a waiver request, might request the State to make modifications in the waiver request that would allow the waiver to be granted.

A waiver approved by the Presidential designee is valid only for the Federal election for which the State requested it and cannot be used by a State for any subsequent Federal election. If a State wishes to request a waiver for a subsequent Federal election, it must submit another waiver request.

Section 580. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.

This section amends UOCAVA by directing the Presidential designee to develop and implement procedures for collecting marked absentee ballots, including the Federal write-in absentee ballot, from absent overseas uniformed services voters, and facilitating their delivery in a manner that ensures that the ballots are received by the appropriate election officials in time to be counted.

This provision was a response to evidence gathered by the Rules Committee about the unpredictable nature of serving overseas. At the Rules Committee hearing in May 2009, Eric Eversole, formerly an attorney with the Department of Justice Civil Rights Division's Voting Rights Section, testified that an expedited mail delivery system would reduce the ballot delivery time. In circumstances, such as unforeseen military action, where overseas military personnel might be prevented from sending in time to be counted, an expedited mail delivery system would compensate for those numerous,

unforeseen factors. This requirement also is supported by the statement from Tom Tarantino, Legislative Associate with Iraq and Afghanistan Veterans of America, that the Department of Defense should be responsible for collecting overseas servicemembers' absentee ballots to ensure their delivery, and to make certain that military voters serving overseas are able to return their ballots in a timely and predictable fashion because to do so is ''the most immediate step that Congress can take in protecting the voting rights of service men and women.'' This provision also incorporates language similar to a legislative initiative introduced by Senator Cornyn, who has advocated for DOD to take a direct role in providing expedited ballot delivery.

This section directs the Presidential designee to establish procedures for collecting absentee ballots from overseas military voters, and to facilitate their delivery so they are received by local election officials in time to be counted. The Presidential designee must work in conjunction with the U.S. Postal Service to provide expedited mail delivery for all absentee ballots from overseas military members. These ballots will be collected up until noon on the seventh day preceding the date of the upcoming election for expedited transmittal. This section also gives the Presidential designee flexibility to change that deadline if remoteness or other factors associated with military service, such as being located in a combat zone, warrant collecting and transmitting ballots prior to the regular deadline to ensure the ballots can be counted in time.

Finally, this section mandates that all ballots sent by military members overseas have to be postmarked by the Military Postal Service with the date the ballot was mailed. In accordance with existing law, it must be carried free of postage. Without a postmark, election officials have been unable to tell when a ballot was mailed, increasing the likelihood of uncounted votes from military personnel. This provision addresses the postmark problem and eliminates the risk of a ballot not being counted for this reason.

In carrying out this provision, the Presidential designee is charged with the responsibility of making certain that overseas military voters are aware of the expedited mail procedures and deadlines involved. The Presidential designee shall do this in a number of ways within his discretion, such as making information available via the Global Military Network, through easily accessible websites frequently used by military members, and in the informational forms made available to military members during critical points in service, such as the administrative in-processing at a new installation or base. A later section of MOVE requires the Presidential Designee to create online information portals and use the Global Military Network to inform military voters of voter registration information and absentee ballot rights.

In drafting this legislation, the Rules Committee considered a direct mandate on the Department of Defense which would have required that absentee ballots be transmitted to the appropriate election officials by a date certain. In consultation with the Department of Defense, however, personnel of that agency responsible for overseeing absentee voting for overseas military personnel expressed concern that complying with such a provision would be beyond its control. Absentee ballots mailed from abroad enter the domestic mail system once those ballots reach the United States and are no longer under DOD control. This section recognizes that reality, while at the same time solidifying the DOD's role in expediting transit times for these ballots so they can reach local election officials in time to be counted.

This section includes three supplemental provisions. First, it directs the chief State election official in each State, working alongside local officials, to develop a free access system whereby all military and overseas voters can track whether or not their absentee ballots have been received by the appropriate election official. This language was suggested by Lt. Col. Joseph DeCaro and others, to ensure that UOCAVA voters know their ballots are similarly situated to domestic absentee voters. Receipt of the UOCAVA ballot by the local election official marks the most important hurdle for overseas voters: getting the completed ballot back to the election office.

Second, it mandates that those soldiers who cast ballots at locations under the jurisdiction of the Presidential designee, such as military installations, are able to cast their ballots as privately and independently as possible. Ensuring the privacy of all voters is important, and military voters should be able to vote in a private and independent manner.

Third, it directs the Presidential designee to ensure, to the extent practicable, that absentee ballots in the possession or control of the Presidential designee remain private. Again, absentee ballot procedures should protect the privacy of the voters, to the extent practicable.

This section only requires expedited mail procedures for overseas service personnel and not all UOCAVA voters. In crafting the legislation, the Rules Committee staff was concerned about the challenges facing non-military overseas voters seeking timely return of their ballots to State election officials. Unfortunately, the problems inherent in engaging every foreign, nonmilitary post office to provide such assistance made this expansion of the expedited mail requirement impractical at the present time. Additionally, several of the challenges justifying the provisions of this section, such as the sporadic lack of postmarks on military mail and unpredictable conditions associated with service, are pervasive problems faced by overseas military personnel. However, under this section State officials are required to develop the tracking system for absentee ballots from both military and overseas voters. Lieutenant Colonel Joseph DeCaro of the United States Air Force testified at the Rules Committee's May 2009 hearing about his frustration at not knowing whether his ballot had been received by State officials. The tracking provision addresses this concern. The Help America Vote Act already requires a free access system to notify voters about whether or not their provisional ballots have been counted. The MOVE Act absentee ballots are not provisional ballots. However, it should not be too difficult for State election officials to develop a system that military and overseas voters can use to get information about the status of their ballots that is similar to the system mandated under HAVA for provision ballots. This will allow those voters to complete FWAB ballots if it becomes clear their ballot was not received in a timely fashion.

Section 581. Federal write-in absentee ballot.

This section amends UOCAVA to expand the availability and accessibility of the Federal write-in absentee ballot and to promote its use among military and overseas absentee voters.

The FWAB functions as a failsafe ballot for military and overseas voters. It allows them to submit this ballot to local election officials in every State in circumstances where they have not received a requested ballot in time from their respective election officials. However, information gathered during Congressional hearings clarified the fact that awareness of the FWAB among military and overseas voters is very low, and therefore an underutilized resource. At the May 2009 hearing on military voting problems held by the Elections Subcommittee of the House Committee on Administration, Gunnery Sergeant Jessie Jane Duff (Ret.) testified that she had never heard of the FWAB despite a twenty-year career as a marine.

Under this section, the Presidential designee is required to adopt procedures to promote and expand the use of the FWAB as a back-up measure. As part of this effort and required by other sections of MOVE, the Presidential designee shall take steps to make servicemembers aware of its existence and function, by promoting it through the Global Military Network and at critical points of service (example: such as the administrative check-in of soldiers at a new base or installation).

This section also expands the availability and utilization of the FWAB in two significant ways. First, it expands the mandatory availability of the FWAB as a failsafe ballot from use only in general elections, under the original UOCAVA statute, to also include special, primary, and runoff elections for Federal office. This is an important expansion of its use, because special, primary and runoff elections generally have shorter time periods between the time when ballots are made available to voters and Election Day.

Second, this section directs the Presidential designee to expand and promote the use of the FWAB as a back-up ballot. As part of this effort, the law directs the Presidential designee to use technology to develop a system under which a military or overseas voter can enter his or her address or other appropriate information, and the system will generate a list of all candidates for Federal office in the voter's jurisdiction. The voter will now have the information needed to fill out the FWAB and submit it to his or her election official. Such technology has already been developed through a partnership between the Pew Center on the States and the Overseas Vote Foundation, as noted in Pew's No Time to Vote: Challenges Facing America's Overseas Military Voters report submitted for the record for the Rules Committee's May 2009 hearing.

Section 582. Prohibiting refusal to accept voter registration and absentee ballot applications, marked absentee ballots, and Federal write-in absentee ballots for failure to meet certain requirements.

This section amends UOCAVA by prohibiting States from rejecting registration applications, ballot request applications and ballots for reasons unrelated to voter eligibility. The section is a response to evidence gathered by the Rules Committee highlighting the unfortunate practice, in certain jurisdictions, of rejecting absentee ballots and other election materials for immaterial reasons. In his testimony at the May 2009 Rules Committee hearing, Robert Carey of the National Defense Committee recommended eliminating notarization requirements for UOCAVA voters. That recommendation was echoed by representatives of the Pew Center on the States and the Overseas Vote Foundation. While the original draft of MOVE in S. 1415 also eliminated witness requirements in UOCAVA ballots, that provision was removed through committee negotiations. Any witness requirements that may be imposed by States should allow flexibility to ensure a voter can easily complete an absentee ballot. Any complex witness requirements make it more difficult for military and overseas voters to complete and cast an absentee ballot.

The first provision of this section prohibits States from rejecting otherwise valid voter

registration applications, absentee ballot applications (including the official post card form prescribed under UOCAVA), and marked absentee ballots submitted by military and overseas voters solely on the basis of notarization requirements, restrictions on paper type, and restrictions on envelope type. In some cases, the need to photocopy a ballot may result in a completed absentee ballot on different paper. No jurisdiction should reject a properly completed form simply because of the paper used.

The second provision contains similar prohibitions on rejecting the FWAB. It prohibits States from rejecting marked FWAB ballots solely because of notarization requirements, restrictions on paper type, and restrictions on envelope type.

Section 583. Federal Voting Assistance Program (''FVAP'').

This section amends UOCAVA to improve the Federal Voting Assistance Program for military voters. These provisions increase the availability of materials containing information on absentee voting procedures for military voters, as well as expand the overall awareness of such procedures.

The section directs the Presidential designee to take two major steps to meet this end—first, to create an online portal of information where our military can access information about registration and balloting procedures in their respective States; and second, to establish a program using the Global Military Network, an email network that reaches out to virtually every member of our military, to notify servicemembers 90, 60, and 30 days prior to each election for Federal office of voter registration information and resources, the availability of the Federal postcard application, and the availability of the FWAB as a fail-safe ballot.

It should be noted that the sponsors of the MOVE Act acknowledged that the Department of Defense already had a number of regulations in place to try to assist servicemembers in exercising their right to vote. Therefore, a provision was included to clarify that the provisions of MOVE were not meant to eliminate any other duties or obligations promulgated by the DOD that are not inconsistent or contradictory with the MOVE Act.

The section mandates that not later than 180 days after passage of the MOVE Act, the Secretary of each military department of the Armed Forces must designate offices on military installations under their jurisdiction to provide comprehensive voter registration services for troops and their families. The office will serve as a clearinghouse for providing servicemembers the opportunity to receive information on the following: voter registration and absentee ballot procedures, information and assistance with registering to vote in their States, information and assistance with updating the individual's voter registration information, including instructions on how to use and submit the Federal postcard application as a change of address form, and information and assistance with requesting an absentee ballot from the voter's local election official.

The section gives priority to individuals transitioning through critical points in their service, such as individuals who are undergoing a permanent change of duty station, deploying overseas for at least six months, returning from an overseas deployment of at least six months, or who otherwise request assistance related to voter registration. These resources are required by this section to be provided at least during the administrative processing associated with these points in service. By detailing exactly which points in time servicemembers are to receive such information, this section ensures that these voter resources can be most easily and efficiently provided to our troops. As a result, their ability to participate in Federal elections will be dramatically increased.

The Secretary of each military department (or the Presidential designee) is required to take steps to make the availability of these resources known to military voters through outreach efforts that include the availability of the designated voter registration offices and the time, location, and manner in which military voters may access such assistance. The Presidential designee and Secretaries of military departments are free to undertake a variety of methods to satisfy this provision, including the requirements in other sections of MOVE to inform servicemembers of the ballot collection and expedited delivery procedures.

Finally, this section allows the Secretary of Defense to authorize the Secretaries of the military departments of the Armed Forces to designate offices on military installations as voter registration agencies under §7(a)(2) of the National Voter Registration Act of 1993 (NVRA).

Under the provisions of the MOVE Act as passed by the Senate, the offices designated to provide voter registration assistance were required to be uniformly deemed voter registration agencies under the NVRA. In the conference committee for the NDAA, this requirement was changed from mandatory NVRA designation to giving the Secretaries the option of designating the voter registration offices as NVRA agencies.

There are good reasons for designating these voting assistance offices as voter registration agencies under the NVRA. Designation provides a minimum, uniform standard by which these offices must provide voter registration assistance and ensures such assistance is effective. First, pursuant to §7(a)(4)(A) of the National Voter Registration Act, such offices must provide mail voter registration forms, assistance in completing voter registration application forms, and acceptance of such forms for transmittal to State officials. The Federal postcard application can be used for this purpose because it is an acceptable voter registration form under the NVRA. Second, under §7(d), accepted registration forms have to be transmitted to State officials within 10 days of acceptance, or if accepted, within 5 days before the last day for registration to vote in an election, not later than 5 days after the date of acceptance. Furthermore, any individuals providing registration assistance in such an office are prohibited from doing the following: seeking to influence an applicant's political preference or party allegiance; displaying any political preference or party allegiance; making any statement to the applicant that would discourage registration; or making any statements with the purpose or effect of leading the applicant to believe that a decision to register has any bearing on other services provided at that office. The NVRA sets a uniform standard by which these offices must provide voter registration by ensuring an expansive provision of voter registration assistance and protecting against inadequate assistance and deficiencies in registration services. Without the opportunity or ability to register in an effective way, our military cannot vote.

While some have expressed concern with requiring DOD to run an NVRA voter registration agency, this is not a new role for the Department of Defense. The Department is already responsible, and has been for well over a decade, for administering the NVRA at designated offices. More than 6,000 military recruitment offices are currently required to provide information, registration assistance, and opportunities to register to vote in conformance with the NVRA. Further, these offices would only be required to provide the necessary voting assistance to individuals who are seeking other appropriate services at the military recruitment offices and not to any person who may happen to walk in and request it.

Nor are these offices required to operate as stand-alone voter registration agencies. Similar to other State government agencies operating NVRA-designated voter registration agencies, such as State social service offices, Departments of Motor Vehicles, and the like, DOD can provide voter registration services in offices that have a different primary function such as pay, personnel, and identification offices.

Following the passage of the MOVE Act, it is notable that Chairman Schumer and Senator Cornyn sent a letter on December 4, 2009 to Secretary Gates requesting that he make the determination, which he authorized to do under the NVRA, that the Department of Defense would be designated as a ''voter registration agency'' under the Act. In a letter back to Senators Schumer and Cornyn, dated December 16, 2009, the Deputy Secretary of Defense William J. Lynn, III, agreed to ''designate all military installation voting assistance offices as NVRA agencies.''

Finally, the Secretary of Defense is required to prescribe regulations relating to the administration of this section, which must be prescribed and implemented by the November 2010 Federal elections.

Section 584. Development of standards for reporting and storing certain data.

This section amends the UOCAVA statute to direct the Presidential designee to work with the Election Assistance Commission and the chief State election official of each State to develop standards for reporting data on the number of absentee ballots transmitted to and received from overseas voters, as well as other data the Presidential designee determines to be appropriate. States are required to report this data as the Presidential designee, in accordance with the standards developed by the Presidential designee under this section. The Presidential designee is directed to store such data, and should make that data publically available as appropriate under the law.

Section 585. Repeal of provisions relating to use of single application for all subsequent elections.

This section repeals §104(a)—§104(d) of the UOCAVA statute. These provisions required States, once they processed an official post card form received by military and overseas voters, to send an absentee ballot to that voter for each Federal election held in the State through the next two regularly scheduled general elections for Federal office, provided the voter indicated he/she wished the State to do so. It has been reported by State and local officials that this section of UOCAVA has led to inefficiency as blank absentee ballots are sent to voters who have moved or are no longer registered in the same location where they originally registered. Because some military and overseas voters in particular tend to be highly mobile, it is reported that this provision was difficult to implement effectively. The Committee responded by eliminating this federal mandate. States, however, are free to continue absentee programs that they find effective and convenient for voters, whether they be domestic or overseas voters.

Section 586. Reporting requirements.

This section amends UOCAVA to include additional requirements for reporting information to the Congressional committees of jurisdiction, including the Senate Committee on Appropriations, the Senate Committee on Armed Services, and the Senate

Committee on Rules and Administration, and the House Committee on Appropriations, the House Committee on Armed Services, and the House Administration Committees.

The first provision is a requirement for the Presidential designee to submit a report to these committees not later than 180 days after the enactment of the MOVE Act. The report is to include (a) the status of the implementation of the procedures on collection and delivery of absentee ballots from overseas military personnel, including specific steps taken in preparation for the November 2010 general election; and (b) an assessment of the Voting Assistance Officer (VAO) Program of the Department of Defense, including an evaluation of effectiveness, an inventory and full explanation of any programmatic failures, and a description of any new programs to replace or supplement existing efforts.

The Voting Assistance Officer (VAO) program is administered by the Department of Defense to provide military personnel with person-to-person guidance in understanding absentee voting procedures and helping overseas military personnel with the absentee voting process. However, the Rules Committee gathered evidence during the drafting of this legislation indicating the need for improvements in the VAO program. Tom Tarantino, Legislative Associate with Iraq and Afghanistan Veterans of America, submitted written testimony that he had been poorly trained when he served as a VAO. A report from the Department of Defense Inspector General revealed that in 2004, voting assistance officers made contact with only 40%–50% of military voters. Also, it was made known to the Rules Committee that serving as a VAO is often seen as a low-level military assignment, so it is not given much priority in practice. The reporting requirements established under this section will provide the new FVAP chief with the time to assess existing programs and suggest improvements, all with the goal of providing more overseas and military voters with the information and support necessary for them to exercise their right to vote.

The second reporting requirement is an annual report to Congress, due no later than March 31 of each year. In this report, the Presidential designee must include the following: (a) an assessment of the effectiveness of the FVAP program, including an examination on the effectiveness of the new responsibilities established by the MOVE Act; (b) an assessment of voter registration and participation by overseas military voters; (c) an assessment of registration and participation by non-military overseas absentee voters; and (d) a description of cooperative efforts between State and Federal officials. The report should also include a description of the voter registration assistance provided by offices designated on military installations utilized by servicemembers and a description of the specific programs implemented by each military department of the Armed Forces to designate offices and provide assistance. Finally, the report should include the number of uniformed services members utilizing voter registration assistance at the designated offices.

When the annual report is issued in years following a general election for Federal office, it should include a description of the procedures utilized for collecting and delivering marked absentee ballots, noting how many such ballots were collected and delivered, how many were not delivered in time before the closing of polls on Election Day, and the reasons for non-delivery.

These reporting requirements are a direct consequence of the interest of Congress in initial compliance with the MOVE Act and with its routine implementation over time. These reports will provide a key indicator of how effective absentee voting procedures are for overseas Americans in case additional reform is needed in the future.

Section 587. Annual report on enforcement.

This section amends the UOCAVA statute to require the Attorney General to send a report to Congress no later than December 31 of each year regarding what actions the Department of Justice has taken to enforce UOCAVA and the MOVE Act amendments to UOCAVA.

Since UOCAVA's passage in 1987, the Justice Department has filed 35 compliance suits against the States. Congress should be updated on a regular basis on efforts made to comply with federal military and overseas voting statutes. These reports will provide the Rules Committee and other Congressional committees with a key tool for oversight, in anticipation of the Justice Department playing a key role in overseeing the implementation and enforcement of the MOVE Act.

Section 588. Requirements payments.

This section amends the Help America Vote Act (HAVA) of 2002 to establish a new funding authorization, in addition to the funding authorizations already in place under HAVA, intended to be used only to meet the new requirements under UOCAVA imposed as a result of the provisions of and amendments made by MOVE. The language of the MOVE Act indicates that separate from a HAVA requirements payment; Congress has authorized, and can specifically appropriate funds for requirements payments ''appropriated pursuant to the authorization under section 257(a)(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.'' The appropriation would specifically reference a MOVE requirements payment. That MOVE requirements payment can be used only to meet the requirements of the MOVE Act. Nothing in this section impacts the ability of States to receive and spend funds on the traditional HAVA requirements payment program.

States must describe in their State plan how they will comply with the provisions and requirements of and amendments made by MOVE. Under amendments made in conference committee, chief State election officials may access MOVE requirements payments without providing the 5% match upfront. This section was amended in contemplation of providing funding for those States whose legislatures do not meet on an annual basis.

Further, States may choose to use the original funding authorizations under HAVA, those adopted as part of the original HAVA statute, to fund MOVE related compliance efforts so long as the State meets all of its other obligations under HAVA. The provisions of the MOVE Act can certainly be considered an activity ''to improve the administration of elections for Federal office'' under the HAVA requirements payments language.

Section 589. Technology pilot program.

This section gives the Presidential designee the authority to establish one or more pilot programs under which new election technologies can be tested for the benefit of military and overseas voters under the UOCAVA statute. The conduct of the program will be at the discretion of the Presidential designee and shall not conflict with any existing laws, regulations, or procedures.

Mindful of security concerns, the Rules Committee included several items for the Presidential designee to consider in crafting this pilot program. These include transmitting electronic information across military networks, cryptographic voting systems, the transmission of ballot representations and scanned pictures of ballots in a secure manner, the utilization of voting stations at military bases, and document delivery and upload systems. There may be many positive developments made by DOD pilot programs that can assist in expedited voting procedures for military and overseas voters. Security and privacy, of course, are essential components to any pilot program.

Under this section, the Presidential designee is required to submit to Congress reports on the progress of any such pilot programs, including recommendations for additional programs and any legislative or administrative action deemed appropriate.

This section directs the Election Assistance Commission (EAC) and the National Institute of Standards and Technology (NIST) at the Department of Commerce to work with the Presidential designee in the creation and support of such pilot programs. The bill requires the EAC and NIST to provide the Presidential designee with ''best practices or standards'' regarding electronic absentee voting guidelines. In particular, the MOVE Act directs the EAC and the NIST to work to develop best practices which conform with the electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (P.L. 107–107), as amended by §507 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108–375). The Committee staff contemplates that NIST will be helpful in addressing the election integrity and security concerns involved in developing electronic voting systems, as illustrated by NIST report entitled ''Threat Analysis on UOCAVA Voting Systems'' of December 2008 (NISTIR 7551).

This section also directs that, if the EAC has not established electronic absentee voting guidelines by not later than 180 days after enactment of the MOVE Act, then the EAC is to submit to Congress a report detailing why it has not done so, a timeline for the establishment of such guidelines, and a detailed accounting of its actions in developing such guidelines. This should provide to Congress and the public a roadmap on progress made, as well as the next steps the EAC plans to take.

RECOGNIZING THE ARKANSAS AIR NATIONAL GUARD

Mrs. LINCOLN. Mr. President, today I pay tribute to our Arkansas Air National Guard and their efforts to keep our Nation safe. In particular, I recognize the members of the 188th Fighter Wing, who are returning home throughout May after a 2 month deployment overseas.

The airmen spent 2 months at Kandahar Airfield in southern Afghanistan, flying 12 to 16 flights a day. Their day-and-night operations supported the ground troops who were fighting enemy insurgents. The work in Afghanistan was the unit's first combat deployment using A–10s. The unit flew F–16s until April 2007, including during their 4 month deployment in 2005 to Balad Air Base in Iraq.

Along with all Arkansans, I honor these servicemen and women for their bravery, and I am grateful for their service and sacrifice.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas reservists have served in Iraq or Afghanistan since September 11, 2001. It is the responsibility of our Nation to provide the tools necessary to care for our country's returning servicemembers and honor the commitment our Nation made when we sent them into harm's way. Our grateful Nation will not forget them when their military service is complete. It is the least we can do for those whom we owe so much.

REMEMBERING SENATOR CRAIG THOMAS

Mr. BARRASSO. Mr. President, I rise today to remember the life of Senator Craig Thomas.

Senator Thomas passed away on June 4, 2007. On that day, the people of Wyoming lost a native son. His presence back home is still missed.

One week from tomorrow will be the third anniversary of Craig's death. A column recognizing Craig's life and the Craig and Susan Thomas Foundation will be circulated across Wyoming next week. It reminds us of Craig's toughness, his love for Wyoming, and his commitment to challenging young people to succeed.

It is an appropriate tribute to Senator Thomas. I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRAIG THOMAS—A LIFE'S WORK GOES ON

(By Gale Geringer)

It's hard to believe that June 4th marks the third anniversary of Senator Craig Thomas' death in 2007.

Craig's wisdom and dedication to Wyoming people is dearly missed.

The passion he had for making Wyoming an even better place lives on strong when we need it most. In these economic times, when some young people have an especially tough time with financial or family issues, Craig Thomas' dedication to our future is an example we need to remember.

Craig was compassionate but it came with toughness. He respected young people and so expected a lot of them. He encouraged our youth to succeed and he approached that from the standpoint of a Captain in the United States Marine Corps. He taught personal responsibility and self reliance. He believed in being on time and ready to learn or work.

Craig motivated thousands of young people, urging them to be the best they can be, whatever their circumstances. He didn't come from money and didn't place a lot of value on pedigrees. He believed each individual had it within him/herself to rise above hardships and become productive, contributing members of society but he also recognized that everyone learns at a different level.

So for kids who might have fallen through the cracks, or were in the middle or bottom of their class, what a welcome inspiration they could find in Craig Thomas.

The Craig and Susan Thomas Foundation is born directly from that ethic and from the life-long experience and caring counsel of his wife, Susan.

The Foundation, now in its third year, continues to fulfill a promise and helps young people try for that second, third, even fourth chance at education and life fulfillment.

With scholarships to Wyoming's community colleges, the University, vocational and technical schools or online education, the Craig and Susan Foundation is changing lives. The Foundation believes that it doesn't matter where students are from, what their grade point average was, or whether they had excelled in something before. It matters that today they want to try and know that someone cares.

In addition to its other programs, the Foundation also gives annual leadership awards to adults who work to support at-risk youth in Wyoming, mentoring, educating or counseling children to achieve their goals.

One scholarship recipient, who is finishing his second year in college, tells this story, ''My early years were spent in various stages of poverty, abuse and neglect. I spent my teen years in foster/legal guardian care situations. I am and will remain drug free. I choose my circle of friends wisely. Now I'm majoring in Business Management at LCCC where I am getting good grades. It is very expensive and I need help. I ask for your assistance in helping me to make the very best of my life. College expenses are the greatest obstacle between me, my education and my success as a self-reliant, valuable member of my community.''

To date, 53 scholarships have already been awarded, including five to students who are older and have been able to improve their job prospects because they've obtained degrees or certificates.

The idea is simple. Our children deserve an opportunity to build happy and successful lives for themselves regardless of power or place. And when and if they fail, we have a responsibility to show them another way and offer them another chance.

Craig Thomas never thought he would grow up to be a United States Senator. He was a humble kid from outside of Cody who liked people and was willing to work hard at whatever he did. He would have also told you that there were special people in his life that pushed, prodded and, at times, literally willed him to succeed.

Not all of the students who are awarded a scholarship from the Craig and Susan Thomas Foundation and receive mentoring from Susan Thomas will become elected leaders some day. But one thing is sure, they WILL build Wyoming's workforce and they are inspiring assets to a better state—because they pulled themselves up by their bootstraps . . . with a little help.

NATIONAL FOSTER CARE MONTH

Mrs. LINCOLN. Mr. President, I rise today in recognition of National Foster Care Month, a time to recognize and shine a light on the needs of our foster children in Arkansas and across the U.S. and to highlight the countless men, women, and families who work tirelessly on their behalf.

Arkansas has more than 3,500 children in foster care. It is imperative that we ensure their safety and well-being and work to find them a permanent family to provide the love and support they need and desire. That is why I have introduced my Child Welfare Workforce Study Act, which will help identify the barriers that prevent children and families from accessing the essential services they need. It will also better ensure that necessary steps are taken to recruit and retain a quality and experienced workforce that can effectively address the needs and risks of our Nation's most vulnerable children and the families that provide them care.

With thousands of children in Arkansas seeking nothing but a safe and stable family to provide them comfort and security, we have a responsibility to ensure that families are adequately prepared to provide them with the care and supervision they deserve. These families should be appropriately supported and equipped with the resources they need.

Our current system is burdened by the ongoing challenges of recruiting and retaining enough families to care for and welcome these children into their homes, and experienced caseworkers to effectively manage their cases. We have children slipping through the cracks, and that is simply unacceptable. We need to create an environment that best provides for the well-being of these children and that most effectively helps them find a loving and permanent home.

I have also introduced the Resource Family Recruitment and Retention Act, which establishes much-needed standards of consistency in agency and state policies for foster and adoptive care. It also calls on agencies to follow best practices proven to increase and retain the number of foster, adoptive and kinship parents. These practices include efforts to allow foster parents to actively participate and have input in the case-planning and decision-making process regarding the child; to receive complete and timely responses from the agency; and to receive support services and appropriate training that will enhance the skills and ability of resource parents to meet their children's needs. Finally, the bill establishes a grant program to better allow states to develop innovative methods of education and support for families.

As lawmakers, it is our role to honor the critical role that foster families play in the lives of foster youth and provide them with the services and the support they need. Foster children seek nothing more than a safe, loving and permanent home, and resource families often help address this need. By strengthening efforts to recruit and retain these families, we also enhance our best recruitment tool, and retain prospective adoptive resources.

As members of this body, we have an obligation to do right by those whom we represent each and every day. We also have a moral obligation to do everything we can on behalf of the most vulnerable in our society. For the over 500,000 children in foster care and the many thousands of families who have provided them with the love and support they desperately need, it is the least we can do.

EARMARKS

Mr. ALEXANDER. Mr. President, with all of the recent talk of earmarks,

I want to share an op-ed that I wrote for the Nashville Tennessean and appeared in that paper on May 19 about the importance of asking Congress to fund Tennessee projects. Following is the text of that article:

In 2007, the Corps of Engineers told me that two big flood control dams on the Cumberland River system were near failure. I asked for and Congress approved $120 million to begin repairing Center Hill and Wolf Creek Dams.

During the recent flood, these repairs kept water levels higher behind these dams, which in turn kept millions of gallons out of the Cumberland River. According to the Corps, if Wolf Creek Dam had failed, flooding in Nashville would have been 4 feet higher. My $120 million appropriation request was called an ''earmark.''

Here is another ''earmark.'' In 2003, 40 Clarksville community leaders visited me in Washington. They and the commander of the 101st Airborne, GEN David Petraeus, wanted new housing for soldiers returning from Iraq. This was their top priority, but the money was not in President George W. Bush's budget. Over 3 years, I asked for $196 million. Congress approved. By 2007, when the most-deployed troops in America came home, new housing was ready.

Some say abolishing such earmarks will help solve Washington's out-of-control spending. I say this is a hoax, for two reasons:

1. Abolishing earmarks doesn't reduce the Federal debt one penny. If I ask for a Tennessee project and Congress approves, other spending in the budget is reduced by an equal amount. This debate over earmarks is a sideshow. The main show is the Democratic budget that would double the Federal debt in 5 years and triple it in 10. The way to control Federal spending is, first, to limit growth of discretionary spending to 2 percent a year—40 percent of the budget—and, second, to slow down automatic entitlement spending—most of the rest of the budget. Earmarks total 1 percent of all spending—and, again, earmarks add zero to total spending.

2. Under article I of the U.S. Constitution, only Congress—not the President—appropriates funds. When Tennesseans come to see me about making Center Hill and Wolf Creek Dams safe or improving housing at Fort Campbell, my job is not to give them President Obama's telephone number.

Some appropriations are vital.

Then, you might ask, why all the fuss? Because some Members of Congress have abused earmarks. Some ask for silly ones. Some ask for too many. Two were convicted of taking campaign contributions in exchange for recommending projects. Perhaps a senator is more likely to vote for a bill that includes his or her appropriations amendment—but this can be said about any amendment to any bill.

My view is that if you have a couple of bad acts on the Grand Ole Opry, you don't cancel the Opry, you cancel the acts. That is why some Congressmen lose elections and some are in jail. That is why Congress ended middle-of-the-night earmarks and even required its Members to attest that appropriations do not benefit them or their families. That is why 2 years ago I voted for a 1-year moratorium on earmarks to encourage more reforms. Now I am cosponsoring Senator Tom Coburn's legislation to put all earmarks on one Web site to make them easier to find. Tennessee projects already are on my Web site.

Some specific appropriations are vital to our State, and to our country. The Human Genome Project was an earmark. The Manhattan Project that won World War II was an earmark.

It might be easier for me to say, ''OK, no more earmarks.'' Then I wouldn't have to explain them in articles like this. But how would I explain to Clarksvillians why soldiers returning from Iraq didn't get new housing or to Nashvillians why the water was 4 feet higher during the flood? Make no mistake: If I had not asked, there would not have been enough Federal money for that housing or to repair those dams.

Just last week, the President asked for specific appropriations for the gulf coast oil-spill, but not for flooding in 52 Tennessee counties. I did ask, and the Senate Committee approved. I did not want Washington to overlook the worst natural disaster since the president took office just because Tennesseans are cleaning up and helping one another instead of complaining and looting. Sometimes the job I was elected to do includes asking Congress to fund worthwhile Tennessee projects.

TRIBUTE TO MATTHEW BERGER

Ms. SNOWE. Mr. President, I rise today to recognize the outstanding contributions of one of my staff members, Matthew Berger, during his nearly 5 years of service to the Senate Committee on Small Business and Entrepreneurship and to the people of this country. Matthew has decided to begin a new professional chapter in his life, and when he leaves the Senate this month, there will be a noticeable void in my staff.

Matthew began his work with the committee in September 2005, starting as a special assistant to the staff director and quickly transitioning to become a professional staff member the next year. In his role as professional staff, Matthew became my principal adviser on economic matters, and he helped me develop legislation and policy ideas on a host of issues, from the annual Federal budget process to Social Security and pensions. For the last 2 years, Matthew has served as economist and press secretary for my committee staff, a far-reaching role that afforded him the ability to display his many talents, including his strong writing style and vast knowledge of all matters pertaining to the Nation's financial system.

Over the past several years, Matthew has played a critical role in assisting me to develop and introduce legislation on a variety of issues. His research efforts were crucial in my developing the Home Office Tax Deduction Simplification Act in both the 110th and 111th Congresses, as well as numerous amendments to a variety of bills, including the recent financial regulatory reform legislation. Matthew was my lead staff member for the American Recovery and Reinvestment Act as well as for the yearly budget resolution, and as such, he is certainly well versed in the Senate amendment process. Matthew's efforts to promote my legislative priorities frequently helped me attract a broad coalition of cosponsors. Matthew has also helped me draft detailed editorials for several national and local Maine publications.

Prior to joining my committee staff, Matthew spent 5½ years working on tax issues for Deloitte Tax LLP and developing a solid understanding and knowledge of our Nation's tax policy, making him a tremendous asset as soon as he began his work on the Hill. As a national tax manager, Matthew advised numerous clients on the impacts of tax law, helping them anticipate and adjust to any changes in the law. During his time at Deloitte, Matthew authored several articles and portions of books, and contributed frequently to Tax News & Views, one of the company's publications for its clientele. Additionally, he was instrumental in the design, launch, and management of Tax News & Views: Health Care Edition, which highlighted recent judicial, regulatory, and tax developments regarding health care. Matthew also served as a research assistant at the Hoover Institution during his time at Stanford University, where he earned his degree in economics.

Matthew's next endeavor takes him to the National Multi Housing Council, where he will be the vice president of tax. I am confident that they will benefit greatly from Matthew's unparalleled knowledge of the Tax Code, as well as his admirable work ethic and tremendous dedication to what he does. They will also be getting a true team player—someone who establishes and cultivates strong relationships with his colleagues. And despite the whirlwind Senate schedule, Matthew frequently found the time on Monday evenings to platoon at first base for my office's softball team, ''Snowe Business.''

Over the past 5 years, I have been consistently impressed by Matthew's passion for public service. I am grateful for his incredible willingness to work long hours to help me prepare for hearings and meetings, and I am indebted to him for his involvement in helping shape some of the most significant domestic legislation of our lifetimes. From the economic stimulus legislation we passed last February to the financial regulatory reform bill we completed just last week, Matthew has been a key asset in a number of considerable policy matters during his time on the Hill. I will miss his tremendous contributions to my office and his remarkable analytical skills and institutional knowledge. While I am sad to see him leave, I wish both he and his beautiful wife LaNitra the best in their incredibly bright futures.

TRIBUTE TO WALTON GRESHAM, III

Mr. COCHRAN. Mr. President, I am pleased to congratulate my friend, Mr. Walton Gresham, III, from Indianola, MS, who has been awarded the National Propane Gas Association's Bill Hill Award. This is a significant achievement that deserves recognition from the U.S. Senate. This award was established in honor of individuals who have made outstanding and lasting

contributions to the LP-Gas industry in the area of government relations. The award honors the memory of the late William C. Hill, who devoted distinguished service to the propane industry and was responsible for easing many of the burdens of price and allocation regulations on both large and small propane marketers throughout the 1970s.

I have known Walton Gresham and his family for many years and can attest to the honor and diligence with which they conduct their business. Mr. Gresham possesses a dignity and gentlemanly nature that has allowed him to be a fine representative for his company and his industry throughout the years. Somehow, he always seems to have the time, and the ability, to make important contributions. I congratulate him on this significant achievement.

Mr. WICKER. Would the Senator from Mississippi yield?

Mr. COCHRAN. I would be happy to yield to my distinguished colleague.

Mr. WICKER. Mr. President, I would like to echo the sentiments of Senator COCHRAN relative to Walton Gresham being awarded NPGA's Bill Hill Award. Mr. Gresham has been exceptional in helping legislators on the Federal, State, and local levels understand the difficult issues confronted by the LP-Gas business. He has taken the lead in areas critical to the industry, and has unselfishly dedicated both time and resources for the betterment of the Mississippi and National Propane Gas Associations.

I am proud to know Mr. Walton Gresham. I am proud to have Gresham Petroleum headquartered in Indianola, MS. And I am proud to know that Mr. Gresham has been awarded NPGA's Bill Hill Award, the propane gas industry's highest award for governmental relations activities.

PAGE RIVALRY

Mr. WARNER. Mr. President, It has come to my attention that the normal rivalry between the House and Senate pages has reached new levels. While not aware of all the facts, I know the Senate pages serve with skill and dedication. I also understand that the Senate pages were successful in the Frisbee challenge but there may be some debate on the matter. I wish all the pages much success and wish them all well.

ADDITIONAL STATEMENTS

REMEMBERING WHITNEY HARRIS

● Mr. DODD. Mr. President, I speak in memory of a great American, a champion of human rights, and a personal hero of mine, Whitney Harris.

Whitney Harris, who passed away last month at the age of 98, was the last surviving Nuremberg prosecutor. He served alongside my father during the trials of Nazi war criminals, and was the lead prosecutor in the very first of those trials, which resulted in the conviction of the man who led the Nazi Security Police, including the dreaded Gestapo. And he was part of the team that brought to justice the former commander of the concentration camp at Auschwitz. Whitney's work earned him the Legion of Merit.

I, of course, got to know Whitney through my father. Men like them who took part in that unique episode in world history carried with them both the honor that comes with such good work and the burden that comes with confronting evil at such close range. My father's resulting passion to continue doing good works was so strong that it inspired not just his public service, but also my own. And while so many have spent the decades since World War II attempting to come to terms with what they saw, Whitney Harris has done incredible work helping all of us to understand what it all meant.

He believed that the United Nations should create a permanent international war crimes tribunal because he knew that the Holocaust was merely the most egregious manifestation of the evil that man is capable of inflicting.

Whitney wrote a poem once that he read at a Holocaust Observance Day ceremony. It read, in part: ''A thousand years have passed. What was the number killed at Auschwitz? It matters not. Twas but a trifle in the history of massacre of man by man.''

The work he did at Nuremberg is enough to cement Whitney Harris's place among the great legal giants and the great defenders of humanity of his generation. But his work since his speaking, his writing, his teaching represent an invaluable contribution to future generations.

To his beloved wife Anna and his wonderful family, I join Whitney's many admirers in sharing your sense of loss at his passing and your pride in his many accomplishments.

He lived a life in service to the world. And the world is better for it.●

100TH ANNIVERSARY OF THE FOUNDING OF NORFORK

● Mrs. LINCOLN. Mr. President, today I recognize the residents of Norfork in my home State of Arkansas as they commemorate the 100th anniversary of their town's founding.

In conjunction with the annual ''Pioneer Days'' festival, Norfork celebrated its historic milestone with events throughout the community, including a Dutch oven cook-off, music, a Civil War re-enactment, a 5K walk/run, food, games, and a photo exhibit showing local scenes, pioneers and historic sites. These events symbolize the history, heritage, and community spirit that define Norfork and its citizens.

With a population of 484, Norfork claims four sites on the National Register of Historic Places. Probably the best known is the 1829 Jacob Wolf House, a territorial courthouse and the oldest remaining public structure in Arkansas. I was proud to help authorize a study to determine the feasibility of naming the Jacob Wolf House a park within the National Park System.

Also on the National Register are the Davis House, a 1928 pyramid-roofed cottage; the Horace Mann school complex, including the main school building constructed by the Works Progress Administration in 1936; and the North Fork Bridge, a steel deck truss span built 70 feet above the river in 1937.

I salute the residents of Norfork for their efforts to maintain the beauty and history of their community. I join all Arkansans to express my pride in this treasure of our State.●

RECOGNIZING HABITAT FOR HUMANITY OF PULASKI

● Mrs. LINCOLN. Mr. President, today I pay tribute to the volunteers, staff, and board members of Habitat for Humanity of Pulaski County. These men and women work tirelessly to provide safe, secure homes for families who would not otherwise be able to afford them.

Under the leadership of CEO Bill Plunkett, Habitat for Humanity of Pulaski County celebrates two milestones this year: its 20th anniversary and construction of its 100th home. Habitat built its first home in Little Rock in 1990. More than 75 families in Pulaski County own homes built and financed with Habitat, and more homes are under construction.

I commend the efforts of Habitat for Humanity, which works to eliminate substandard housing while providing simple, decent housing to qualified low-income families. In addition to building homes, Habitat builds a spirit of community and cooperation among its volunteers, supporters and beneficiaries.

Habitat for Humanity of Pulaski County also partners with other community development organizations to rebuild neighborhoods. For example, Habitat and the Argenta Community Development Corporation are currently building and rehabilitating a home in the HOLT neighborhood in North Little Rock. As a result of their activity, the city of North Little Rock recently built a children's park in this neighborhood.

Along with all Arkansans, I congratulate the entire Habitat team for their efforts to help our central Arkansas families in need.●

TRIBUTE TO LINDOL ATKINS, JR.

● Mr. SANDERS. Mr. President, I honor Vermonter Lindol Atkins, Jr., a man who has dedicated his life to the struggle for workers' rights and economic justice. For more than 35 years, Lindol Atkins has provided spirited

and dedicated leadership in representing municipal employees in Burlington. As a former mayor of Burlington, I can attest firsthand that Mr. Atkins has distinguished himself as an indomitable leader of workers' rights efforts in the State of Vermont.

Lindol Atkins began his fight to improve the rights and protections of Burlington city employees back in 1968 when he joined AFSCME. Elected president of AFSCME Local 1343 in 1970, Lindol continued his mission to advance the rights of workers by skillfully handling all grievance and arbitration cases. As the lead negotiator for the union, he also led many successful contract campaigns that ultimately improved employees' wages and working conditions. In 2005, Mr. Atkins retired as president of the Burlington AFSCME local, but rather than slow down and enjoy his well-earned rest he continued his leadership role within the labor movement by being elected president of the Vermont State Labor Council, AFL–CIO.

A husband and father of 12, Lindol Atkins has the enviable ability to be able to do many things well—a wonderful and necessary quality in one with such a deep devotion to the labor movement as well as to his large, loving family. Indeed, it is the dedicated and remarkable people like Lindol Atkins who have kept America moving forward. His unparalleled commitment to civic values has been a major factor in earning Vermont its well-deserved reputation for social justice and principled community leadership. Lindol has received many awards for his work guiding Vermont's labor movement, with the capstone being the presentation of this year's AFL–CIO Presidential Lifetime Achievement Award.

The quality of life in Vermont, and in our Nation, is strengthened by individuals such as Lindol Atkins, Jr., whose quest to better working conditions for men and women in his community has brought a great sense of solidarity to not just the people of Vermont, but the entire Nation. I commend his loyalty and great contributions to the labor movement, to Vermont, and to the United States.●

RECOGNIZING SHAIN'S OF MAINE

● Ms. SNOWE. Mr. President, as the summer months are upon us, millions of Americans will indulge in the traditional summertime treat of ice cream. Almost nothing is as refreshing and enjoyable on a hot summer day as a cold scoop of ice cream, and a company in my home State of Maine is making it possible to enjoy this dessert year round. I rise today to honor Shain's of Maine, a family-owned and operated small business that has been serving this delicious frozen treat year-round to Mainers since 1979.

Shain's of Maine is based in Sanford and began as a small retail ice cream company three decades ago. Over the years, Shain's has continued to grow and now operates a restaurant and a thriving wholesale division. It has been reported that Shain's dishes out as much as 3,000 quarts of ice cream a day in winter and 10,000 quarts a day in summer! Shain's credits the hard work and loyalty of its employees with their ability to keep up with the tremendous demand for its product. Shain's employees speak fondly of the atmosphere and fun working environment at Shain's and also boast about some of the ''sweet'' perks working at this small business, which include: free ice cream, breaks whenever the employees want, and the occasional half-filled quart of ice cream to take home.

In order to attract new customers, Shain's markets its products by sending out samples to restaurants and other establishments that sell ice cream. Shain's has always taken pride in its superior quality and service, and attributes those same virtues with the company's longevity and success today. Shain's commitment to the customer and ability to respond to the needs of its loyal fans has allowed Shain's to grow tremendously throughout its existence. Indeed, Shain's currently delivers its 100 flavors of ice cream to 300 independent stores and 100 ice cream stands. Its Sanford location offers customers creative sundaes—including its famed Wipeout Sundae, including four ice cream flavors, four toppings, whipped cream, and cherries—as well as a variety of frappes, floats, sherbets, and frozen yogurts.

One particular ice cream concoction has become wildly popular among Mainers because of its connection to the local minor league baseball team. The Portland Sea Dogs, Maine's AA affiliate of the Boston Red Sox, offer one of Shain's delicious creations, the classic Sea Dog Biscuit, at their home games. The Sea Dog Biscuit is Shain's take on the traditional ice cream sandwich, featuring vanilla ice cream and two giant chocolate chip cookies. It is this kind of creativity and clever marketing that allows Shain's to differentiate itself from other, larger ice cream companies.

This marvelous story of a successful small business is a reminder to us all that caring for customers and valuing your employees can result in long term success in any industry. As countless tourists travel to Vacationland this summer, I am certain that many will be searching for a cool treat to satisfy their sweet tooth, and Shain's of Maine will stand ready with scoops in hand! I congratulate Shain's of Maine for its ongoing dedication to providing delicious ice cream for Mainers and tourists alike, and I wish the company many more years of success to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting the National Security Strategy of the United States.

BARACK OBAMA.
THE WHITE HOUSE, *May 27, 2010.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 5139. An act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

At 4:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 282. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

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–5929. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin'' (Docket No. APHIS–2009–0098) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5930. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to

law, the report of a rule entitled ''Black Stem Rust; Additions of Rust-Resistant Varieties'' (Docket No. APHIS–2010–0035) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5931. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Tomatoes From Souss—Massa—Draa, Morocco; Technical Amendment'' (Docket No. APHIS–2008–0017) received in the Office of the President of the Senate on May 20, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5932. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Coat Protein of Plum Pox Virus; Exemption from the Requirement of a Tolerance'' (FRL No. 8826–9) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5933. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prothioconazole; Pesticide Tolerances'' (FRL No. 8828–6) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5934. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Boscalid; Pesticide Tolerances'' (FRL No. 8826–4) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5935. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Novaluron; Pesticide Tolerances'' (FRL No. 8825–3) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5936. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diquat Dibromide; Pesticide Tolerances'' (FRL No. 8827–7) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5937. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 09–01; to the Committee on Appropriations.

EC–5938. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (19) officers authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5939. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Douglas E. Lute, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–5940. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Army tactical ground network program; to the Committee on Armed Services.

EC–5941. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Trade Agreements Thresholds'' (DFARS Case 2009–D040) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Armed Services.

EC–5942. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Letter Contract Definitization Schedule'' (DFARS Case 2007–D011) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Armed Services.

EC–5943. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contract Authority for Advanced Component Development or Prototype Units'' (DFARS Case 2009–D034) received in the Office of the President of the Senate on May 21, 2010; to the Committee on Armed Services.

EC–5944. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Ground and Flight Risk Clause'' (DFARS Case 2007–D009) received in the Office of the President of the Senate on May 21 2010; to the Committee on Armed Services.

EC–5945. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''New Designated Country—Taiwan'' (DFARS Case 2009–D010) received in the Office of the President of the Senate on May 21, 2010; to the Committee on Armed Services.

EC–5946. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Limitations on Procurements with Non-Defense Agencies'' (DFARS Case 2009–D027) received in the Office of the President of the Senate on May 21, 2010; to the Committee on Armed Services.

EC–5947. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC–5948. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC–5949. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–5950. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Nonprocurement Debarment and Suspension'' (RIN3150–AI76) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Energy and Natural Resources.

EC–5951. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Federal Antidegradation Policy for all Waters of the United States within the Commonwealth of Pennsylvania'' (FRL No. 9156–5) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC–5952. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Significant New Use Rule on a Certain Chemical Substance'' (FRL No. 8819–3) received in the Office of the President of the Senate on May 24, 2010; to the Committee on Environment and Public Works.

EC–5953. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-hour Ozone NAAQS: 'Significant Contribution to Nonattainment' Requirement'' (FRL No. 9155–5) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC–5954. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plan Revisions; State of North Dakota; Air Pollution Control Rules, and Interstate Transport of Pollution for the 1997 PM2.5 and 8-hour Ozone NAAQS: 'Significant Contribution to Nonattainment' and 'Interference with Prevention of Significant Deterioration' Requirements'' (FRL No. 9155–6) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC–5955. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision'' (FRL No. 9146–4) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC–5956. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans: Florida; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Jacksonville, Tampa Bay, and Southeast Florida Areas'' (FRL No. 9155–3) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC–5957. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Transportation Conformity Regulations'' (FRL No. 9156–2) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Environment and Public Works.

EC–5958. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appeared in the March 2010 Treasury Bulletin; to the Committee on Finance.

EC–5959. 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 ''Use of Delegation Order (DO) 4–25 on Appeals Settlement Position (ASP) for the IRC §41 Research Credit—Intra-Group Receipts from Foreign Affiliates (IRM 4.46.5.6)'' (LMSB–4–0510–0182) received in the Office of the President of the Senate on May 25, 2010; to the Committee on Finance.

EC–5960. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to support the C–130 Air Crew Training Device Program for end use by the Royal Saudi Air Force in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–5961. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of infrasound sensors that have both military and civil applications; to the Committee on Foreign Relations.

EC–5962. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0076—2010–0079); to the Committee on Foreign Relations.

EC–5963. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–5964. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5965. A communication from the Office Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Public Health Service Act, Rural Physician Training Grant Program, Definition of 'Underserved Rural Community' '' (RIN0906–AA86) received in the Office of the President of the Senate on May 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–5966. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''National Archives and Records Administration Facility Locations and Hours'' (RIN3095–AB66) received in the Office of the President of the Senate on May 26, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5967. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Auditor's Review of Compliance with the Living Wage Act and First Source Act Requirements Pursuant to the Compliance Unit Establishment Act of 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–5968. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Auditor's Certification of Department of Mental Health's Fiscal Year 2008 Performance Accountability Report''; to the Committee on Homeland Security and Governmental Affairs.

EC–5969. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–401, ''Unemployment Compensation Reform Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5970. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–402, ''School Safe Passage Emergency Zone Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5971. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–404, ''Tenant Opportunity to Purchase Preservation Clarification Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5972. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–405, ''Stimulus Accountability Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5973. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–406, ''Corrections Information Council Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5974. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–408, ''Liquid PCP Possession Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5975. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–409, ''Uniform Principal and Income Technical Amendments Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5976. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–407, ''Residential Aid Discount Subsidy Stabilization Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5977. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–410, ''Closing of Public Streets Adjacent to Square 1048–S (S.O. 09–11792) Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5978. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–411, ''Keep D.C. Working Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5979. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–412, ''Predatory Pawnbroker Regulation and Community Notification Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–5980. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5981. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5982. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010 and the 42nd report on audit final action by management; to the Committee on Homeland Security and Governmental Affairs.

EC–5983. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5984. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2009 through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–5985. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the South Carolina Advisory Committee; to the Committee on the Judiciary.

EC–5986. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2008 Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance; to the Committee on the Judiciary.

EC–5987. A communication from a Co-Chair, Abraham Lincoln Bicentennial Commission, transmitting, pursuant to law, the Commission's Final Report; to the Committee on the Judiciary.

EC–5988. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Ohio Advisory Committee; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 553. A bill to require the Secretary of Homeland Security to develop a strategy to

prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes (Rept. No. 111–200).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

H.R. 4506. A bill to authorize the appointment of additional bankruptcy judges, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Burton M. Field, to be Lieutenant General.

Air Force nomination of Maj. Gen. Frank J. Kisner, to be Lieutenant General.

Air Force nominations beginning with Colonel Jeffrey L. Harrigian and ending with Colonel Robert D. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on May 7, 2010.

Army nomination of Lt. Gen. David H. Huntoon, Jr., to be Lieutenant General.

Navy nomination of Rear Adm. Michael H. Miller, to be Vice Admiral.

Navy nominations beginning with Rear Adm. (lh) Joseph P. Aucoin and ending with Rear Adm. (lh) Nora W. Tyson, which nominations were received by the Senate and appeared in the Congressional Record on April 28, 2010.

Navy nomination of Vice Adm. William E. Gortney, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Kshamata Skeete, to be Major.

Air Force nomination of Pascal Udekwu, to be Colonel.

Air Force nominations beginning with Mark R. Anderson and ending with Jonathan A. Sosnov, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

Army nominations beginning with Alan C. Cranford and ending with William A. Ward, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 2010.

Army nomination of Adam S. Colombo, to be Major.

Army nominations beginning with Christopher W. Soika and ending with Elizabeth Remedios, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 2010.

Army nominations beginning with Fred M. Chesbro and ending with Derek J. Tolman, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

Army nominations beginning with Monique C. Bierwirth and ending with David E. Wood, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

Army nomination of Carolyn A. Waltz, to be Colonel.

Army nominations beginning with Denny S. Hewitt and ending with John D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

Army nomination of Adam H. Hamawy, to be Lieutenant Colonel.

Army nominations beginning with Stephen W. Austin and ending with Nathan L. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on May 19, 2010.

Marine Corps nomination of David S. Phillips, to be Lieutenant Colonel.

Navy nomination of John J. Kemerer, to be Lieutenant Commander.

Navy nominations beginning with Robin E. Alfonso and ending with Chadrick O. Withrow, which nominations were received by the Senate and appeared in the Congressional Record on May 5, 2010.

Navy nomination of John M. Holmes, to be Lieutenant Commander.

Navy nomination of Leonard J. Long, to be Lieutenant Commander.

Navy nomination of Alexander Davila, to be Commander.

Navy nomination of Antonio L. Scinicariello, to be Lieutenant Commander.

Navy nomination of Christopher R. Swanson, to be Lieutenant Commander.

Navy nomination of Dominick E. Floyd, to be Lieutenant Commander.

Navy nomination of Joseph A. Nellis, to be Lieutenant Commander.

Navy nomination of Rachel J. Velasco-Lind, to be Commander.

Navy nomination of David S. Weldon, to be Lieutenant Commander.

Navy nominations beginning with James L. Brown and ending with Matthew B. Reed, which nominations were received by the Senate and appeared in the Congressional Record on May 19, 2010.

By Mr. BAUCUS for the Committee on Finance.

*Sherry Glied, of New York, to be an Assistant Secretary of Health and Human Services.

By Mr. LEAHY for the Committee on the Judiciary.

John A. Gibney, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia.

Gervin Kazumi Miyamoto, of Hawaii, to be United States Marshal for the District of Hawaii for the term of four years.

Scott Jerome Parker, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Laura E. Duffy, of California, to be United States Attorney for the Southern District of California for a term of four years.

Darryl Keith McPherson, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Stephanie A. Finley, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

Daniel J. Becker, of Utah, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

James R. Hannah, of Arkansas, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

Gayle A. Nachtigal, of Oregon, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

John B. Nalbandian, of Kentucky, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

Marsha J. Rabiteau, of Connecticut, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2010.

Hernán D. Vera, of California, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(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 Mrs. BOXER:

S. 3432. A bill to establish a temporary Working Capital Express loan guarantee program for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SANDERS:

S. 3433. A bill to prohibit the leasing of the Pacific, Atlantic, Eastern Gulf of Mexico, and Central Gulf of Mexico Regions of the outer Continental Shelf and to increase fuel economy standards; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. WARNER, Mr. GRAHAM, Ms. SNOWE, Mr. MERKLEY, Mr. BROWN of Massachusetts, Ms. STABENOW, Mr. SANDERS, Mr. DODD, Mrs. GILLIBRAND, Mr. CARPER, Mr. PRYOR, Mr. BEGICH, Ms. KLOBUCHAR, Ms. CANTWELL, and Mr. HARKIN):

S. 3434. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 3435. A bill to amend the Federal Meat Inspection Act to revise the definition of the term ''adulterated'' to include contamination with E. Coli; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. LINCOLN:

S. 3436. A bill to amend the Energy Policy and Conservation Act to establish a motor efficiency rebate program; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself, Ms. KLOBUCHAR, Mr. FRANKEN, and Mr. PRYOR):

S. 3437. A bill to amend the Child Abuse Prevention and Treatment Act to establish grant programs for the development and implementation of model undergraduate and graduate curricula on child abuse and neglect at institutions of higher education throughout the United States and to assist States in developing forensic interview training programs, to establish regional training centers and other resources for State and local child protection professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3438. A bill to promote clean energy infrastructure for rural communities; to the Committee on Finance.

By Mr. REID (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3439. A bill to promote clean energy infrastructure for rural communities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY:

S. 3440. A bill to amend the Internal Revenue Code of 1986 to extend the incentives for biodiesel and renewable diesel; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. GREGG):

S. 3441. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. ALEXANDER, and Mr. MERKLEY):

S. 3442. A bill to promote the deployment of plug-in electric drive vehicles, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3443. A bill to amend the Outer Continental Shelf Lands Act to eliminate the 30-day time limit for exploration plans; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. CARDIN, and Ms. LANDRIEU):

S. 3444. A bill to require small business training for contracting officers; to the Committee on Small Business and Entrepreneurship.

By Mr. HATCH:

S. 3445. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development and other expenses of elementary and secondary school teachers and for certain certification expenses of individuals becoming science, technology, engineering, or math teachers; to the Committee on Finance.

By Mr. UDALL of New Mexico:

S. 3446. A bill to amend the Child Nutrition Act of 1966 to advance the health and wellbeing of schoolchildren in the United States through technical assistance, training, and support for healthy school foods, local wellness policies, and nutrition promotion and education, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 3447. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of New Mexico:

S. 3448. A bill to amend the Richard B. Russell National School Lunch Act to permit certain service institutions in all States to provide year-round services; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 3449. A bill to authorize the Secretary of Agriculture to enter into an interagency agreement with the Corporation for National and Community Service to support a Nutrition Corps; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 3450. A bill to require publicly traded coal companies to include certain safety records in their reports to the Commission, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 3451. A bill to authorize assistance to Israel for Iron Dome anti-missile defense system; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3452. A bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD:

S. Res. 541. A resolution designating June 27, 2010, as ''National Post-Traumatic Stress Disorder Awareness Day''; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mrs. BOXER, Mr. CRAPO, Mrs. FEINSTEIN, Mr. GREGG, Ms. LANDRIEU, Mr. BROWNBACK, and Mr. BAYH):

S. Res. 542. A resolution designating June 20, 2010, as ''American Eagle Day'', and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. CARDIN):

S. Res. 543. A resolution expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research on the disorder; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. JOHANNS, Mrs. LINCOLN, Mrs. MURRAY, Mr. NELSON of Nebraska, Ms. KLOBUCHAR, Mr. BENNET, Mr. BINGAMAN, and Mr. ROBERTS):

S. Res. 544. A resolution supporting increased market access for exports of United States beef and beef products; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 545. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Mr. CASEY (for himself and Mr. SPECTER):

S. Con. Res. 64. A concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 504

At the request of Mr. ROBERTS, the names of the Senator from Indiana (Mr. BAYH), the Senator from Washington (Ms. CANTWELL), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. DEMINT), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr. KOHL), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 504, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

S. 510

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 941

At the request of Mr. CRAPO, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 984

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1102

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1102, a bill to provide benefits to domestic partners of Federal employees.

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for

employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1334

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 1334, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

S. 1360

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of 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.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 2862

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2862, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 2869

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. 2989

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2989, a bill to improve the Small Business Act, and for other purposes.

S. 3039

At the request of Mr. UDALL of New Mexico, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3039, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 3065

At the request of Mr. LIEBERMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3065, a bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as ''Don't Ask, Don't Tell'', with a policy of nondiscrimination on the basis of sexual orientation.

S. 3199

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3199, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 3213

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3213, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 3266

At the request of Mr. BENNET, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3266, a bill to ensure the availability of loan guarantees for rural homeowners.

S. 3269

At the request of Mrs. GILLIBRAND, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3269, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 3326

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3326, a bill to provide grants to States for low-income housing projects in lieu of low-income housing credits, and to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of the low-income housing credit, and for other purposes.

S. 3339

At the request of Mr. KERRY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3361

At the request of Mr. BROWNBACK, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3361, a bill to require the Secretary of Defense to take illegal subsidization into account in evaluating proposals for contracts for major defense acquisition programs, and for other purposes.

S. 3389

At the request of Mrs. HAGAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3389, a bill to amend title 38, United States Code, to exempt individuals who receive certain educational assistance for service in the Selected Reserve from limitations on the receipt of assistance under Post-9/11 Educational Assistance Program for additional service in the Armed Forces, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3412

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3412, a bill to provide emergency operating funds for public transportation.

S. 3431

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3431, a bill to improve the administration of the Minerals Management Service, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mr. CORNYN) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. BURRIS), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S.J. Res. 29, supra.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the

United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 4184

At the request of Ms. LANDRIEU, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4184 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4202

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 4202 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4204

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 4204 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4244

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4244 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4251

At the request of Mr. MERKLEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 4251 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4253

At the request of Ms. COLLINS, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 4253 proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4279

At the request of Mr. BINGAMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 4279 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4282

At the request of Mr. PRYOR, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 4282 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 4294

At the request of Mr. VITTER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of amendment No. 4294 intended to be proposed to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. WARNER, Mr. GRAHAM, Ms. SNOWE, Mr. MERKLEY, Mr. BROWN of Massachusetts, Ms. STABENOW, Mr. SANDERS, Mr. DODD, Mrs. GILLIBRAND, Mr. CARPER, Mr. PRYOR, Mr. BEGICH, Ms. KLOBUCHAR, Ms. CANTWELL, and Mr. HARKIN):

S. 3434. A bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise to introduce the Home Star Energy Retrofit Act of 2010 and to recognize the original cosponsors of the bill: Senator WARNER, Senator GRAHAM, Senator SNOWE, Senator SANDERS, Senator BROWN of Massachusetts, Senator MERKLEY, Senator STABENOW, Senator DODD, Senator GILLIBRAND, Senator CARPER, Senator PRYOR and Senator HARKIN. This innovative legislation will save consumers money, create American skilled labor jobs, and reduce home energy consumption.

If enacted, HOME STAR will build on existing policies and initiatives that have already proved effective. The program is supported by a broad coalition of over 600 groups including construction contractors, building products and mechanical manufacturers, retail sales businesses, environmental groups and labor advocates.

HOME STAR will provide point-of-sale instant savings to encourage homeowners to install residential energy upgrades such as air sealing, insulation, and high efficiency furnaces and water heaters.

HOME STAR incorporates a two-tiered approach that will offer flexibility to homeowners when choosing efficiency improvements to install. Under the Silver Star program, rebates averaging $1,000 will be offered for the installation of each eligible energy-saving measure such as new insulation and high-efficiency heating and cooling systems, up to maximum of $3,000 per home. Under the Gold Star program, there will be performance-based grants of $3,000 for a 20 percent reduction in home energy consumption and $1,000 for each additional 5 percent of verified energy reduction as determined by a comparison of the energy consumption of the home before and after the retrofit.

In addition to the short-term rebate programs in Home Star, our revised bill includes longer term efficiency tax policies to maintain the momentum for energy efficient home retrofits. These performance-based energy improvement tax credits will encourage the continuation of Gold Star-type whole home retrofits.

HOME STAR will create American jobs in the construction industry, which has lost 1.6 million jobs since December 2007, with unemployment rates topping 25 percent in some regions. HOME STAR leverages private investment to create a strong market for home energy retrofits, and will put hundreds of thousands of unemployed Americans back to work as well as stimulating demand for building materials produced by American factories.

Finally, HOME STAR will reduce home energy consumption and dependence on foreign oil. HOME STAR helps Americans pay for cost-effective home improvements, create permanent reductions in household energy bills, and reduce our national carbon footprint. Residential energy efficiency improvements covered by the HOME STAR program reduce energy waste in most homes by 20 to 40 percent. When combined with low-interest financing, these retrofits can be cash-flow positive upon project completion. An initiative with a potential to retrofit over 3 million homes, HOME STAR will achieve significant reductions in building-related greenhouse gas emissions while generating long-term energy savings for American consumers and reducing energy usage by an amount equal to four 300 megawatt power plants.

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. 3434

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Home Star Energy Retrofit Act of 2010''.

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

TITLE I—HOME STAR ENERGY RETROFITS

SEC. 101. DEFINITIONS.

In this title:

(1) ACCREDITED CONTRACTOR.—The term ''accredited contractor'' means a residential energy efficiency contractor that meets the minimum applicable requirements established under section 103.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) BPI.—The term ''BPI'' means the Building Performance Institute.

(4) CERTIFIED WORKFORCE.—The term ''certified workforce'' means a residential energy efficiency construction workforce that is entirely certified in the appropriate job skills for all employees performing installation work under—

(A) an applicable third party skills standard established—

(i) by the BPI;

(ii) by the North American Technician Excellence;

(iii) by the Laborers' International Union of North America; or

(iv) in the State in which the work is to be performed, pursuant to a program operated by the Home Builders Institute in connection with Ferris State University, to be effective beginning on the date that is 30 days after the date notice is provided by those organizations to the Secretary that the program has been established in the State unless the Secretary determines, not later than 30 days after the date of the notice, that the standard or certification is incomplete; or

(B) other standards approved by the Secretary, in consultation with the Secretary of Labor and the Administrator.

(5) CONDITIONED SPACE.—The term ''conditioned space'' means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) DOE.—The term ''DOE'' means the Department of Energy.

(7) ELECTRIC UTILITY.—The term ''electric utility'' means any person or State agency that delivers or sells electric energy at retail, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(8) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(9) FEDERAL REBATE PROCESSING SYSTEM.—The term ''Federal Rebate Processing System'' means the Federal Rebate Processing System established under section 102(b).

(10) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Gold Star Home Energy Retrofit Program'' means the Gold Star Home Energy Retrofit Program established under section 107.

(11) HOME.—The term ''home'' means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(12) HOMEOWNER.—The term ''homeowner'' means the resident or non-resident owner of record of a home.

(13) HOME STAR LOAN PROGRAM.—The term ''Home Star loan program'' means the Home Star energy efficiency loan program established under section 114(a).

(14) HOME STAR RETROFIT REBATE PROGRAM.—The term ''Home Star Retrofit Rebate Program'' means the Home Star Retrofit Rebate Program established under section 102(a).

(15) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(16) NATURAL GAS UTILITY.—The term ''natural gas utility'' means any person or State agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(17) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a residential energy efficiency contractor that meets minimum applicable requirements established under section 103.

(18) QUALITY ASSURANCE FRAMEWORK.—The term ''quality assurance framework'' means a policy adopted by a State to develop high standards for ensuring quality in ongoing energy efficiency retrofit activities in which the State has a role, including operation of the quality assurance program and creating significant employment opportunities, in particular for targeted workers.

(19) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term ''quality assurance program'' means a program established under this title or recognized by the Secretary under this title, to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this title.

(B) INCLUSIONS.—For purposes of subparagraph (A), delivery of retrofit programs includes delivery of quality assurance reviews of rebate applications and field inspections for a portion of customers receiving rebates and conducted by a quality assurance provider, with the consent of participating consumers and without delaying rebate payments to participating contractors.

(20) QUALITY ASSURANCE PROVIDER.—The term ''quality assurance provider'' means any entity that meets the minimum applicable requirements established under section 105.

(21) REBATE AGGREGATOR.—The term ''rebate aggregator'' means an entity that meets the requirements of section 104.

(22) RESNET.—The term ''RESNET'' means the Residential Energy Services Network, which is a nonprofit certification and standard setting organization for home energy raters that evaluate the energy performance of a home.

(23) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(24) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Silver Star Home Energy Retrofit Program'' means the Silver Star Home Energy Retrofit Program established under section 106.

(25) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the United States Virgin Islands; and

(H) any other territory or possession of the United States.

(26) VENDOR.—The term ''vendor'' means any retailer that sells directly to homeowners and contractors the materials used for the energy savings measures under section 106.

SEC. 102. HOME STAR RETROFIT REBATE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) FEDERAL REBATE PROCESSING SYSTEM.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

(i) establish a Federal Rebate Processing System which shall serve as a database and information technology system that will allow rebate aggregators to submit claims for reimbursement using standard data protocols;

(ii) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including—

(I) how to determine whether particular efficiency measures are eligible for rebates; and

(II) how to participate in the program;

(iii) make available, on a designated website, model forms for compliance with all applicable requirements of this title, to be submitted by—

(I) each qualified contractor on completion of an eligible home energy retrofit; and

(II) each quality assurance provider on completion of field verification; and

(iv) subject to section 115, provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(B) DISTRIBUTION OF FUNDS.—Not later than 10 days after the date of receipt of bundled rebate applications from a rebate aggregator, the Secretary shall distribute funds to the rebate aggregator on approved claims for reimbursement made to the Federal Rebate Processing System.

(C) FUNDING AVAILABILITY.—The Secretary shall post, on a weekly basis, on the national retrofit website established under subparagraph (A)(ii) information on—

(i) the number of rebate claims approved for reimbursement; and

(ii) the total amount of funds disbursed for rebates.

(D) PROGRAM ADJUSTMENT OR TERMINATION.—Based on the information described in subparagraph (C), the Secretary shall announce a termination date and reserve funding to process the rebate applications that are in the Federal Rebate Processing System prior to the termination date.

(2) MODEL FORMS.—In carrying out this section, the Secretary shall consider the model forms developed by the National Home Performance Council.

(c) ADMINISTRATIVE AND TECHNICAL SUPPORT.—Effective beginning not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(d) PUBLIC INFORMATION CAMPAIGN.—Not later than 60 days after the date of enactment of this Act, the Administrator shall develop and implement a public education campaign that describes, at a minimum—

(1) the benefits of home energy retrofits;

(2) the availability of rebates for—

(A) the installation of qualifying efficiency measures; and

(B) whole home efficiency improvements; and

(3) the requirements for qualified contractors and accredited contractors.

(e) LIMITATION.—Silver Star rebates provided under section 106 and Gold Star rebates provided under section 107 may be provided for the same home only if—

(1) Silver Star rebates are awarded prior to Gold Star rebates;

(2) energy savings obtained from measures under the Silver Star Home Energy Retrofit Program are not counted towards the simulated energy savings that determine the value of a rebate under the Gold Star Home Energy Retrofit Program; and

(3) the combined Silver Star and Gold Star rebates provided to the individual homeowner do not exceed $8,000.

(f) AVAILABILITY.—Not later than 90 days after the date of enactment of this Act, the Secretary shall ensure that Home Star retrofit rebates are available to all homeowners in the United States to the maximum extent practicable.

SEC. 103. CONTRACTORS.

(a) CONTRACTOR QUALIFICATIONS FOR SILVER STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Silver Star Home Energy Retrofit Program in a State for which rebates are provided under this title only if the contractor meets or provides—

(1) all applicable contractor licensing requirements established by the State or, if none exist at the State level, the Secretary;

(2) insurance coverage of at least $1,000,000 for general liability, and for such other purposes and in such other amounts as required by the State;

(3) warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) an agreement to provide the owner of a home, through a discount, the full economic value of all rebates received under this title with respect to the home; and

(5) an agreement to provide the homeowner, before a contract is executed between the contractor and a homeowner covering the eligible work, a notice of —

(A) the rebate amount the contractor intends to apply for with respect to eligible work under this title; and

(B) the means by which the rebate will be passed through as a discount to the homeowner.

(b) CONTRACTOR QUALIFICATIONS FOR GOLD STAR HOME ENERGY RETROFIT PROGRAM.—A contractor may perform retrofit work under the Gold Star Home Energy Retrofit Program in a State for which rebates are provided under this title only if the contractor—

(1) meets the requirements for qualified contractors under subsection (a); and

(2) is accredited—

(A) by the BPI; or

(B) under other standards approved by the Secretary, in consultation with the Administrator.

(c) HEALTH AND SAFETY REQUIREMENTS.—Nothing in this title relieves any contractor from the obligation to comply with applicable Federal, State, and local health and safety code requirements.

SEC. 104. REBATE AGGREGATORS.

(a) IN GENERAL.—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to participating contractors and vendors for discounts provided to homeowners for energy efficiency retrofit work.

(b) RESPONSIBILITIES.—Rebate aggregators shall—

(1) review the proposed rebate application for completeness and accuracy;

(2) review measures under the Silver Star Home Energy Retrofit Program and energy savings under the Gold Star Home Energy Retrofit Program for eligibility in accordance with this title;

(3) provide data to the Federal Data Processing Center consistent with data protocols established by the Secretary; and

(4) distribute funds received from DOE to contractors, vendors, or other persons.

(c) PROCESSING REBATE APPLICATIONS.—A rebate aggregator shall—

(1) submit the rebate application to the Federal Rebate Processing Center not later than 10 days after the date of receipt of a rebate application from a contractor; and

(2) distribute funds to the contractor not later than 10 days after the date of receipt from the Federal Rebate Processing System.

(d) ELIGIBILITY.—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity shall be—

(1) a Home Performance with Energy Star partner;

(2) an entity administering a residential energy efficiency retrofit program established or approved by a State;

(3) a Federal Power Marketing Administration, an electric utility, or a natural gas utility that has—

(A) an approved residential energy efficiency retrofit program; and

(B) an established quality assurance provider network; or

(4) an entity that demonstrates to the Secretary that the entity can perform the functions of an rebate aggregator, without disrupting existing residential retrofits in the States that are incorporating the Home Star Program, including demonstration of—

(A) corporate status or status as a State or local government;

(B) the capability to provide electronic data to the Federal Rebate Processing System;

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors; and

(D) coordination and cooperation by the entity with the appropriate State energy office regarding participation in the existing energy efficiency programs that will be delivering the Home Star Program.

(e) APPLICATION TO BECOME A REBATE AGGREGATOR.—Not later than 30 days after the date of receipt of an application of an entity seeking to become a rebate aggregator, the Secretary shall approve or deny the application on the basis of the eligibility criteria under subsection (d).

(f) APPLICATION PRIORITY.—In reviewing applications from entities seeking to become rebate aggregators, the Secretary shall give priority to entities that commit—

(1) to reviewing applications for participation in the program from all qualified contractors within a defined geographic region; and

(2) to processing rebate applications more rapidly than the minimum requirements established under the program.

(g) PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the energy savings from the participation of the utilities toward State-level energy savings targets; and

(2) work with States to assist in the adoption of the guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 105. QUALITY ASSURANCE PROVIDERS.

(a) IN GENERAL.—An entity shall be considered a quality assurance provider under this title if the entity—

(1) is independent of the contractor;

(2) confirms the qualifications of contractors or installers of home energy efficiency retrofits;

(3) confirms compliance with the requirements of a ''certified workforce''; and

(4) performs field inspections and other measures required to confirm the compliance of the retrofit work under the Silver Star program, and the retrofit work and the simulated energy savings under the Gold Star program, based on the requirements of this title.

(b) INCLUSIONS.—An entity shall be considered a quality assurance provider under this title if the entity is qualified through—

(1) the International Code Council;

(2) the BPI;

(3) the RESNET;

(4) a State;

(5) a State-approved residential energy efficiency retrofit program; or

(6) any other entity designated by the Secretary, in consultation with the Administrator.

SEC. 106. SILVER STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act in accordance with this section, a rebate shall be awarded for the energy retrofit of a home for the installation of energy savings measures—

(1) selected from the list of energy savings measures described in subsection (b);

(2) installed in the home by a qualified contractor not later than 1 year after the date of enactment of this Act;

(3) carried out in compliance with this section; and

(4) subject to the maximum amount limitations established under subsection (d)(4).

(b) ENERGY SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under this section for the installation of the following energy savings measures for a home energy retrofit that meet technical standards established under this section:

(1) Whole house air-sealing measures, in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R–19 insulation to existing insulation;

(C) result in at least R–38 insulation in DOE climate zones 1 through 4 and at least R–49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of the total conditioned footprint of the house.

(3) Duct seal or replacement that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement, replaces and seals at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R–19 of cavity insulation or R–15 of continuous insulation to existing crawl space insulation; or

(ii) R–13 of cavity insulation or R–10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R–10 of new continuous or R–13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows, or 75 percent of the exterior windows in a home, whichever is less, with windows that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows under section 25(c) of the Internal Revenue Code of 1986.

(7) Door replacement that replaces at least 1 exterior door with doors that comply with criteria applicable to doors under the 2010 Energy Star specification for doors.

(8) Skylight replacement that replaces at least 1 skylight with skylights that comply with criteria applicable to skylights under the 2010 Energy Star specification for skylights.

(9)(A) Heating system replacement with—

(i) a natural gas or propane furnace with an AFUE rating of 92 or greater;

(ii) a natural gas or propane boiler with an AFUE rating of 90 or greater;

(iii) an oil furnace with an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or wood pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home; and

(bb) in the case of a wood stove, replaces an existing wood stove with a stove that is EPA-certified, if a voucher is provided by the installer or other responsible party certifying that the old stove has been removed and made inoperable;

(II) the home has a distribution system (such as ducts, vents, blowers, or affixed fans) that allows heat from the wood stove, furnace, or boiler to reach all or most parts of the home; and

(III) an independent test laboratory approved by the Secretary or the Administrator certifies that the new system—

(aa) has thermal efficiency (with a lower heating value) of at least 75 percent for stoves and 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 3.0 grams per hour for wood stoves or pellet stoves, and less than 0.32 lbs per million BTU for outdoor boilers and furnaces.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI – 2007.

(10) Automatic water temperature controllers that vary boiler water temperature in response to changes in outdoor temperature or the demand for heat, if the retrofit is to an existing boiler and not in conjunction with a new boiler.

(11) Air-conditioner or heat-pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI–2007; and

(B) meets or exceeds—

(i) in the case of an air-source conditioner, SEER 16 and EER 13;

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5; and

(iii) in the case of a geothermal heat pump, Energy Star tier 2 efficiency requirements.

(12) Replacement of or with—

(A) a natural gas or propane water heater with a condensing storage water heater with an energy factor of 0.80 or more or a condensing storage water heater or tankless water heater with a thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R–16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (7);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) a water heater with a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation under specification SRCC-OG-300; or

(ii) meets technical standards established by the State of Hawaii; or

(G) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (11) that provides domestic water heating through the use of—

(i) year-round demand water heating capability; or

(ii) a desuperheater.

(13) Storm windows that—

(A) are installed on a least 5 single-glazed windows that do not have storm windows;

(B) are installed in a home listed on or eligible for listing in the National Register of Historic Places; and

(C) comply with any procedures that the Secretary may establish for storm windows (including installation).

(14) Roof replacement that replaces at least 75 percent of the roof area with energy-saving roof products certified under the Energy Star program.

(15) Window films that are installed on at least 8 exterior windows, doors, or skylights, or 75 percent of the total exterior square footage of glass, whichever is more, in a home with window films that—

(A) are certified by the National Fenestration Rating Council;

(B) have a Solar Heat Gain Coefficient of 0.40 or less with a visible light-to-solar heat gain ratio of at least 1.1 in 2009 International Energy Conservation Code climate zones 1 through 8; and

(C) are certified to reduce the U-factor of the National Fenestration Rating Council dual pane reference window by 0.05 or greater and are only applied to nonmetal frame dual pane windows in 2009 International Energy Conservation Code climate zones 4 through 8.

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (15) of subsection (b) shall include expenditures for labor and other installation-related costs (including venting system modification and condensate disposal) properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) AMOUNT OF REBATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under this section shall be $1,000 per measure for the installation of energy savings measures described in subsection (b)

(2) HIGHER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided to the owner of a home or designee under this section shall be $1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(2);

(B) wall insulation described in subsection (b)(4);

(C) a heating system described in subsection (b)(9); and

(D) an air-conditioner or heat-pump replacement described in subsection (b)(11).

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under this section shall be—

(A) $125 per door for the installation of up to a maximum of 2 Energy Star doors described in subsection (b)(7) for each home;

(B) $125 per skylight for the installation of up to a maximum of 2 Energy Star skylights described in subsection (b)(8) for each home;

(C) $750 for a maximum of 1 natural gas or propane tankless water heater described in subsection (b)(12)(B) for each home;

(D) $450 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(12)(C) for each home;

(E) $250 for rim joist insulation described in subsection (b)(5)(B);

(F) $50 for each storm window described in subsection (b)(13);

(G) $500 for a desuperheater described in subsection (b)(12)(G)(ii);

(H) $500 for a wood or pellet stove that has a heating capacity of at least 28,000 BTU per hour (using the upper end of the range listed in the EPA list of Certified Wood Stoves) and meets all of the requirements of subsection (b)(9)(v) other than the requirements in items (aa) and (bb) of subsection (b)(9)(v)(I);

(I) $250 for an automatic water temperature controller described in subsection (b)(10);

(J) $500 for a roof described in subsection (b)(14); and

(K) $500 for window films described in subsection (b)(15).

(4) MAXIMUM AMOUNT.—The total amount of a rebate provided to the owner of a home or designee under this section shall not exceed the lower of—

(A) $3,000;

(B) the sum of the amounts per measure specified in paragraphs (1) through (3);

(C) 50 percent of the total cost of the installed measures; or

(D) the reduction in the price paid by the owner of the home, relative to the price of the installed measures in the absence of the Silver Star Home Energy Retrofit Program.

(e) INSULATION PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—

(1) IN GENERAL.—A rebate shall be awarded under this section for attic, wall, or crawl space insulation or air sealing product if—

(A) the product—

(i) qualifies for a credit under section 25C of the Internal Revenue Code of 1986 but is not the subject of a claim for the credit;

(ii) is purchased by a homeowner for installation by the homeowner in a home identified by the address of the homeowner;

(iii) is identified and attributed to a specific home in a submission by the vendor to a rebate aggregator;

(iv) is not part of—

(I) an energy savings measure described in paragraphs (6) through (11) of subsection (b); and

(II) a retrofit for which a rebate is provided under the Gold Star Home Energy Retrofit Program; and

(v) is not part of an energy savings measure described in paragraphs (1) through (5) in subsection (b) for which the homeowner received or will receive contracting services; and

(B) educational material on proper installation of the product is provided to the homeowner, including material on air sealing while insulating.

(2) AMOUNT.—A rebate under this subsection shall be awarded in an amount equal to 50 percent of the total cost of the products described in paragraph (1), but not to exceed $250 per home.

(f) QUALIFICATION FOR REBATE UNDER SILVER STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 104, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost energy-efficiency measures installed in a home, if—

(1) the measures undertaken for the retrofit are—

(A) eligible measures described on the list established under subsection (b);

(B) installed properly in accordance with applicable technical specifications; and

(C) installed by a qualified contractor;

(2) the amount of the rebate does not exceed the maximum amount described in subsection (d)(4);

(3) not less than—

(A) 20 percent of the retrofits performed by each qualified contractor under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; or

(B) in the case of qualified contractor that uses a certified workforce, 10 percent of the retrofits performed under this section are randomly subject to a third-party field verification of all work associated with the retrofit by a quality assurance provider; and

(4)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect, if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(g) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—During the 1-year warranty period, a homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (f)(3); and

(ii) corrected in accordance with subsection (f)(4).

(h) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 107. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—If the energy efficiency retrofit of a home is carried out after the date of enactment of this Act by an accredited contractor in accordance with this section, a rebate shall be awarded for retrofits that achieve whole home energy savings.

(b) AMOUNT OF REBATE.—Subject to subsection (e), the amount of a rebate provided to the owner of a home or a designee of the owner under this section shall be—

(1) $3,000 for a 20-percent reduction in whole home energy consumption; and

(2) an additional $1,000 for each additional 5-percent reduction up to the lower of—

(A) $8,000; or

(B) 50 percent of the total retrofit cost (including the cost of audit and diagnostic procedures).

(c) ENERGY SAVINGS.—

(1) IN GENERAL.—Reductions in whole home energy consumption under this section shall be determined by a comparison of the simulated energy consumption of the home before and after the retrofit of the home.

(2) DOCUMENTATION.—The percent improvement in energy consumption under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved as a commercial alternative under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary; or

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008–35; or

(iv) a HERS rating system required by State law.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software packages used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy savings.

(4) ASSUMPTIONS AND TESTING.—The Secretary may—

(A) establish simulation tool assumptions for the establishment of the pre-retrofit energy use;

(B) require compliance with software performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy usage to be bounded by metered pre-retrofit energy usage.

(5) RECOMMENDED MEASURES.—The simulation tool shall have the ability at a minimum to assess the savings associated with all the measures for which incentives are specifically provided under the Silver Star Home Energy Retrofit Program.

(d) QUALIFICATION FOR REBATE UNDER GOLD STAR HOME ENERGY RETROFIT PROGRAM.—On submission of a claim by a rebate aggregator to the system established under section 104, the Secretary shall provide reimbursement to the rebate aggregator for reduced-cost whole-home retrofits, if—

(1) the retrofit is performed by an accredited contractor;

(2) the amount of the reimbursement is not more than the amount described in subsection (b);

(3) documentation described in subsection (c) is transmitted with the claim;

(4) a home receiving a whole-home retrofit is subject to random third-party field verification by a quality assurance provider in accordance with subsection (e); and

(5)(A) the installed measures will be brought into compliance with the specifications and quality standards for the Home Star Retrofit Rebate Program, by the installing qualified contractor, at no additional cost to the homeowner, not later than 14 days after the date of notification of a defect if a field verification by a quality assurance provider finds that corrective work is needed;

(B) a subsequent quality assurance visit is conducted to evaluate the remedy not later than 7 days after notification by the contractor that the defect has been corrected; and

(C) notification of disposition of the visit occurs not later than 7 days after the date of that visit.

(e) VERIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), all work installed in a home receiving a whole-home retrofit by an accredited contractor under this section shall be subject to random third-party field verification by a quality assurance provider at a rate of—

(A) 15 percent; or

(B) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(2) VERIFICATION NOT REQUIRED.—A home shall not be subject to random third-party field verification under this section if—

(A) a post-retrofit home energy rating is conducted by an eligible certifier in accordance with—

(i) RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) a State-certified equivalent rating network, as specified in IRS Notice 2008–35; or

(iii) a HERS rating system required by State law;

(B) the eligible certifier is independent of the qualified contractor or accredited contractor in accordance with RESNET Publication No. 06–001 (or a successor publication approved by the Secretary); and

(C) the rating includes field verification of measures.

(f) HOMEOWNER COMPLAINTS.—

(1) IN GENERAL.—A homeowner may make a complaint under the quality assurance program during the 1-year warranty period that compliance with the quality assurance requirements of this section has not been achieved.

(2) VERIFICATION.—

(A) IN GENERAL.—The quality assurance program shall provide that, on receiving a complaint under paragraph (1), an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor.

(B) ADMINISTRATION.—A verification under this paragraph shall be—

(i) in addition to verifications conducted under subsection (e)(1); and

(ii) corrected in accordance with subsection (e).

(g) AUDITS.—

(1) IN GENERAL.—On making payment for a submission under this section, the Secretary shall review rebate requests to determine whether program requirements were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from the next payment made to the party pursuant to a subsequent request.

SEC. 108. GRANTS TO STATES AND INDIAN TRIBES.

(a) IN GENERAL.—A State or Indian tribe that receives a grant under subsection (d) shall use the grant for—

(1) administrative costs;

(2) oversight of quality assurance plans;

(3) development of ongoing quality assurance framework;

(4) establishment and delivery of financing pilots in accordance with this title;

(5) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star program;

(6) assisting in the delivery of services to rental units; and

(7) the costs of carrying out the responsibilities of the State or Indian tribe under the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(b) INITIAL GRANTS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make the initial grants available under this section.

(c) INDIAN TRIBES.—The Secretary shall reserve an appropriate amount of funding to be made available to carry out this section for each fiscal year to make grants available to Indian tribes under this section.

(d) STATE ALLOTMENTS.—From the amounts made available to carry out this section for each fiscal year remaining after the reservation required under subsection (c), the Secretary shall make grants available to States in accordance with section 115.

(e) QUALITY ASSURANCE PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe may use a grant made under this section to carry out a quality assurance program that is—

(A) operated as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) managed by the office or the designee of the office that is—

(i) responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, conducting an existing energy efficiency program; and

(C) in the case of a grant made to an Indian tribe, managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) NONCOMPLIANCE.—If the Secretary determines that a State or Indian tribe has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this title, the Secretary may—

(A) withhold further quality assurance funds from the State or Indian tribe; and

(B) require that quality assurance providers operating in the State or by the Indian tribe be overseen by a national quality assurance program manager selected by the Secretary.

(f) IMPLEMENTATION.—A State or Indian tribe that receives a grant under this section may implement a quality assurance program through the State, the Indian tribe, or a third party designated by the State or Indian tribe, including—

(1) an energy service company;

(2) an electric utility;

(3) a natural gas utility;

(4) a third-party administrator designated by the State or Indian tribe; or

(5) a unit of local government.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—A State or Indian tribe that receives a grant under this section are encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing a program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program, including installation of qualified energy retrofit measures; and

(4) to assist in implementing quality assurance programs.

(h) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.—

(1) IN GENERAL.—A State or Indian tribe shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this title with—

(A) the Energy Star appliance rebates program authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115); and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State or Indian tribe shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using Home Star funds made available under this title to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

SEC. 109. QUALITY ASSURANCE FRAMEWORK.

(a) IN GENERAL.—Not later than 180 days after the date that the Secretary initially provides funds to a State under this title, the State shall submit to the Secretary a plan to implement a quality assurance program that covers all federally assisted residential efficiency retrofit work administered, supervised, or sponsored by the State.

(b) IMPLEMENTATION.—The State shall—

(1) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, and environmental, energy efficiency, and labor organizations; and

(2) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(c) COMPONENTS.—The quality assurance framework established under this section shall include—

(1) a requirement that contractors be prequalified in order to be authorized to perform federally assisted residential retrofit work;

(2) maintenance of a list of prequalified contractors authorized to perform federally assisted residential retrofit work; and

(3) minimum standards for prequalified contractors that include—

(A) accreditation;

(B) legal compliance procedures;

(C) proper classification of employees; and

(D) maintenance of records needed to verify compliance;

(4) targets and realistic plans for—

(A) the recruitment of small minority or women-owned business enterprises;

(B) the employment of graduates of training programs that primarily serve low-income populations with a median income that is below 200 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by that section)) by participating contractors; and

(5) a plan to link workforce training for energy efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries.

(d) NONCOMPLIANCE.—If the Secretary determines that a State has not taken the steps required under this section, the Secretary shall provide to the State a period of at least 90 days to comply before suspending the participation of the State in the program.

SEC. 110. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the use of funds under this title.

(b) CONTENTS.—The report shall include a description of—

(1) the energy savings produced as a result of this title;

(2) the direct and indirect employment created as a result of the programs supported by the funds provided under this title;

(3) the specific entities implementing the energy efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this title were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by grants provided under this title; and

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate

(c) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator, State, or Indian tribe has not provided the information required under this section, the Secretary shall provide to the rebate aggregator, State, or Indian tribe a period of at least 90 days to provide any necessary information, subject to penalties imposed by the Secretary for entities other than States and Indian tribes, which may include withholding of funds or reduction of future grant amounts.

SEC. 111. ADMINISTRATION.

(a) IN GENERAL.—Subject to section 115(b), not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators, States, and Indian tribes as is necessary to carry out the functions designated to States under this title.

(b) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint such professional and administrative personnel as the Secretary considers necessary to carry out this title.

(c) RATE OF PAY.—The rate of pay for a person appointed under subsection (a) shall not exceed the maximum rate payable for GS–15 of the General Schedule under chapter 53 of title 5, United States Code.

(d) CONSULTANTS.—Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), the Secretary may retain such consultants on a noncompetitive basis as the Secretary considers necessary to carry out this title.

(e) CONTRACTING.—In carrying out this title, the Secretary may waive all or part of any provision of the Competition in Contracting Act of 1984 (Public Law 98–369; 98 Stat. 1175), an amendment made by that Act, or the Federal Acquisition Regulation on a

determination that circumstances make compliance with the provisions contrary to the public interest.

(f) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to carry out the Home Star Retrofit Rebate Program.

(2) DEADLINE.—If the Secretary determines that regulations described in paragraph (1) are necessary, the regulations shall be issued not later than 60 days after the date of the enactment of this Act.

(g) INFORMATION COLLECTION.—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(h) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may, after not less than 30 days public notice, prospectively adjust the rebate amounts provided in this section based on—

(1) the use of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program; and

(2) other program data.

SEC. 112. TREATMENT OF REBATES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, rebates received for eligible measures under this title—

(1) shall not be considered taxable income to a homeowner;

(2) shall prohibit the consumer from applying for a tax credit allowed under section 25C, 25D, or 25E of that Code for the same eligible measures performed in the home of the homeowner; and

(3) shall be considered a credit allowed under section 25C, 25D, or 25E of that Code for purposes of any limitation on the amount of the credit under that section.

(b) NOTICE.—

(1) IN GENERAL.—A participating contractor shall provide notice to a homeowner of the provisions of subsection (a) before eligible work is performed in the home of the homeowner.

(2) NOTICE IN REBATE FORM.—A homeowner shall be notified of the provisions of subsection (a) in the appropriate rebate form developed by the Secretary, in consultation with the Secretary of the Treasury.

(3) AVAILABILITY OF REBATE FORM.—A participating contractor shall obtain the rebate form on a designated website in accordance with section 102(b)(1)(A)(iii).

SEC. 113. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any person to violate this title (including any regulation issued under this title), other than a violation as the result of a clerical error.

(b) CIVIL PENALTY.—Any person who commits a violation of this title shall be liable to the United States for a civil penalty in an amount that is not more than the higher of—

(1) $15,000 for each violation; or

(2) 3 times the value of any associated rebate under this title.

(c) ADMINISTRATION.—The Secretary may—

(1) assess and compromise a penalty imposed under subsection (b); and

(2) require from any entity the records and inspections necessary to enforce this title.

(d) FRAUD.—In addition to any civil penalty, any person who commits a fraudulent violation of this title shall be subject to criminal prosecution.

SEC. 114. HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner in accordance with the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(2) PROGRAM.—The term ''program'' means the Home Star Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term ''qualified financing entity'' means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State in accordance with subsection (e).

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(b) ESTABLISHMENT.—The Secretary shall establish a Home Star Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making, to existing homes, energy efficiency improvements that qualify under the Gold Star Home Energy Retrofit Program or the Silver Star Home Energy Retrofit Program.

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements described in subsection (b);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards that are at least as stringent as the standards provided under sections 106 and 107; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(e) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (h).

(f) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(g) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (f)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements described in subsection (b) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(h) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(i) CREDIT SUPPORT FOR FINANCING PROGRAMS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.''.

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

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

''(e) CREDIT SUPPORT FOR FINANCING PROGRAMS.—

''(1) IN GENERAL.—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

''(A) offer loan guarantees for portfolios of debt obligations; and

''(B) purchase or make commitments to purchase portfolios of debt obligations.

''(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; and

''(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

''(3) UNDERWRITING.—The Secretary may—

''(A) delegate underwriting responsibility for portfolios of debt obligations under this subsection to financial institutions that meet qualifications determined by the Secretary; and

''(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

''(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.''.

(j) TERMINATION OF EFFECTIVENESS.—The authority provided by this section and the amendments made by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

SEC. 115. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (j), there is authorized to be appropriated to carry out this title $5,000,000,000 for the period of fiscal years 2010 through 2012.

(2) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any Federal and State funding provided to carry out energy efficiency programs in existence on the date of enactment of this Act.

(b) GRANTS TO STATES.—

(1) IN GENERAL.—Of the amount provided under subsection (a), $380,000,000 or not more than 6 percent, whichever is less, shall be used to carry out section 108.

(2) DISTRIBUTION TO STATE ENERGY OFFICES.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(i) provide to State energy offices 25 percent of the funds described in paragraph (1); and

(ii) determine a formula to provide the balance of funds to State energy offices through a performance-based system.

(B) ALLOCATION.—

(i) ALLOCATION FORMULA.—Funds described in subparagraph (A)(i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C.6321 et seq.).

(ii) PERFORMANCE-BASED SYSTEM.—The balance of the funds described in subparagraph (A)(ii) shall be made available in accordance with the performance-based system described in subparagraph (A)(ii).

(c) QUALITY ASSURANCE COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent shall be used to carry out the quality assurance provisions of this title.

(2) MANAGEMENT.—Funds provided under this subsection shall be overseen by—

(A) State energy offices described in subsection (b)(2); or

(B) other entities determined by the Secretary to be eligible to carry out quality assurance functions under this title.

(3) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers, or rebate aggregators, for services under the Silver Star Home Energy Retrofit Program or the Gold Star Home Energy Retrofit Program through the Federal Rebate Processing Center based on the services provided to contractors under a quality assurance program and rebate aggregation.

(4) INCENTIVES.—The amount of incentives provided to quality assurance providers or rebate aggregators shall be—

(A)(i) in the case of the Silver Star Home Energy Retrofit Program—

(I) $25 per rebate review and submission provided under the program; and

(II) $150 for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Energy Retrofit Program—

(I) $35 for each rebate review and submission provided under the program; and

(II) $300 for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this title.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than $150,000,000 shall be used for costs associated with database systems to track rebates and expenditures under this title and related administrative costs incurred by the Secretary.

(e) PUBLIC EDUCATION AND COORDINATION.—Of the amount provided under subsection (a), not more than $10,000,000 shall be used for costs associated with public education and coordination with the Federal Energy Star program incurred by the Administrator.

(f) INDIAN TRIBES.—Of the amount provided under subsection (a), the Secretary shall reserve not more than 3 percent to make grants available to Indian tribes under this section.

(g) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—

(1) IN GENERAL.—In the case of the Silver Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $2,751,000,000 for the 1-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Silver Star Home Energy Retrofit Program.

(2) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—Of the amounts made available for the Silver Star Home Energy Retrofit Program under this section, not more than $250,000,000 shall be made available for rebates under section 106(e).

(h) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—In the case of the Gold Star Home Energy Retrofit Program, of the amount provided under subsection (a) after funds are provided in accordance with subsections (b) through (e), $1,349,000,000 for the 2-year period beginning on the date of enactment of this Act (less any amounts required under subsection (f)) shall be used by the Secretary to provide rebates and incentives authorized under the Gold Star Home Energy Retrofit Program.

(i) PROGRAM REVIEW AND BACKSTOP FUNDING.—

(1) REVIEW AND ANALYSIS.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall perform a State-by-State analysis and review the distribution of Home Star retrofit rebates under this title.

(B) RENTAL UNITS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall perform a review and analysis, with input and review from the Secretary of Housing and Urban Development, of the procedures for delivery of services to rental units.

(2) ADJUSTMENT.—The Secretary may allocate technical assistance funding to assist States that, as determined by the Secretary—

(A) have not sufficiently benefitted from the Home Star Retrofit Rebate Program; or

(B) in which rental units have not been adequately served.

(j) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Energy Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Energy Retrofit Program.

(2) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Energy Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(k) FINANCING.—Of the amounts allocated to the States under subsection (b), not less than $200,000,000 shall be used to carry out the financing provisions of this title in accordance with section 114.

TITLE II—PERFORMANCE BASED ENERGY IMPROVEMENT TAX CREDITS

SEC. 201. PERFORMANCE BASED ENERGY IMPROVEMENTS FOR NONBUSINESS PROPERTY.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

''SEC. 25E. PERFORMANCE BASED ENERGY IMPROVEMENTS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount of qualified home energy efficiency expenditures paid or incurred by the taxpayer during the taxable year.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—

''(A) IN GENERAL.—The amount of the credit allowed under subsection (a) with respect to any individual for any taxable year shall not exceed the amount determined under subparagraph (B) with respect to the principal residence of such individual.

''(B) AMOUNT DETERMINED.—

''(i) IN GENERAL.—Subject to clause (iv), the amount determined under this subparagraph is the base amount increased by the amount determined under clause (iii).

''(ii) BASE AMOUNT.—For purposes of this subparagraph, the base amount is—

''(I) $3,000, in the case of a residence the construction of which is completed before January 1, 2000, and

''(II) $2,000, in the case of a residence the construction of which is completed after December 31, 1999.

''(iii) INCREASE AMOUNT.—The amount determined under this clause is—

''(I) in the case of a residence described in clause (ii)(I) which has a rating system score equal to the rating system score which corresponds to the IECC Standard Reference Design for a home of the size and in the climate zone of such residence, $1,000, and

''(II) in the case of any residence with a rating system score which is lower than that which corresponds to such IECC Standard Reference Design by not less than 5 points, $500 for each 5 points by which the rating system score which corresponds to such IECC Standard Reference Design exceeds the rating system score of such residence (in addition to the amount provided under clause (i), if applicable).

''(iv) LIMITATION.—In no event shall the amount determined under this subparagraph exceed $8,000 with respect to any individual.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of taxable years to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section and sections 23, 24, and 25B) and section 27 for the taxable year.

''(c) QUALIFIED HOME ENERGY EFFICIENCY EXPENDITURES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified home energy efficiency expenditures' means any amount paid or incurred for a qualified whole home energy efficiency retrofit, including the cost of audit diagnostic procedures, of a principal residence of the taxpayer which is located in the United States.

''(2) QUALIFIED WHOLE HOME ENERGY EFFICIENCY RETROFIT.—

''(A) IN GENERAL.—The term 'qualified whole home energy efficiency retrofit' means a retrofit of an existing residence if, after such retrofit, such residence—

''(i) has a rating system score of not greater than—

''(I) 100, determined under the HERS Index, in the case of a residence the construction of which is completed before January 1, 2000, and

''(II) the rating system score which corresponds to the IECC Standard Reference Design for a home of the size and in the climate zone of such residence, in the case of a residence the construction of which is completed after December 31, 1999, or

''(ii) achieves a degree of energy efficiency improvement which is equivalent to the standard applicable to such residence under clause (i), as determined by the Secretary.

For purposes of the preceding sentence, the HERS Index is the HERS Index established by the Residential Energy Services Network, as in effect on January 1, 2011.

''(B) ACCREDITATION RULE.—A retrofit shall not be treated as a qualified whole home energy efficiency retrofit unless such retrofit is conducted by a company which is accredited by the Building Performance Institute, or which fulfills an equivalent standard as determined by the Secretary.

''(C) DETERMINATION OF RATING SYSTEM SCORE OR EQUIVALENT.—

''(i) IN GENERAL.—Subject to clause (ii), the rating system score of a residence, or the equivalent described in subparagraph (A)(ii), shall be determined by an auditor or rater certified by the Residential Energy Services Network or the Building Performance Institute.

''(ii) SECRETARIAL DETERMINATION.—At the discretion of the Secretary, the Secretary may, in consultation with the Secretary of Energy, determine an alternative standard for certification of an auditor or rater for purposes of determining the rating system score (or equivalent described in subparagraph (A)(ii)) of a residence. If the Secretary establishes such an alternative standard, clause (i) shall cease to apply unless the Secretary determines otherwise.

''(D) REGULATIONS.—Not later than December 31, 2011, in consultation with the Secretary, the Secretary of Energy shall prescribe regulations which specify the costs with respect to energy improvements which may be taken into account under this paragraph as part of a qualified whole home energy efficiency retrofit.

''(3) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—No credit shall be allowed under this section for any taxable year in which the taxpayer elects the credit under section 25C.

''(B) NO DOUBLE BENEFIT FOR CERTAIN EXPENDITURES.—The term 'qualified home energy efficiency expenditures' shall not include any expenditure for which a deduction or credit is otherwise allowed to the taxpayer under this chapter for the taxable year or with respect to which the taxpayer receives any Federal rebate.

''(4) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121, except that—

''(A) no ownership requirement shall be imposed, and

''(B) the period for which a building is treated as used as a principal residence shall also include the 60-day period ending on the 1st day on which it would (but for this subparagraph) first be treated as used as a principal residence.

''(d) RATING SYSTEM SCORE.—For purposes of this section—

''(1) IN GENERAL.—Subject to paragraph (2), the rating system score shall be the score assigned under the HERS Index established by the Residential Energy Services Network.

''(2) SECRETARIAL DETERMINATION.—At the discretion of the Secretary, the Secretary may, in consultation with the Secretary of Energy, determine an alternative rating system (including an alternative system based on the HERS Index established by the Residential Energy Services Network). If the Secretary establishes such an alternative rating system, the rating system score with respect to any residence shall be the score assigned under such alternative rating system.

''(e) IECC STANDARD REFERENCE DESIGN.—

''(1) IN GENERAL.—The term 'IECC Standard Reference Design' means the Standard Reference Design determined under the International Energy Conservation Code in effect for the taxable year in which the credit under this section is determined.

''(2) LIMITATION TO RESIDENCES CONSTRUCTED AFTER EFFECTIVE DATE OF MOST RECENT CODE.—No credit shall be allowed under this section with respect to a principal residence the construction of which is completed after the effective date of the International Energy Conservation Code in effect for the taxable year for which such credit would otherwise be determined.

''(f) SPECIAL RULES.—For purposes of this section, rules similar to the rules under paragraphs (4), (5), (6), (7), and (8) of section 25D(e) and section 25C(e)(2) shall apply.

''(g) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section with respect to any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

''(i) TERMINATION.—This section shall not apply with respect to any costs paid or incurred after December 31, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 26(a)(1) of the Internal Revenue Code of 1986 is amended by inserting ''25E,'' after ''25D''.

(2) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 25E(g).''.

(3) Section 6501(m) of such Code is amended by inserting ''25E(h),'' after ''section''.

(4) The table of sections for subpart A of part IV of subchapter A chapter 1 of such Code is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Performance based energy improvements.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

By Mr. REID. (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3438. A bill to promote clean energy infrastructure for rural communities; to the Committee on Finance.

Mr. REID. Mr. President, in 1935, President Franklin Delano Roosevelt signed the Rural Electrification Act to bring electricity to the sparsely-populated rural areas of our vast Nation. Today, with advances in renewable energy from the sun, the wind, water, and geothermal energy beneath the Earth's surface, our rural communities are ready to produce clean, renewable electricity and sell it to cities and towns. Just as our national highway system grew out of the network of farm roads to bring agricultural products to market, our electric transmission system needs connections to rural areas to bring our abundant rural renewable energy resources to load centers. For example, Nye and Lincoln counties in Nevada have the potential to generate more solar and wind energy than their small populations can use. Without transmission to connect these rural areas to load centers, they cannot fully develop their local renewable energy industry and are losing out on important opportunities to create jobs and diversify their economies.

That is why I am introducing two bills today to give rural communities more options to finance the clean energy infrastructure we need to develop our rich renewable resources. These two bills would help rural communities fund clean energy infrastructure, which will create many short and long term jobs and attract badly needed investment in rural Nevada's struggling economy. While Nevada is in an especially good position to benefit from this bill, I am pleased to be joined by Senators ENSIGN, HARKIN, TESTER, MICHAEL BENNET, and KLOBUCHAR whose states also have renewable energy resources stranded by a lack of transmission.

Existing government loan and tax-exempt bond programs are available to finance rural renewable generation, but not to finance the connections between that generation and the high-voltage

transmission system that carries electricity to load centers. These proposed bills would provide three ways to finance important transmission for rural renewable generators—through the USDA Rural Utilities Service, through modifications to the Clean Renewable Energy Bond, CREB, program, and through modifications to the Exempt Facility Bonds program.

As we have seen with the electric and telephone infrastructure financed by the USDA Rural Utilities Service since 1935, energy infrastructure is crucial to economic development for rural communities. Natural gas pipelines crisscross rural communities, but small towns near these pipelines lack natural gas today. Some of these towns, including some in Nevada, have plans for natural gas distribution systems and local economic development that depend on access to natural gas. Federal programs to provide loans, loan guarantees, or tax-exempt bonds do not fit these plans.

The USDA does not currently finance these types of projects. My bill would allow the USDA to finance natural gas systems to connect rural communities to natural gas pipelines. Access to natural gas will provide these communities with a clean, efficient energy source, and encourage economic development.

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. 3438

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Transmission for Rural Communities Act of 2010''.

SEC. 2. TRANSMISSION FOR RENEWABLES.

(a) CLARIFICATION OF QUALIFIED FACILITIES FOR CLEAN RENEWABLE ENERGY BONDS.—

(1) IN GENERAL.—Section 54C(d)(1) of the Internal Revenue Code of 1986 is amended by inserting '', or a facility primarily for the purpose of interconnecting one or more such qualified facilities to a high-voltage transmission line'' after ''electric company''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after the date of enactment of this Act.

(b) TAX-EXEMPT FINANCING OF CERTAIN ELECTRIC TRANSMISSION FACILITIES.—

(1) IN GENERAL.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or'' at the end of paragraph (14),

(B) by striking the period at the end of paragraph (15) and inserting '', or'', and

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

''(16) qualified electric transmission facilities.''.

(2) DEFINITION.—Section 142 of such Code is amended by adding at the end the following new subsection:

''(n) QUALIFIED ELECTRIC TRANSMISSION FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'qualified electric transmission facility' means any electric transmission facility which is—

''(A) owned by—

''(i) a State or political subdivision of a State, or any agency, authority, or instrumentality of any of the foregoing, providing electric service, directly or indirectly to the public, or

''(ii) a State or political subdivision of a State expressly authorized under State law to finance and own electric transmission facilities; and

''(B) primarily for the purpose of interconnecting one or more renewable energy facilities to a high-voltage transmission line.

''(2) TERMINATION.—Subsection (a)(16) shall not apply with respect to any bond issued after December 31, 2011.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to bonds issued after the date of enactment of this Act.

By Mr. REID (for himself, Mr. ENSIGN, Mr. HARKIN, Mr. TESTER, Mr. BENNET, and Ms. KLOBUCHAR):

S. 3439. A bill to promote clean energy infrastructure for rural communities; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. REID. 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. 3439

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Energy Infrastructure for Rural Communities Act of 2010''.

SEC. 2. ELECTRIC LOANS FOR RENEWABLE ENERGY.

Section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g) is amended—

(1) in subsection (b)—

(A) by striking ''for electric generation'' and inserting ''for—

''(1) electric generation'';

(B) by striking the period at the end and inserting''; and''; and

(C) by adding at the end the following:

''(2) transmission facilities primarily for the purpose of interconnecting one or more renewable energy facilities to a high-voltage transmission line.''; and

(2) by striking subsection (c).

SEC. 3. RURAL NATURAL GAS INFRASTRUCTURE.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) NATURAL GAS.—The term 'natural gas' means —

''(i) unmixed natural gas; or

''(ii) any mixture of natural and artificial gas.''; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) improving the economic and environmental climate by encouraging the development and construction of infrastructure to provide access to natural gas in rural communities; and''.

By Mr. GRASSLEY:

S. 3440. A bill to amend the Internal Revenue Code of 1986 to extend the incentives for biodiesel and renewable diesel; to the Committee on Finance.

Mr. GRASSLEY. 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. 3440

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 ''Emergency Biodiesel Tax Incentive Extension Act of 2010''.

SEC. 2. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) Subparagraph (B) of section 6427(e)(6) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

By Mr. DURBIN (himself and Mr. GREGG):

S. 3441. A bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce legislation designed to improve educational opportunities for struggling students. The All Students Achieving Through Reform Act, or All-STAR Act, would provide Federal resources to the most successful charter schools to help them grow and replicate.

Last week, I visited the KIPP Ascend Charter School in Chicago. You might have heard of the KIPP charter schools. The first KIPP school was founded in Texas by two Teach for America teachers. Mike Feinberg and Dave Levin wanted to start a school that would inspire high achievement for students living in disadvantaged communities. The 82 KIPP schools nationwide focus on high expectations, an intense academic curriculum, expanded school days and years, parental involvement, and high quality teachers. The results are impressive. While less than one in five low-income students attends college nationally, KIPP's college matriculation rate stands at more than 85 percent for students who complete the 8th grade at KIPP. More than 90 percent of KIPP alumni go on to college-preparatory high schools. Collectively, they have earned millions of

dollars in scholarships and financial aid since 2000.

I saw this success when I visited Chicago's KIPP school. Students at KIPP Ascend are actively engaged in learning and their teachers are energetic and inspiring. The students there are outscoring their peers in other Chicago Public Schools, and 100 percent of the 8th graders who have graduated from KIPP Ascend have been accepted to college-preparatory high schools.

Right now there is only one KIPP school in Chicago, but there should be more. The bill I am introducing today with Senator GREGG would help make that possible. Currently, federal funding for charter schools can only be used to create new schools, not expand or replicate existing schools. My bill would create new grants within the existing charter school program to fund the expansion and replication of the most successful charter schools. Schools in Chicago, like KIPP and Noble Street, that have achieved amazing results with their students will be able to apply for federal grants to expand their schools to additional grades or replicate the model to a new school. Successful charters across the country will be able to grow more easily, providing better educational opportunities to thousands of students.

The bill also incentivizes the adoption of strong charter school policies by states. We know that successful charter schools thrive when they have autonomy, freedom to grow, and strong accountability based on meeting performance targets. The bill would give grant priority to States that provide that environment. The bill also requires new levels of charter school authorizer reporting and accountability to ensure that good charter schools are able to succeed while bad charter schools are improved or shut down.

This bill will improve educational opportunities for students across the Nation. Charter schools represent some of the brightest spots in urban education today, and successful models have the full support of the President and Secretary Duncan. We need to help these schools grow and bring their best lessons into our regular public schools so that all students can benefit. This bill has the support of more than 25 education organizations including some of the Nation's highest performing charter networks like KIPP and Green Dot. Supporting the growth of successful charter schools should be a part of the conversation when we take up reauthorization of the Elementary and Secondary Education Act. I thank Senator GREGG and Representative POLIS in the House for joining me in this effort.

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. 3441

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 ''All Students Achieving through Reform Act of 2010'' or ''All-STAR Act of 2010''.

SEC. 2. CHARTER SCHOOL EXPANSION AND REPLICATION.

(a) IN GENERAL.—Subpart 1 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5212;

(2) by redesignating section 5210 as section 5211; and

(3) by inserting after section 5209 the following:

''SEC. 5210. CHARTER SCHOOL EXPANSION AND REPLICATION.

''(a) PURPOSE.—It is the purpose of this section to support State efforts to expand and replicate high-quality public charter schools to enable such schools to serve additional students, with a priority to serve those students who attend identified schools or schools with a low graduation rate.

''(b) SUPPORT FOR PROVEN CHARTER SCHOOLS AND INCREASING THE SUPPLY OF HIGH-QUALITY CHARTER SCHOOLS.—

''(1) GRANTS AUTHORIZED.—From the amounts appropriated under section 5200 for any fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to make subgrants to eligible public charter schools under subsection (e)(1) and carry out the other activities described in subsection (e), in order to allow the eligible public charter schools to serve additional students through the expansion and replication of such schools.

''(2) AMOUNT OF GRANTS.—In determining the grant amount to be awarded under this subsection to an eligible entity, the Secretary shall consider—

''(A) the number of eligible public charter schools under the jurisdiction or in the service area of the eligible entity that are operating;

''(B) the number of openings for new students that could be created in such schools with such grant;

''(C) the number of students eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) who are on waiting lists for charter schools under the jurisdiction or in the service area of the eligible entity, and other information with respect to charter schools in such jurisdiction or the service area that suggest the interest of parents in charter school enrollment for their children;

''(D) the number of students attending identified schools or schools with a low graduation rate in the State or area where an eligible entity intends to replicate or expand eligible public charter schools; and

''(E) the success of the eligible entity in overseeing public charter schools and the likelihood of continued or increased success because of the grant under this section.

''(3) DURATION OF GRANTS.—A grant under this section shall be for a period of not more than 5 years, except that an eligible entity receiving such grant may, at the discretion of the Secretary, continue to expend grant funds after the end of the grant period.

''(c) APPLICATION REQUIREMENTS.—

''(1) APPLICATION REQUIREMENTS.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—The application described in paragraph (1) shall include, at a minimum, the following:

''(A) RECORD OF SUCCESS.—Documentation of the record of success of the eligible entity in overseeing or operating public charter schools, including—

''(i) the performance of public charter school students on the academic assessments described in section 1111(b)(3) of the State where such schools are located, disaggregated by—

''(I) economic disadvantage;

''(II) race and ethnicity;

''(III) disability status; and

''(IV) status as a student with limited English proficiency;

''(ii) the status of such schools under section 1116 in making adequate yearly progress or as identified schools; and

''(iii) in the case of public charter schools that are secondary schools, the graduation rates and rates of college acceptance, enrollment, and persistence of students, where possible.

''(B) PLAN.—A plan for—

''(i) replicating and expanding eligible public charter schools operated or overseen by the eligible entity;

''(ii) identifying eligible public charter schools, or networks of eligible public charter schools, to receive subgrants under this section;

''(iii) increasing the number of openings in eligible public charter schools for students attending identified schools and schools with a low graduation rate;

''(iv) ensuring that eligible public charter schools receiving a subgrant under this section enroll students through a random lottery for admission, unless the charter school is using the subgrant to expand the school to serve additional grades, in which case such school may reserve seats in the additional grades for—

''(I) each student enrolled in the grade preceding each such additional grade;

''(II) siblings of students enrolled in the charter school, if such siblings desire to enroll in such grade; and

''(III) children of the charter school's founders, staff, or employees;

''(v)(I) in the case of an eligible entity described in subparagraph (A) or (C) of subsection (k)(4), the manner in which the eligible entity will work with identified schools and schools with a low graduation rate that are eligible to enroll students in a public charter school receiving a subgrant under this section and that are under the eligible entity's jurisdiction, and the local educational agencies serving such schools, to—

''(aa) engage in community outreach, provide information in a language that the parents can understand, and communicate with parents of students at identified schools and schools with a low graduation rate who are eligible to attend a public charter school receiving a subgrant under this section about the opportunity to enroll in or transfer to such school, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

''(bb) ensure that a student can transfer to an eligible public charter school if the public charter school such student was attending in the previous school year is no longer an eligible public charter school; and

''(II) in the case of an eligible entity described in subparagraph (B) or (D) of subsection (k)(4), the manner in which the eligible entity will work with the local educational agency to carry out the activities described in items (aa) and (bb) of subclause (I); and

''(vi) disseminating to public schools under the jurisdiction or in the service area of the eligible entity, in a manner consistent with section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974'),

the best practices, programs, or strategies learned by awarding subgrants to eligible public charter schools under this section, with particular emphasis on the best practices with respect to—

''(I) focusing on closing the achievement gap; or

''(II) successfully addressing the education needs of low-income students.

''(C) CHARTER SCHOOL INFORMATION.—The number of—

''(i) eligible public charter schools that are operating in the State in which the eligible entity intends to award subgrants under this section;

''(ii) public charter schools approved to open or likely to open during the grant period in such State;

''(iii) available openings in eligible public charter schools in such State that could be created through the replication or expansion of such schools if the grant is awarded to the eligible entity;

''(iv) students on public charter school waiting lists (if such lists are available) in—

''(I) the State in which the eligible entity intends to award subgrants under this section; and

''(II) each local educational agency serving an eligible public charter school that may receive a subgrant under this section from the eligible entity; and

''(v) students, and the percentage of students, in a local educational agency who are attending eligible public charter schools that may receive a subgrant under this section from the eligible entity.

''(D) TRADITIONAL PUBLIC SCHOOL INFORMATION.—In the case of an eligible entity that is a State educational agency or local educational agency, a list of the following schools under the jurisdiction of the eligible entity, including the name and location of each such school, the number and percentage of students under the jurisdiction of the eligible entity who are attending such school, and such demographic and socioeconomic information as the Secretary may require:

''(i) Identified schools.

''(ii) Schools with a low graduation rate.

''(E) ASSURANCE.—In the case of an eligible entity described in subsection (k)(4)(A), an assurance that the eligible entity will include in the notifications provided under section 1116(c)(6) to parents of each student enrolled in a school served by a local educational agency identified for school improvement or corrective action under paragraph (1) or (7) of section 1116(c), information (in a language that the parents can understand) about the eligible public charter schools receiving subgrants under this section.

''(d) PRIORITIES FOR AWARDING GRANTS.—

''(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to an eligible entity that—

''(A) serves or plans to serve a large percentage of low-income students from identified schools or public schools with a low graduation rate;

''(B) oversees or plans to oversee one or more eligible public charter schools;

''(C) provides evidence of effective monitoring of the academic success of students who attend public charter schools under the jurisdiction of the eligible entity;

''(D) in the case of an eligible entity that is a local educational agency under State law, has a cooperative agreement under section 1116(b)(11); and

''(E) is under the jurisdiction of, or plans to award subgrants under this section in, a State that—

''(i) ensures that all public charter schools (including such schools served by a local educational agency and such schools considered to be a local educational agency under State law) receive, in a timely manner, the Federal, State, and local funds to which such schools are entitled under applicable law;

''(ii) does not have a cap that restricts the growth of public charter schools in the State;

''(iii) provides funding (such as capital aid distributed through a formula or access to revenue generated bonds, and including funding for school facilities) on a per-pupil basis to public charter schools commensurate with the amount of funding (including funding for school facilities) provided to traditional public schools;

''(iv) provides strong evidence of support for public charter schools and has in place innovative policies that support academically successful charter school growth;

''(v) authorizes public charter schools to offer early childhood education programs, including prekindergarten, in accordance with State law;

''(vi) ensures that each public charter school in the State—

''(I) has a high degree of autonomy over the public charter school's budget and expenditures;

''(II) has a written performance contract with an authorized public chartering agency that ensures that the school has an independent governing board with a high degree of autonomy; and

''(III) in the case of an eligible public charter school receiving a subgrant under this section, amends its charter to reflect the growth activities described in subsection (e);

''(vii) has an appeals process for the denial of an application for a charter school;

''(viii) provides that an authorized public chartering agency that is not a local educational agency, such as a State chartering board, is available for each individual or entity seeking to operate a charter school pursuant to such State law;

''(ix) allows any public charter school to be a local educational agency in accordance with State law;

''(x) ensures that each authorized public chartering agency in the State submits annual reports to the State educational agency, and makes such reports available to the public, on the performance of the schools authorized or approved by such public chartering agency, which reports shall include—

''(I) the authorized public chartering agency's strategic plan for authorizing or approving public charter schools and any progress toward achieving the objectives of the strategic plan;

''(II) the authorized public chartering agency's policies for authorizing or approving public charter schools, including how such policies examine a school's—

''(aa) financial plan and policies, including financial controls and audit requirements;

''(bb) plan for identifying and successfully (in compliance with all applicable laws and regulations) serving students with disabilities, students who are English language learners, students who are academically behind their peers, and gifted students; and

''(cc) capacity and capability to successfully launch and subsequently operate a public charter school, including the backgrounds of the individuals applying to the agency to operate such school and any record of such individuals operating a school;

''(III) the authorized public chartering agency's policies for renewing, not renewing, and revoking a charter school's charter, including the role of student academic achievement in such decisions;

''(IV) the authorized public chartering agency's transparent, timely, and effective process for closing down academically unsuccessful public charter schools;

''(V) the academic performance of each operating public charter school authorized or approved by the authorized public chartering agency, including the information reported by the State in the State annual report card under section 1111(h)(1)(C) for such school;

''(VI) the status of the authorized public chartering agency's charter school portfolio, by identifying all charter schools served by the public chartering agency in each of the following categories: approved (but not yet open), operating, renewed, transferred, revoked, not renewed, voluntarily closed, or never opened;

''(VII) the authorizing functions (such as approval, monitoring, and oversight) performed by the authorized public chartering agency to the public charter schools authorized or approved by such agency, including an itemized accounting of the actual costs of such functions; and

''(VIII) the services purchased (such as accounting, transportation, and data management and analysis) from the authorized public chartering agency by the public charter schools authorized or approved by such agency, including an itemized accounting of the actual costs of such services; and

''(xi) has or will have (within 1 year after receiving a grant under this section) a State policy and process for overseeing and reviewing the effectiveness and quality of the State's authorized public chartering agencies, including—

''(I) a process for reviewing and evaluating the performance of the authorized public chartering agencies in authorizing or approving charter schools, including a process that enables the authorized public chartering agencies to respond to any State concerns; and

''(II) any other necessary policies to ensure effective charter school authorizing in the State in accordance with the principles of quality charter school authorizing, as determined by the State in consultation with the charter school community and stakeholders.

''(2) SPECIAL RULE.—In awarding grants under this section, the Secretary may determine how the priorities described in paragraph (1) will apply to the different types of eligible entities defined in subsection (k)(4).

''(e) USE OF FUNDS.—An eligible entity receiving a grant under this section shall use the grant funds for the following:

''(1) SUBGRANTS.—

''(A) IN GENERAL.—To award subgrants, in such amount as the eligible entity determines is appropriate, to eligible public charter schools to replicate or expand such schools.

''(B) APPLICATION.—An eligible public charter school desiring to receive a subgrant under this subsection shall submit an application to the eligible entity at such time, in such manner, and containing such information as the eligible entity may require.

''(C) USES OF FUNDS.—An eligible public charter school receiving a subgrant under this subsection shall use the subgrant funds to provide for an increase in the school's enrollment of students through the replication or expansion of the school, which may include use of funds to—

''(i) support the physical expansion of school buildings, including financing the development of new buildings and campuses to meet increased enrollment needs;

''(ii) pay costs associated with hiring additional teachers to serve additional students;

''(iii) provide transportation to additional students to and from the school, including providing transportation to students who transfer to the school under a cooperative agreement established under section 1116(b)(11);

''(iv) purchase instructional materials, implement teacher and principal professional development programs, and hire additional non-teaching staff; and

''(v) support any necessary activities associated with the school carrying out the purposes of this section.

''(D) PRIORITY.—In awarding subgrants under this subsection, an eligible entity shall give priority to an eligible public charter school—

''(i) that has significantly closed any achievement gap on the State academic assessments described in section 1111(b)(3) among the groups of students described in section 1111(b)(2)(C)(v) by improving scores;

''(ii) that—

''(I)(aa) ranks in at least the top 25th percentile of the schools in the State, as ranked by the percentage of students in the proficient or advanced level of achievement on the State academic assessments in mathematics and reading or language arts described in section 1111(b)(3); or

''(bb) has an average student score on an examination (chosen by the Secretary) that is at least in the 60th percentile in reading and at least in the 75th percentile in mathematics; and

''(II) serves a high-need student population and is eligible to participate in a schoolwide program under section 1114, with additional priority given to schools that serve, as compared to other schools that have submitted an application under this subsection—

''(aa) a greater percentage of low-income students; and

''(bb) a greater percentage of not less than 2 groups of students described in section 1111(b)(2)(C)(v)(II); and

''(iii) that meets the criteria described in clause (i) and serves low-income students who have transferred to such school under a cooperative agreement described in section 1116(b)(11).

''(E) DURATION OF SUBGRANT.—A subgrant under this subsection shall be awarded for a period of not more than 5 years, except that an eligible public charter school receiving a subgrant under this subsection may, at the discretion of the eligible entity, continue to expend subgrant funds after the end of the subgrant period.

''(2) FACILITY FINANCING AND REVOLVING LOAN FUND.—An eligible entity may use not more than 25 percent of the amount of the grant funds received under this section to establish a reserve account described in subsection (f) to facilitate public charter school facility acquisition and development by—

''(A) conducting credit enhancement initiatives (as referred to in subpart 2) in support of the development of facilities for eligible public charter schools serving students;

''(B) establishing a revolving loan fund for use by an eligible public charter school receiving a subgrant under this subsection from the eligible entity under such terms as may be determined by the eligible entity to allow such school to expand to serve additional students;

''(C) facilitating, through direct expenditure or financing, the acquisition or development of public charter school buildings by the eligible entity or an eligible public charter school receiving a subgrant under this subsection from the eligible entity, which may be used as both permanent locations for eligible public charter schools or incubators for growing charter schools; or

''(D) establishing a partnership with 1 or more community development financial institutions (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)) or other mission-based financial institutions to carry out the activities described in subparagraphs (A), (B), and (C).

''(3) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—

''(A) IN GENERAL.—An eligible entity may use not more than 7.5 percent of the grant funds awarded under this section to cover administrative tasks, dissemination activities, and outreach.

''(B) NONPROFIT ASSISTANCE.—In carrying out the administrative tasks, dissemination activities, and outreach described in subparagraph (A), an eligible entity may contract with an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

''(f) RESERVE ACCOUNT.—

''(1) IN GENERAL.—To assist eligible entities in the development of new public charter school buildings or facilities for eligible public charter schools, an eligible entity receiving a grant under this section may, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the amount of funds described in subsection (e)(2) in a reserve account established and maintained by the eligible entity.

''(2) INVESTMENT.—Funds received under this section and deposited in the reserve account established under this subsection shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

''(3) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subsection shall be deposited in the reserve account established under this section and used in accordance with the purpose described in subsection (a).

''(4) RECOVERY OF FUNDS.—

''(A) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

''(i) all funds in a reserve account established by an eligible entity under this subsection if the Secretary determines, not earlier than 2 years after the date the eligible entity first received funds under this section, that the eligible entity has failed to make substantial progress carrying out the purpose described in paragraph (1); or

''(ii) all or a portion of the funds in a reserve account established by an eligible entity under this subsection if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of funds in such account to accomplish the purpose described in paragraph (1).

''(B) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided under subparagraph (A) to collect from any eligible entity any funds that are being properly used to achieve such purpose.

''(C) PROCEDURES.—Sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subparagraph (A).

''(D) CONSTRUCTION.—This paragraph shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act.

''(5) REALLOCATION.—Any funds collected by the Secretary under paragraph (4) shall be awarded to eligible entities receiving grants under this section in the next fiscal year.

''(g) FINANCIAL RESPONSIBILITY.—The financial records of each eligible entity and eligible public charter school receiving a grant or subgrant, respectively, under this section shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

''(h) NATIONAL EVALUATION.—

''(1) NATIONAL EVALUATION.—From the amounts appropriated under section 5200, the Secretary shall conduct an independent, comprehensive, and scientifically sound evaluation, by grant or contract and using the highest quality research design available, of the impact of the activities carried out under this section on—

''(A) student achievement; and

''(B) other areas, as determined by the Secretary.

''(2) REPORT.—Not later than 4 years after the date of the enactment of the All Students Achieving through Reform Act of 2010, and biannually thereafter, the Secretary shall submit to Congress a report on the results of the evaluation described in paragraph (1).

''(i) REPORTS.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary the following:

''(1) REPORT.—A report that contains such information as the Secretary may require concerning use of the grant funds by the eligible entity, including the academic achievement of the students attending eligible public charter schools as a result of the grant. Such report shall be submitted before the end of the 4-year period beginning on the date of enactment of the All Students Achieving through Reform Act of 2010 and every 2 years thereafter.

''(2) PERFORMANCE INFORMATION.—Such performance information as the Secretary may require for the national evaluation conducted under subsection (h)(1).

''(j) INAPPLICABILITY.—The provisions of sections 5201 through 5209 shall not apply to the program under this section.

''(k) DEFINITIONS.—In this section:

''(1) ADEQUATE YEARLY PROGRESS.—The term 'adequate yearly progress' has the meaning given such term in a State's plan in accordance with section 1111(b)(2)(C).

''(2) ADMINISTRATIVE TASKS, DISSEMINATION ACTIVITIES, AND OUTREACH.—The term 'administrative tasks, dissemination activities, and outreach' includes costs and activities associated with—

''(A) recruiting and selecting students to attend eligible public charter schools;

''(B) outreach to parents of students enrolled in identified schools or schools with low graduation rates;

''(C) providing information to such parents and school officials at such schools regarding eligible public charter schools receiving subgrants under this section;

''(D) necessary oversight of the grant program under this section; and

''(E) initiatives and activities to disseminate the best practices, programs, or strategies learned in eligible public charter schools to other public schools operating in the State where the eligible entity intends to award subgrants under this section.

''(3) CHARTER SCHOOL.—The term 'charter school' means—

''(A) a charter school, as defined in section 5211(1); or

''(B) a school that meets the requirements of such section, except for subparagraph (D), and provides prekindergarten or adult education services.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State educational agency;

''(B) an authorized public chartering agency;

''(C) a local educational agency that has authorized or is planning to authorize a public charter school; or

''(D) an organization that has an organizational mission and record of success supporting the replication and expansion of high-quality charter schools and is—

''(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)); and

''(ii) exempt from tax under section 501(a) of such Code (26 U.S.C. 501(a)).

''(5) ELIGIBLE PUBLIC CHARTER SCHOOL.—The term 'eligible public charter school' means a charter school, including a public charter

school that is being developed by a developer, that—

''(A) has made adequate yearly progress for the last 2 consecutive school years; and

''(B) in the case of a public charter school that is a secondary school, has, for the most recent school year for which data is available, met or exceeded the graduation rate required by the State in order to make adequate yearly progress for such year.

''(6) IDENTIFIED SCHOOL.—The term 'identified school' means a school identified for school improvement, corrective action, or restructuring under paragraph (1), (7), or (8) of section 1116(b).

''(7) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes any charter school that is a local educational agency, as determined by State law.

''(8) LOW-INCOME STUDENT.—The term 'low-income student' means a student eligible for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(9) GRADUATION RATE.—The term 'graduation rate' has the meaning given the term in section 1111(b)(2)(C)(vi), as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations.

''(10) SCHOOL YEAR.—The term 'school year' has the meaning given such term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

''(11) TRADITIONAL PUBLIC SCHOOL.—The term 'traditional public school' does not include any charter school, as defined in section 5211.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221 et seq.) is amended—

(1) by striking section 5231; and

(2) by inserting before subpart 1 the following:

''SEC. 5200. AUTHORIZATION OF APPROPRIATIONS FOR SUBPARTS 1 AND 2.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out subparts 1 and 2, $700,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) ALLOCATION.—In allocating funds appropriated under this section for any fiscal year, the Secretary shall consider—

''(1) the relative need among the programs carried out under sections 5202, 5205, 5210, and subpart 2; and

''(2) the quality of the applications submitted for such programs.''.

(c) CONFORMING AMENDMENTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 2102(2) (20 U.S.C. 6602(2)), by striking ''5210'' and inserting ''5211'';

(2) in section 5204(e) (20 U.S.C. 7221c(e)), by striking ''5210(1)'' and inserting ''5211(1)'';

(3) in section 5211(1) (as redesignated by subsection (a)(1)) (20 U.S.C. 7221i(1)), by striking ''The term'' and inserting ''Except as otherwise provided, the term'';

(4) in section 5230(1) (20 U.S.C. 7223i(1)), by striking ''5210'' and inserting ''5211''; and

(5) in section 5247(1) 20 U.S.C. 7225f(1)), by striking ''5210'' and inserting ''5211''.

(d) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 is amended—

(1) by inserting before the item relating to subpart 1 of part B of title V the following:

''Sec. 5200. Authorization of appropriations for subparts 1 and 2.'';

(2) by striking the items relating to sections 5210 and 5211; and

(3) by inserting after the item relating to section 5209 the following:

''Sec. 5210. Charter school expansion and replication.

''Sec. 5211. Definitions.''.

By Ms. SNOWE (for herself, Mr. CARDIN, and Ms. LANDRIEU):

S. 3444. A bill to require small business training for contracting officers; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I rise today, during National Small business Week, along with my colleague Senator CARDIN, to introduce the Small Business Training in Federal Contracting Certification Act. This vital piece of legislation builds upon the Small Business Contracting Revitalization Act, S. 2989, which passed unanimously out of the Small Business Committee on March 4, and would require the development of small business training for contracting officials. The bill we introduce today would take an additional step by requiring contracting officials to successfully complete small business training prior to receiving certification in Federal contracting.

During these devastating economic times, with small business owners struggling to retain jobs, much less create new jobs, it is paramount that small businesses have a fair opportunity to contract with Federal Agencies, because the Federal Government is the largest buyer of goods and services in the world, spending over $500 billion in fiscal year 2009 alone. I remain frankly dismayed by the myriad ways the Federal Government has time and again egregiously failed to meet its statutory, government-wide small business ''goaling'' requirements that 23 percent of all Federal procurement dollars must be allocated to small contracting firms. This legislation would help the Federal Government to meet—and even exceed—its 23 percent goal, because it would require investing time and training in contracting officials who make the ultimate determination on contract awards be trained in small business procurement issues.

Contracting officials have a great deal of responsibility. They provide the Federal government with expertise when buying goods and services to enable agencies to achieve their mission by fairly and reasonably obligating taxpayer dollars while simultaneously addressing our Nation's socio-economic needs. I have heard from constituents and others in the contracting community that contracting officials do not understand their duty to provide opportunities to small businesses to the maximum extent practicable. So, it is imperative that we provide contracting officials the tools they need to bolster small business participation in Federal contracting—to include training on small business government contracting set-aside programs, understanding size standards and the North American Industry Classification System codes and how they apply to the contract award process, conducting market research, as well as all of the Small Business Administration's resources and programs available to them.

Small businesses are the engine of our economy and in this time of economic hardship, the Federal Government must provide our Nation's entrepreneurs with every opportunity to succeed. Federal contracting can be an instrumental part of a larger strategy for broadening small businesses' customer base and creating jobs. In my leadership capacity on the Senate Small Business Committee, I have long been a champion of removing barriers to small businesses seeking entry into the Federal marketplace. Through the years, I have introduced numerous bills that combat contract bundling, mandate recurrent small business size standard adjustments, ensure equal opportunity to compete for Federal contracts among the various socio-economic small businesses groups, and reduce fraud and abuse in SBA's small business contracting programs.

The Federal Government's inability to consistently meet all of its small business contracting goals is unjustifiable. Only one category of small business contracting goals—small disadvantaged businesses—has been met, while the goals for the three other programs—historically underutilized business zones, HUBZone, small businesses, women-owned small businesses, and service-disabled veteran-owned small businesses—has never been achieved. It is inconceivable as to why this remains a problem year after year, especially since contracts awarded using American Recovery and Reinvestment Act dollars have demonstrated that attainment of these goals is possible.

In conclusion, I believe that requiring certification training for Federal contracting officers will help the Government meet the statutory small business contracting goals and will increase small business access to Federal contracts.

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. 3444

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 ''Small Business Training in Federal Contracting Certification Act of 2010''.

SEC. 2. SMALL BUSINESS TRAINING.

Section 37(f)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(f)) is amended—

(1) by striking ''For each career path,'' and inserting the following:

''(A) IN GENERAL.—For each career path,''; and

(2) by adding at the end the following:

''(B) CERTIFICATION PROGRAM.—

''(i) IN GENERAL.—The Administrator shall establish a certification program for acquisition personnel. The certification program shall be carried out through the Federal Acquisition Institute.

''(ii) SMALL BUSINESS TRAINING.—The certification program under this subparagraph shall include training regarding—

''(I) small business government contracting set-aside programs, including—

''(aa) programs for HUBZone small business concerns, small business concerns owned and controlled by service-disabled veterans, and small business concerns owned and controlled by women (as those terms are defined in section 3 of the Small Business Act (15 U.S.C. 632));

''(bb) programs for socially and economically disadvantaged small business concerns (as defined in section 8(a) of the Small Business Act (15 U.S.C. 637(a))); and

''(cc) contracting under the Small Business Innovation Research Program and the Small Business Technology Transfer Program (as those terms are defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e)));

''(II) determining small business size standards and using North American Industry Classification System codes in relation to contracting set-aside programs and subcontracting goals; and

''(III) any other issue relating to contracting with small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) determined appropriate by the Administrator.''.

By Mr. HATCH:

S. 3445. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for certain professional development and other expenses of elementary and secondary school teachers and for certain certification expenses of individuals becoming science, technology, engineering, or math teachers; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to increase tax fairness for America's primary and secondary school teachers.

Our public school teachers are some of the unheralded heroes of our society. These women and men dedicate their careers to educating the young people of America. School teachers labor in often difficult and even dangerous circumstances. In most places, including in my home state of Utah, the salary of the average public school teacher is significantly below the national average.

For a variety of economic and organizational reasons, schools across the nation are experiencing difficulties in recruiting teachers—especially in the fields of math and science. There are at least two sources to this problem. First, schools are experiencing high levels of turnover related to retirement, relocation, and attrition. Second, there is an insufficient supply of new qualified math and science teachers coming in to the schools to compensate for the turnover.

As a result of these factors, 31 percent of secondary schools across the nation report difficulties in filling math and science faculty positions. This teacher recruitment problem is especially troubling because it disproportionately affects small schools in urban and rural areas, especially those with limited access to funding.

Unfortunately, the problems of retention and recruitment of public school teachers are exacerbated by the unfair tax treatment these professionals currently receive under our tax law. Specifically, teachers are greatly disadvantaged by the lack of deductibility of the total amount of out-of-pocket costs of classroom materials that practically all teachers find themselves supplying, as well as by the inability to deduct their professional development expenses. Let me explain.

As with many other professionals, most elementary and secondary school teachers regularly incur expenses to keep themselves current in their fields of knowledge. These include subscriptions to journals and other periodicals as well as the cost of courses and seminars designed to improve their knowledge or teaching skills. For example, in order to be certified by the National Board for Professional Teaching Standards, NBPTS, a teacher must pay a fee of $2,500. Expenditures like these are necessary to keep our teachers up to date on the latest ideas, techniques, and trends so that they can provide our children with the best education possible.

Furthermore, almost all teachers find themselves spending not insignificant amounts of money to provide basic classroom materials for their students. Because of tight education budgets, most schools do not provide 100 percent of the material teachers need to adequately present their lessons. New teachers in their first and second years are especially susceptible to a large financial burden as they must start from scratch in establishing a curriculum and classroom for their students.

I realize that employees in many fields incur expenses for professional development and out-of-pocket expenses. In many cases, however, these costs are reimbursed by the employer. This is seldom the case with school teachers. Other professionals who are self-employed are generally able to fully deduct these types of expenses.

Under the current tax law, unreimbursed expenses for all employees are deductible generally, but only as miscellaneous itemized deductions. However, there are two practical hurdles that effectively make these expenses non-deductible for most teachers. The first hurdle is that the total amount of a taxpayer's deductible miscellaneous deductions must exceed 2 percent of gross income before they begin to be deductible.

The second hurdle is that the amount in excess of the 2 percent floor, if any, combined with all other deductions of the taxpayer, must exceed the standard deduction before the teacher can itemize. Only about one-third of taxpayers have enough deductions to itemize. The unfortunate effect of these two limitations is that, as a practical matter, only a small proportion of teachers are able to deduct their professional development and out-of-pocket supplies expenses.

Let me illustrate this unfair situation with an example. Let us consider the case of a first-year teacher in Utah, whom we will refer to as Michelle. Michelle is newly married. She and her husband together expect to earn $48,000 this year. As a brand-new teacher, Michelle has none of the classroom decorations, materials, or curriculum aides that veteran teachers have accumulated. In an effort to quickly collect some necessary items for her classroom, a new teacher like Michelle will probably spend close to $1,500 of her own money. She will not be reimbursed for any of these expenses by the school district.

Under current law, Michelle's expenditures are deductible, subject to the two limitations I mentioned. The first limitation is that her expenses must exceed 2 percent of her and her husband's joint income before they begin to be deductible. Two percent of $48,000 is $960. Thus, only $540 of her $1,500 total expense is potentially deductible—that portion that exceeds $960.

As a married taxpayer, Michelle's standard deduction this year is $11,400. Her total itemized deductions, including the $540 in qualified miscellaneous deductions for her professional expenses and out-of-pocket classroom supplies, will fall far short of the standard deduction threshold. Therefore, not even the $540 of the original $1,500 in out-of-pocket costs is deductible for Michelle. What the first limitation did not block, the second one did, and Michelle gets no deduction at all for these expenses under the current law.

The entry-level employees in the teaching field are the first- and second-year teachers like Michelle, who receive the lowest relative salary and yet often incur the greatest school-related expenses. These expenses place a heavy burden on our teachers and can act as a significant barrier to entry to the teaching profession. Many of these new teachers are renting and fresh out of college, and are thus very unlikely to be able to itemize their deductions. Therefore, without the ability to itemize, the teachers with the greatest need of tax relief are the ones least likely to receive it.

This problem is not isolated to first-year teachers. Veteran educators, like Kristen Adamson, also an elementary school teacher in Utah, have also expressed their concerns about this tax inequity. Kristen is preparing for a class of 35 fifth-graders next year—the most she's ever had. She, like most teachers, feels that it is her duty to provide all of her students with the materials they will need to successfully complete their school work. There are few careers that I know of in which employees take similar initiative.

This year, due to limited state funding, Kristen will be forced to choose between a class set of colored pencils or a class set of crayons. Whatever the district does not provide, Kristen will be forced to purchase herself. Further, the school district provides only one

notebook per student, but her pupils require a minimum of four each to organize their work. With 35 students, these costs can add up very quickly. Kristen typically does not have enough deductions to itemize and therefore, like most teachers, will receive little or no tax relief.

As you can see, public school educators are at a marked disadvantage under the current tax law, and they deserve better treatment. Not only is the situation morally unacceptable, it is aggravating to our teacher retention and recruitment problems.

I have been fighting to pass legislation that will help alleviate this longstanding problem for almost a decade. In 2001, I first introduced the Tax Equity for School Teachers Act. This legislation would have provided an unlimited tax deduction for the out-of-pocket expenses school teachers incur to acquire necessary training and materials.

Rather than being available only to those who are able to itemize their deductions, this bill would have made these expenses ''above-the-line'' deductions, meaning they would be deductible whether or not the teacher itemized on their tax return.

Unfortunately, only a part of this bill was enacted. The 2001 tax act included an above the-line deduction for $250 for the costs of classroom expenses. While this was a step in the right direction, it was essentially a symbolic gesture as teachers typically spend far more than $250 on school-related expenses. This deduction has expired and has been renewed several times, but it expired again at the end of last year. It is not clear when Congress is going to extend it.

The bill I am introducing today would do three things. First, it would reinstate the above-the-line deduction for teachers' out-of-pocket expenses for classroom supplies, make it permanent, and remove the $250 cap. Second, it would provide an unlimited deduction for the professional development expenses for school teachers. Finally, to assist in the recruitment of teachers in the most-needed fields, it would provide an unlimited deduction for the cost of professionals in the fields of math, science, and technology to certify to become public school teachers.

Under my bill, first-year teacher Michelle would be allowed to deduct all $1,500 of her professional development and classroom supplies expenses, whether she itemized or not. Similarly, Kristen would be able to deduct all of the expenses she incurred to provide materials for her students. This would help provide tax equity and a measure of much-needed tax relief for scores of underpaid professionals. It would also help retain current public school teachers and attract new ones to the field.

Some might argue that such a generous deduction would be giving teachers preferential treatment. I disagree. Most organizations provide training and supplies for their employees that are fully deductible to the organization and non-taxable to the employee. Yet, public teachers pay for training out of their own pocket, as is the case with NBPTS certification.

Others may question the wisdom of my bill granting an unlimited tax deduction. Why not place a limit or cap on the amount that may be deducted, some might ask. Again, I respectfully disagree with such critics. It is important to keep in mind the difference between a tax deduction and a tax credit. My bill calls for tax deductions, which essentially act as a cost-sharing arrangement between the teacher and the government. Deductions reduce the amount of income that is subject to tax. A credit, on the other hand, is a dollar-for-dollar reduction in the amount of tax that is due.

With a tax deduction, a public school teacher is not receiving a cash subsidy or reimbursement for his or her expenses. Rather, he or she is merely obtaining a reduction in the amount of income that is taxed. Thus, the most benefit a teacher would receive under my bill would be a 35 percent reduction in the cost of professional development, supplies, or certification expenses. For the vast majority of teachers, the amount would be far less than 35 percent, because they are in lower tax brackets. This means that the teacher is still responsible for paying for the biggest portion of these costs. In other words, this bill does not provide an incentive for teachers to spend unnecessary funds; it simply provides a discount for teachers who use their common sense and spend their money appropriately. If anything, this deduction is not generous enough, but it would go a long way toward providing help for these dedicated professionals.

Support for mathematics and science education at all levels is necessary to improve the global competitiveness of the United States in science and energy technology. I endorse the efforts of some of my colleagues to encourage more of our best and brightest students who choose these fields of study. Sup ort for qualified STEM teachers, Science, Technology, Engineering, and Mathematics, is equally important. If we are successful in increasing the supply of STEM students, we will need to take drastic measures to increase the already strained supply of STEM teachers. This bill would provide incentives for these professionals to enter the teaching profession by allowing expenses in connection with teacher licensing and certification to be fully deductible, above the line, the same as professional development and supplies expenses of teaching professionals.

This bill would provide modest tax relief for teachers who, for too long, have been treated unfairly under our tax laws. It would alleviate significant barriers to entry to the teaching profession and would help solve some of our teacher recruitment and retention problems. Our teachers deserve whatever help we can provide. It is time that Congress recognized this unfairness and corrected it. I thank the Senate for the opportunity to address this issue today, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3445

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 ''Tax Equity for School Teachers Act of 2010''.

SEC. 2. DEDUCTION FOR CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES AND CLASSROOM SUPPLIES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND FOR CERTAIN CERTIFICATION EXPENSES OF SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHERS.

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain expenses of elementary and secondary school teachers) is amended to read as follows:

''(D) CERTAIN PROFESSIONAL DEVELOPMENT EXPENSES, CLASSROOM SUPPLIES, AND OTHER EXPENSES FOR ELEMENTARY AND SECONDARY TEACHERS.—The sum of the deductions allowed by section 162 with respect to the following expenses:

''(i) Expenses paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.

''(ii) Expenses paid or incurred by an eligible educator which constitute qualified professional development expenses.

''(iii) Expenses which are related to the initial certification of an individual (in the individual's State licensing system) as a qualified science, technology, engineering or math teacher.''.

(b) DEFINITIONS AND SPECIAL RULES.—Section 62(d) of the Internal Revenue Code of 1986 (relating to definitions and special rules is amended by redesignating paragraph (2) as paragraph (5) and by adding after paragraph (1) the following new paragraphs:

''(2) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—For purposes of subsection (a)(2)(D)—

''(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction.

''(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

''(i) is—

''(I) directly related to the curriculum and academic subjects in which an eligible educator provides instruction,

''(II) designed to enhance the ability of an eligible educator to understand and use State standards for the academic subjects in which such teacher provides instruction, or

''(III) designed to enable an eligible educator to meet the highly qualified teacher requirements under the No Child Left Behind Act of 2001,

''(ii) may provide instruction to an eligible educator—

''(I) in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

''(II) in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

''(iii) is tied to the ability of an eligible educator to enable students to meet challenging State or local content standards and student performance standards,

''(iv) is tied to strategies and programs that demonstrate effectiveness in assisting an eligible educator in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible educator, and

''(v) is part of a program of professional development for eligible educators which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

''(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

''(3) QUALIFIED SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH TEACHER.—For purposes of subsection (a)(2)(D), the term 'qualified science, technology, engineering, or math teacher' means, with respect to a taxable year, an individual who—

''(A) has a bachelor's degree or other advanced degree in a field related to science, technology, engineering, or math,

''(B) was employed as a nonteaching professional in a field related to science, technology, engineering, or math for not less than 3 taxable years during the 10-taxable-year period ending with the taxable year,

''(C) is certified as a teacher of science, technology, engineering, or math in the individual's State licensing system for the first time during such taxable year, and

''(D) is employed at least part-time as a teacher of science, technology, engineering, or math in an elementary or secondary school during such taxable year.

''(4) EXEMPTION FROM MINIMUM EDUCATION OR NEW TRADE OR BUSINESS EXCEPTION.—For purposes of applying subsection (a)(2)(D) and this subsection, the determination as to whether qualified professional development expenses, or expenses for the initial certification described in subsection (a)(2)(D)(iii), are deductible under section 162 shall be made without regard to any disallowance of such a deduction under such section for such expenses because such expenses are necessary to meet the minimum educational requirements for qualification for employment or qualify the individual for a new trade or business.''.

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

By Mr. UDALL of New Mexico:

S. 3446. A bill to amend the Child Nutrition Act of 1966 to advance the health and wellbeing of schoolchildren in the United States through technical assistance, training, and support for healthy school foods, local wellness policies, and nutrition promotion and education, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. UDALL of New Mexico. Mr. President, I rise today to express support for S. 3307, the Healthy, Hunger-Free Kids Act of 2010, and to introduce two pieces of legislation that I hope will be included in the final reauthorization of the Child Nutrition Act that is passed by this body.

I commend Chairman LINCOLN and Ranking Member CHAMBLISS for their successful efforts to produce a bipartisan and fully paid for Child Nutrition Reauthorization bill—a bill that won unanimous support in the Agriculture Committee where it passed this past March.

The Healthy, Hunger-Free Kids Act of 2010 is critically important to the health, well-being, and even education of our nation's children. It seeks to confront the challenges of hunger and obesity that are increasingly pervasive in our youth. Specifically, the act reauthorizes our nation's major Federal child nutrition programs administered by the U.S. Department of Agriculture, USDA, including the National School Lunch and Breakfast Programs, the Special Supplemental Nutrition Program for Women, Infants and Children, WIC, the Child and Adult Care Food Program and the Summer Food Service Program.

Totaling $4.5 billion in additional funding over the next 10 years, the Healthy, Hunger-Free Kids Act is the largest new investment in child nutrition programs since their inception—and it is completely paid for by off-sets in other USDA programs. This added funding will allow for an increase in reimbursement rates for school meals, which is an important provision since current reimbursement rates fall short of the funding schools need in order to provide nutritious meals with fresh fruits and vegetables to students. The bill also makes mandatory the funding authorized in the Child Nutrition Act to help schools establish school gardens and source local foods through ''farm to cafeteria'' efforts.

Beyond funding, the Healthy, Hunger-Free Kids Act makes enrollment into the free school meals program automatic for foster children and for students already enrolled in Medicaid. The bill further promotes the establishment of school wellness policies, and allows the USDA to set school nutrition standards for all foods, including those sold a la carte, in vending machines and during special events such as afterschool sports.

While this bill, combined with the President's request of $10 billion for child nutrition programs over the next 10 years, represents a huge step toward a healthier population of young people, I believe there is room for even more improvement. To this end, I am today introducing the Child Nutrition Enhancement Act, and the Ensuring All Students Year-Round, EASY, Access to Meals and Snacks Act. These two bills will help schools ramp up their nutrition and health programs, and ensure that kids have access to food, even on weekends and holidays when they cannot get meals at school. These bills also enjoy House support, with Representatives POLIS and LARSEN already having introduced companions in that chamber.

The Child Nutrition Enhancement Act would expand the Team Nutrition Networks program, a USDA program that provides grants to school districts to support State Wellness and Nutrition Networks in schools that conduct nutrition education and enhance school wellness. To allow this expansion, the bill includes mandatory funding at a level of 1 cent per reimbursable meal through National School Lunch Program, Child and Adult Care Food Program, and Summer Food Service Program, totaling approximately $70 million per year. Such funding would be used for State staff and programs, formula-based grants and USDA administration.

The Ensuring All Students Year-round Access to Meals and Snacks Act would allow local government agencies and private nonprofit organizations to feed children meals and snacks 365 days-a-year through the Summer Food Service Program, whether it be after school, on weekends and school holidays, or during the summer. School supplemental food providers find that children often go hungry on weekends and school holidays because their main source of nutrition is the free school lunch program. This bill would allow food service programs to fill in the gaps on holidays and weekends when kids are likely to miss meals, and ease the administrative burden of food service programs by allowing year round meals and snacks through the Summer Food Service Program, rather the current requirement to switch back and forth between the Summer Food Service Program and other child nutrition programs such as the Child and Adult Care Food Program.

With September 30th as the looming deadline for reauthorization of the Child Nutrition Act, I call on my colleagues and the leadership in the Senate to expedite the debate and passage of the Healthy, Hunger-Free Kids Act. I look forward to working with the Agriculture Committee and the Senate leadership to include the Child Nutrition Enhancement Act, and the EASY Access to Meals and Snacks Act in the final bill, and to complete the legislative process for this important reauthorization.

By Mr. AKAKA:

S. 3447. A bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing today the proposed Post-9/11 Veterans Educational Assistance Improvements Act of 2010. This measure is designed to make a number of modifications to the new program of educational assistance which became effective on August 1, 2009.

As one of three remaining Senators who benefited from the original GI Bill

following World War II, I know firsthand the value of an education and of the critical role that this important veterans benefit played in my life. That was why I was especially pleased to join with the distinguished Senator from Virginia, Mr. WEBB, in achieving enactment of the new Post-9/11 GI Bill in 2008.

Now, with ten months of experience under the new program, I believe it is time to look at what improvements and modifications need to be made in order for the program to reach its potential. I note at the outset that this will not be a simple process. Nor will it be quickly and easily accomplished. There are issues that we can readily see need to be addressed. There are others, however, that are only just now coming to our attention as the program is implemented and veterans, servicemembers, and their families begin to receive benefits under the program.

I will highlight some of the provisions that are contained in the bill I am introducing today:

It would make members of the National Guard and Reserve programs who were inadvertently omitted from inclusion fully eligible for benefits.

It would make all types of training—including vocational programs, OJT and apprenticeship training, flight, all types of non-college degree training and more—eligible for benefits under the new program. By doing this, individuals would not need to make an irreversible decision as to whether or not to receive benefits under the old Montgomery GI Bill or under the new program.

It would eliminate the complicated, confusing and, in some cases, inequitable calculation of State-by-State tuition and fee caps to determine benefits for individuals enrolled in degree programs. Basically, it would provide that eligible individuals enrolled in degree-granting programs of study at public institutions anywhere in the United States would pay little, if any, out of pocket costs for their education. For students enrolled in other institutions of higher learning, benefits would be paid based on a national average cost of education which would be indexed and increased annually.

It would provide for a modified living allowance to be paid in the case of an individual pursuing a program of education solely through distance learning. Individuals who currently are studying through a combination of distance and classroom training would continue to receive benefits as they do now.

It would make a book allowance award of up to $1,000 available to individuals enrolled while on active duty and their spouses.

It would allow individuals enrolled in VA's program of rehabilitation and training under chapter 31 of title 38 who also have eligibility for the new chapter 33 program to elect the program from which to receive their subsistence allowance. This would mean that a service-connected disabled OEF/OIF veteran would not need to elect to training under the new GI Bill and forego the valuable counseling and support services available under chapter 31 in order to receive an increased living allowance.

It would modify the manner in which the living allowance is calculated to reflect the rate at which training is pursued.

It would ensure that the same period of active duty cannot be used to establish eligibility for more than one program of education.

This is not a complete recitation of all the provisions contained in the measure I am introducing today. In addition, I do not expect that every provision of the measure will necessarily be supported by all the stakeholders involved in this important issue. Indeed, I imagine there could be some who will be critical of some provisions in the proposal and will come forward to offer improvements and modifications.

What my measure is intended to do, is to serve as a starting point to move forward in this important yet very complicated and complex endeavor. I strongly believe that whatever is done in this connection must not be done in a piecemeal manner. We need a full and deliberative consideration of all the issues in order to craft the best possible approach to delivering these important benefits to our Nation's veterans and those who are serving in uniform.

I look forward to working with all our colleagues and others on these issues in the days ahead. As I noted, this will not be done quickly or easily but this measure will serve as a focus for our discussions and decisions.

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. 3447

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 ''Post-9/11 Veterans Educational Assistance Improvements Act of 2010''.

SEC. 2. MODIFICATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF DEFINITIONS THAT CONCERN ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.—

(1) MODIFICATION OF DEFINITION OF ACTIVE DUTY WITH RESPECT TO MEMBERS OF RESERVE COMPONENTS GENERALLY.—Paragraph (1)(B) of section 3301 of title 38, United States Code, is amended by striking ''of title 10.'' and inserting the following: ''of title 10—

''(i) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components of the Armed Forces; or

''(ii) in support of a contingency operation (as defined in section 101(a) of title 10).''.

(2) EXPANSION OF DEFINITION OF ACTIVE DUTY TO INCLUDE SERVICE IN NATIONAL GUARD FOR CERTAIN PURPOSES.—Paragraph (1) of such section is amended by adding at the end the following new subparagraph:

''(C) In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—

''(i) in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; and

''(ii) in the National Guard under section 502(f) of title 32 when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.''; and

(3) EXPANSION OF DEFINITION OF ENTRY LEVEL AND SKILL TRAINING TO INCLUDE ONE STATION UNIT TRAINING.—Paragraph (2)(A) of such section is amended by inserting ''or One Station Unit Training'' before the period at the end.

(b) CLARIFICATION OF APPLICABILITY OF HONORABLE SERVICE REQUIREMENT FOR CERTAIN DISCHARGES AND RELEASES FROM THE

ARMED FORCES AS BASIS FOR ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—Section 3311(c)(4) of such title is amended in the matter preceding subparagraph (A) by striking ''A discharge or release from active duty in the Armed Forces'' and inserting ''A discharge or release from active duty in the Armed Forces after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service''.

(c) EXCLUSION OF PERIOD OF SERVICE ON ACTIVE DUTY OF PERIODS OF SERVICE IN CONNECTION WITH ATTENDANCE AT THE COAST GUARD ACADEMY.—Section 3311(d)(2) of such title is amended by inserting ''or section 182 of title 14'' before the period at the end.

SEC. 3. MODIFICATION OF AMOUNT OF ASSISTANCE AND TYPES OF APPROVED PROGRAMS OF EDUCATION.

(a) AMOUNT OF EDUCATIONAL ASSISTANCE FOR PROGRAMS OF EDUCATION PURSUED AT PUBLIC, NON-PUBLIC, AND FOREIGN INSTITUTIONS OF HIGHER LEARNING.—Section 3313(c) of title 38, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: ''PROGRAMS OF EDUCATION AT INSTITUTIONS OF HIGHER LEARNING PURSUED AT MORE THAN HALF-TIME BASIS.—'';

(2) in the matter preceding paragraph (1) by inserting ''at an institution of higher learning (as defined in section 3452(f) of this title)'' after ''program of education''; and

(3) in paragraph (1), by amending subparagraph (A) to read as follows:

''(A) An amount equal to—

''(i) in the case that such institution is a public institution of higher learning, the established charges for the program of education; and

''(ii) in the case that such institution is a non-public or foreign institution of higher learning, the lesser of—

''(I) the established charges for the program of education; or

''(II) the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.''.

(b) MODIFICATION OF AMOUNT OF MONTHLY STIPENDS, INCLUDING STIPENDS FOR PART-TIME STUDY, DISTANCE LEARNING, AND PURSUIT OF PROGRAMS OF EDUCATION AT FOREIGN INSTITUTIONS OF HIGHER LEARNING.—Subparagraph (B) of section 3313(c)(1) of such title is amended—

(1) by redesignating clause (ii) as clause (iv); and

(2) by striking clause (i) and inserting the following new clauses:

''(i) Except as provided in clauses (ii) and (iii), for each month the individual pursues the program of education, a monthly housing stipend amount equal to the product of—

''(I) the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher learning at which the individual is enrolled, multiplied by

''(II) the lesser of one or the quotient of—

''(aa) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(bb) the minimum number of course hours required for full-time pursuit of such program of education.

''(ii) In the case of an individual pursuing a program of education at a foreign institution of higher learning, for each month the individual pursues the program of education, a monthly housing stipend amount equal to the product of—

''(I) the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5, multiplied by

''(II) the lesser of one or the quotient of—

''(aa) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(bb) the minimum number of course hours required for full-time pursuit of such program of education.

''(iii) In the case of an individual pursuing a program of education through distance learning on more than a half-time basis, a monthly housing stipend amount in an amount equal to 50 percent of the amount payable under clause (ii) if the individual were otherwise entitled to a monthly housing stipend under that clause for pursuit of the program of education.''.

(c) EDUCATIONAL ASSISTANCE FOR APPROVED PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—

(1) APPROVED PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—Subsection (b) of section 3313 of such title is amended by striking ''is offered by an institution of higher learning (as that term is defined in section 3452(f)) and''.

(2) ASSISTANCE FOR PURSUIT OF PROGRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—Such section is further amended—

(A) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (f) the following new subsection (g):

''(g) PROGRAMS OF EDUCATION PURSUED AT INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGHER LEARNING.—

''(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education at an institution other than an institution of higher learning.

''(2) AMOUNT OF ASSISTANCE.—The amounts of educational assistance payable under this chapter to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education at an institution other than an institution of higher learning (as defined in section 3452(f) of this title) are amounts as follows:

''(A) In the case of an individual enrolled in a program of education (other than a program described in subparagraphs (B) through (D)) in pursuit of a certificate or other non-college degree, amounts as follows:

''(i) The lesser of—

''(I) the established charges for the program of education; or

''(II) the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.

''(ii) A monthly stipend in an amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution at which the individual is enrolled.

''(B) In the case of an individual enrolled in a program of education consisting of on-job training or a program of apprenticeship, amounts as follows:

''(i) For each month the individual pursues the program—

''(I) in the first six-month period of the program, an amount equal to 75 percent of 1/12 of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year;

''(II) in the second six-month period of the program, an amount equal to 55 percent of 1/12 of the amount of such average; and

''(III) in any month after the first 12 months of such program, an amount equal to 35 percent of 1/12 of the amount of such average.

''(ii) A monthly stipend in an amount equal to the lesser of—

''(I) the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the employer at which the individual pursues such program; or

''(II) the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5.

''(C) In the case of an individual enrolled in a program of education consisting of flight training, an amount equal to the lesser of—

''(i) the established charges for the program of education; or

''(ii) 60 percent of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.

''(D) In the case of an individual enrolled in a program of education that is pursued exclusively by correspondence, an amount equal to the lesser of—

''(i) the established charges for the program of education; or

''(ii) 55 percent of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.

''(3) CHARGE AGAINST ENTITLEMENT.—The entitlement of an individual to educational assistance under this chapter shall be charged at the rate of one month for each month of assistance provided under this subsection.''.

(3) CONFORMING AMENDMENT.—Subsection (h) of such section 3313, as redesignated by paragraph (2) of this subsection, is amended by striking ''(e)(2), and (f)(2)(A)'' and inserting ''subsections (e)(2) and (f)(2)(A), and subparagraphs (A)(i), (B)(i), (C), and (D) of subsection (g)(2)''.

(d) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—

(1) IN GENERAL.—Subsection (e)(2) of such section is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) in the matter preceding clause (i), as redesignated by subparagraph (A)—

(i) by striking ''The amount'' and inserting ''The amounts''; and

(ii) by striking ''is the lesser of—'' and inserting ''are the amounts as follows:

''(A) An amount equal to the lesser of—''; and

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

''(B) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(i) $1,000, multiplied by

''(ii) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.''.

(2) TECHNICAL AMENDMENT.—Clause (ii) of subsection (e)(2)(A) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by adding a period at the end.

SEC. 4. MODIFICATION OF ASSISTANCE FOR LICENSURE AND CERTIFICATION TESTS.

(a) REPEAL OF LIMITATION ON NUMBER OF REIMBURSABLE TESTS.—Subsection (a) of section 3315 of title 38, United States Code, is amended by striking ''one licensing or certification test'' and inserting ''licensing or certification tests''.

(b) CHARGE OF ENTITLEMENT FOR RECEIPT OF ASSISTANCE.—Such section is further amended by striking subsection (c) and inserting the following new subsection (c):

''(c) CHARGE AGAINST ENTITLEMENT.—The charge against entitlement of an individual under this chapter for payment for a licensing or certification test under subsection (a) shall be charged at the rate of one month for each amount equal to 1/12 of the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.''.

SEC. 5. TRANSFER OF ENTITLEMENT TO SUPPLEMENTAL EDUCATIONAL ASSISTANCE TO POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 3316 of title 38, United States Code, is amended—

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

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

''(c) TRANSFER OF SUPPLEMENTAL EDUCATIONAL ASSISTANCE.—

''(1) IN GENERAL.—An individual entitled to supplemental educational assistance under subchapter III of chapter 30 of this title may transfer such entitlement to entitlement for supplemental educational assistance under this section. Such individual shall receive entitlement to one month of supplemental educational assistance under this section for each month of entitlement to supplemental educational assistance so transferred.

''(2) RATE.—The monthly rate of supplemental educational assistance payable to an individual who transfers entitlement under paragraph (1) shall be payable at the same rate as such entitlement would otherwise be payable to such individual under subchapter III of chapter 30 of this title.

''(3) NATURE OF TRANSFERRED ENTITLEMENT.—An amount of supplemental educational assistance transferred under paragraph (1) shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section 3313(c) (as applicable).''.

(b) CLARIFICATION ON REIMBURSEMENT OF INCREASED OR SUPPLEMENTAL ASSISTANCE.—Such section is further amended by inserting after subsection (c), as added by subsection (a)(2) of this section, the following new subsection (d):

''(d) REIMBURSEMENT.—Any expense incurred by the Secretary for the provision of increased assistance or supplemental assistance to an individual under this section shall be reimbursed by the Secretary concerned.''.

SEC. 6. TRANSFER OF UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS.

(a) ADMINISTRATION OF TRANSFERS OF ENTITLEMENT BY INDIVIDUALS NO LONGER MEMBERS OF THE ARMED FORCES.—Section 3319(h) of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) ADMINISTRATION FOR INDIVIDUALS NO LONGER MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall administer the provisions of this section with respect to individuals who are discharged or released from the Armed Forces, including the making of any determinations of eligibility of such individuals for transfers of entitlement under this section and the processing of applications to transfer, modify, or revoke entitlement under this section.''.

(b) APPLICABILITY OF ENTITLEMENT AUTHORITY TO MEMBERS OF PUBLIC HEALTH SERVICE AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 3319 of such title is amended by striking subsection (k).

(c) REIMBURSEMENT OF EXPENSES OF SECRETARY OF VETERANS AFFAIRS BY SECRETARY CONCERNED.—Such section is further amended by adding at the end the following new subsection (k):

''(k) REIMBURSEMENT OF EXPENSES OF SECRETARY OF VETERANS AFFAIRS BY SECRETARY CONCERNED.—Any expense incurred by the Secretary for the provision of educational assistance under subsection (a) to a dependent described in such subsection shall be reimbursed by the Secretary concerned.''.

(d) TECHNICAL CORRECTION.—Subsection (b)(2) of such section is amended by striking ''to section (k)'' and inserting ''to subsection (j)''.

SEC. 7. LIMITATIONS ON RECEIPT OF EDUCATIONAL ASSISTANCE UNDER NATIONAL CALL TO SERVICE AND OTHER PROGRAMS OF EDUCATIONAL ASSISTANCE.

(a) BAR TO DUPLICATION OF EDUCATIONAL ASSISTANCE BENEFITS.—Section 3322(a) of title 38, United States Code, is amended by inserting ''or section 510'' after ''or 1607''.

(b) LIMITATION ON CONCURRENT RECEIPT OF EDUCATIONAL ASSISTANCE.—Section 3681(b)(2) of such title is amended by inserting ''and section 510'' after ''and 107''.

SEC. 8. APPROVAL OF PROGRAMS OF EDUCATION CONSISTING OF DISTANCE LEARNING.

(a) NONACCREDITED COURSES PURSUED BY DISTANCE LEARNING.—Section 3676(e) of title 38, United States Code, is amended by inserting ''or distance learning'' after ''independent study''.

(b) DISAPPROVAL OF ENROLLMENT IN NONACCREDITED COURSES OF DISTANCE LEARNING.—Section 3680A(a)(4) of such title is amended by inserting ''or distance learning'' after ''independent study'' each place it appears.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations under section 3323(c) of such title for the administration and approval of programs of education that consist of distance learning.

(d) DISTANCE LEARNING DEFINED.—In this section, the term ''distance learning'' has the meaning given the term ''distance education'' in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 9. INCREASE IN AMOUNT OF REPORTING FEE.

Section 3684(c) of title 38, United States Code, is amended—

(1) by striking ''multiplying $7'' and inserting ''multiplying $12''; and

(2) by striking ''or $11'' and inserting ''or $15''.

SEC. 10. AMOUNT OF SUBSISTENCE ALLOWANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 3108(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) A veteran entitled to subsistence allowance under this chapter may elect to receive payment from the Secretary, in lieu of an amount otherwise determined by the Secretary under this subsection, an amount equal to the national average of the monthly amount of basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5.''.

SEC. 11. REPEAL OF AUTHORITY TO MAKE CERTAIN INTERVAL PAYMENTS.

Section 3680(a) of title 38, United States Code, is amended after the flush matter—

(1) in subparagraph (A), by adding ''or'' at the end;

(2) in subparagraph (B), by striking ''; or'' and inserting a period; and

(3) by striking subparagraph (C).

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 3450. A bill to require publicly traded coal companies to include certain safety records in their reports to the Commission, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, it is time to take mining companies' safety records out of the darkness and bring some much-needed transparency and accountability to the industry.

Today, I am introducing legislation that would require any publicly-traded mining company to include critical mine safety information in its annual and quarterly filings with the Securities and Exchange Commission, SEC.

Shareholders have a direct interest in the safety record of any company they invest in—because safety has as much of an impact on a company's long-term financial health as its mining production.

But today, this safety information is not uniformly reported across the industry. My bill fixes this inconsistency and gives investors the information they need to hold corporate management responsible for the safety record of a company.

That is what my bill is all about: providing shareholders with standard information that can be used to measure and compare safety records across the industry. Specifically, my legislation would require any publicly-traded mine company to report the following information in their annual and quarterly filings with the SEC:

The total number of significant and substantial violations of mandatory health or safety standards;

The total number of failure to abate orders issued under section 104(b) of the Mine Act;

The total number of citations and orders for unwarrantable failure of the

mine operator to comply with mandatory health or safety standards under section 104(d) of the Mine Act;

The total number of flagrant violations under section 110 of the Mine Act;

The total number of imminent danger orders issued under section 107(a) of the Mine Act;

The total dollar value of Mine Safety and Health Administration, MSHA, proposed penalties and fines;

A list of the regulated worksites that have been notified by MSHA of a Pattern of Violation or a Potential to have a Pattern of Violations under section 104(e) of the Mine Act;

Any pending legal action before the Federal Mine Safety and Health Review Commission.

Any mining related fatalities.

In addition, any publicly-traded mining company must immediately disclose to the SEC if it receives a shutdown order under section 107(a) of the Mine Act, imminent danger, or receives notice that a mine site has a potential or actual pattern of violations.

I have always said that, first and foremost, this is about a company doing the right thing to develop a true culture of safety. That includes everyone, from the miner at the coal face to the Chairman of the Board.

If we are serious about making that culture a reality, shareholders need to be informed about safety too.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 3452. A bill to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that would transfer administrative jurisdiction of the Valles Caldera National Preserve from the Valles Caldera Trust to the National Park Service. I am pleased that my colleague from New Mexico, TOM UDALL, is cosponsoring the bill.

Between the New Mexico communities of Jemez Springs and Los Alamos, lies the Valle Grande, a magnificent valley surrounded by foothills and forested mountains. When standing in this valley, visitors begin to realize they are actually inside a larger bowl-shaped formation. This is the Valles Caldera—one of only three supervolcanoes in the United States. The oldest of the three—having formed 1.25 million years ago—the Valles Caldera is also the smallest. Yet the caldera rim spans more than 100,000 acres in area whose violent eruption created a volcanic ash plume that stretched from northern Utah to central Kansas. Because of its relatively small size as compared to the two other supervolcanoes in the U.S.—Yellowstone, WY, and Long Valley, CA, the Valles Caldera provides visitors with excellent opportunities to learn about large volcanic eruptions and their impacts on surrounding landscapes while they stand in a single space to experience one of the world's best examples of an intact resurgent caldera. In 1975, the Valles Caldera received formal recognition as an outstanding and nationally significant geologic resource when it was designated a National Natural Landmark.

As is the case in many parts of New Mexico, the geologic history of the Valles Caldera is inextricably linked to our State's cultural history. For example, the people of Jemez Pueblo chose the area as the best site to establish their community. The Valles Caldera and the adjacent Jemez Mountains provided the Pueblo with an ample food and water supply, natural defenses, and weapon-making materials present in the many obsidian quarries found in the area. In fact, the obsidian was of such high quality that spearheads made from these quarries have been discovered as far away as eastern Mississippi and northern Mexico. Needless to say, the Valles Caldera and the peaks that formed within it are sacred and highly revered by Jemez Pueblo and many other nearby tribes and pueblos.

The volcanic ash dispersed by the volcano's eruption also had a lasting impact on the history of migration and settlement by Ancestral Puebloan people in the region. As the ash and pumice settled, it formed layers of sediment, and over time, rivers helped to carve these layers into deep canyons. Archeologists have found evidence of nomadic tribes following large mammals into the region, and Ancestral Puebloans built homes alongside and into the soft canyon walls. Many of these awe-inspiring settlements are protected in Bandelier National Monument, where the National Park Service educates visitors about how the unique volcanic history of the Valles Caldera made these settlements possible.

There is no question that this area is worthy of Federal protection, and efforts to preserve this area were proposed as early as 1899. However, it was only ten years ago that the Federal government was finally able to acquire this property for the American people. At that time, Senator Domenici and I were successful in passing the Valles Caldera Preservation Act which authorized the acquisition of the property and established an experimental framework for the management of the Preserve for a period of 20 years. The legislation established the Valles Caldera Trust, composed of a nine-member board of trustees, whose members are appointed by the President and have particular expertise in fields important to the management of the Preserve. The bill also directed the Trust to manage the Preserve in a manner that would achieve financial self-sustainability after fifteen years. Five years thereafter, the Trust would be Although the individual members have done their best to fulfill the original legislative directives, time has shown in my opinion that this management framework is not the best suited for the long-term management of the Preserve.

Part of the experimental management framework was a requirement that the Valles Caldera Trust manage the Preserve in a manner that would achieve financial self-sustainability while providing for public access and protection of the Preserve's natural and cultural resources. This has proved to be a virtually impossible mandate to satisfy. Since its inception, the Preserve has not received adequate funding under the current arrangement and is unlikely to in the foreseeable future. In addition, most members of the board and outside observers believe the Trust will be unable to achieve the financial self-sustainability requirements called for by the original Act. The Trust has also indicated an infusion of approximately $15 million may be necessary to complete construction and deferred maintenance costs on the Preserve. I do not believe this funding will be forthcoming under the current management and budgetary framework. Moreover, much of the funding responsibility has been laid on the shoulders of Congress to provide the necessary annual funding that is not included in the President's annual budget. This arrangement is not sustainable in my opinion, and the existing statutory termination of the trust is looming.

With that said, the trust and its executive staff have made valuable progress in various areas of management. One prime example is the science and education program established by the Trust. Through the scientific activities on the preserve, the trust has been able to adapt its management based on the ecological demands of the caldera. The trust has promoted the scientific research of flora and fauna on the preserve and the impacts of climate change in the Jemez Mountains to cite a few of their ongoing activities. It is my belief that the transition in management should allow for the retention of the best management practices that the Trust has achieved.

Many New Mexicans have told me that they would like the preserve to be managed by an agency that will expand visitation and recreational opportunities while also ensuring the protection of the preserve's unique resources. Simply put, while my constituents eagerly want more access, they have stated clearly and directly—''Don't overrun it.''

I believe the National Park Service is best suited to manage the preserve while ensuring its long-term conservation.

The National Park Service's mission supports the activities called for most by my constituents, including expanded recreational opportunities, scientific study, and the interpretation of the natural and cultural resources in the preserve. As I discussed earlier, the Preserve provides a world-class opportunity for the interpretation of the geologic history of this unique area and of the fascinating geologic and cultural history that binds the Valles

Caldera and Bandelier National Monument.

Under our proposed legislation, management of the Valles Caldera National Preserve will be transferred to the National Park Service to be administered as a unit of the National Park System. The bill directs the Park Service to manage the Preserve to protect and preserve its natural and cultural resources, including its nationally significant geologic resources. Hunting and fishing would continue to be allowed, and grazing would also continue to be permitted. The National Park Service would also be directed to establish a science and education program utilizing the best practices created by the trust, as I discussed earlier.

The legislation would maintain the existing character of the preserve while strengthening protections for tribal, cultural, and religious sites and providing access by pueblos to the preserve. In addition, in consultation with the surrounding pueblos, restrictions will be put in place on the development and motorized vehicle use on the sacred volcanic domes within the preserve, similar to the current restrictions on Redondo Peak, the highest peak within the preserve.

I would like to emphasize that in no way is this legislation a criticism of the good work and valuable accomplishments made by the Board Members of the Valles Caldera Trust and the preserve staff. However, I believe having the preserve managed by the National Park Service—an agency with a mission protecting natural, historic, and cultural resources while also providing for public enjoyment of those resources—is more appropriate for the long-term future of the Valles Caldera. In my view, the desire for increased public access, balanced with the need to protect and interpret the Preserve's unique cultural and natural resources, would be best served by National Park Service management of the preserve.

It is my strong belief that transferring management of the Valles Caldera National Preserve to the National Park Service will be the best way to ensure the protection and enjoyment of the preserve over the long term. I urge my colleagues to support the bill as it is considered in the Senate.

The Los Alamos County Council and Los Alamos Chamber of Commerce have submitted resolutions in support of National Park Service management of the preserve. Mr. President, I ask unanimous consent that these resolutions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INCORPORATED COUNTY OF LOS ALAMOS
RESOLUTION NO. 10–05

A resolution supporting congressional actions to facilitate the transfer of management of the Valles Caldera National Preserve from the Valles Caldera Trust to the National Park Service under the U.S. Department of the Interior to be managed as a preserve, per the findings of the December 2009 updated report on the NPS 1979 new area, study that confirmed the Valles Caldera National Preserve's ability to meet the feasibility requirements of the National Park System.

Whereas, the enabling legislation PL106–248 created the Valles Caldera National Preserve (VCNP) from a unique parcel of land in north-central New Mexico, and by creating the Valles Calderas Trust as a wholly-owned government corporation to manage the preserve, the Valles Caldera Preservation Act of 2000 established a 20-year public-private experiment to operate the preserve without continued federal funding; and

Whereas, the Trust is charged with protecting and preserving the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve and achieving financial self-sufficiency by 2015, while operating the Preserve as a ''working ranch;'' and

Whereas, the GAO analyzed documents and financial records, and interviewed staff and stakeholders to determine the Trust's progress since 2000, the extent to which the Trust has fulfilled its obligations as a government corporation, and the challenges the Trust faces to achieve the Preservation Act goals, the results of which are published in an October 2009 Report to Congressional Committees, concluding that ''The Trust Has Made Progress but Faces Significant Challenges to Achieve Goals of the Preservation Act;'' and

Whereas, the national significance of the geological resources of the Valles Caldera was formally recognized in 1975 when the area was designated a National Natural Landmark; and

Whereas, the National Park Service (NPS) has existed since 1916 and has a proven record for successfully managing 89 million acres of sensitive and historically important public lands in America; and

Whereas, Senator Jeff Bingaman and Senator Tom Udall, on June 24, 2009 requested that the NPS undertake a reconnaissance study of the Valles Caldera National Preserve to assess its potential for inclusion in the NPS as a National Preserve; and

Whereas, the NPS completed ''An Updated Report on the NPS 1979 New Area Study'' published on December 15, 2009 which includes the following conclusion based on the findings: ''. . . the feasibility of the Valles Caldera for inclusion in the national park system has been enhanced since 1979. The national significance and suitability of the site for inclusion in the system is confirmed;'' and

Whereas, the report concludes that ''current uses within the VCNP are generally compatible with those in other preserves or parks in the national park system, and there is untapped potential for enhancing public enjoyment;'' and

Whereas, the report further concludes that ''a single management entity for Valles Caldera and Bandelier would enhance communication, and integration of management programs that require a regional approach, such as fire management, law enforcement, and emergency response would facilitate comprehensive management of resource issues that affect both the Preserve and Bandelier National Monument;'' and

Whereas, the report states that ''the national information system and audience for sites within the National Park System would [result in] increases in regional and national public use of the area . . . [and] result in increased retail sales for recreation and convenience goods locally, as well as increased volume of recreational, tourist, and other services; and

Whereas, the VCNP adjoins Los Alamos County lands and is treasured by residents and visitors as a valuable natural, historical, recreational and educational resource; and

Whereas, Los Alamos County is recognized and marketed as the primary gateway to the VCNP, providing support services such as lodging, restaurants, shopping and additional cultural and recreational experiences to tourists from around the world who seek out this unique, north-central New Mexico attraction; and

Whereas, management of this resource directly affects Los Alamos County's economic development initiatives, particularly in the area of tourism marketing; and

Whereas, the majority of the members of public who submitted comment via meeting and e-mail expressed their desire for the National Park Service to assume land management and operations for the Valles Caldera National Preserve; and

Whereas, the National Park Service policies require a general management plan process that engages the public in a collaborative effort to identify preferred uses, restrictions and management practices, while allowing temporary public access to the Valles Caldera National Preserve; and

Whereas, the County respectfully requests that the enabling legislation include language to expedite the management plan process, where possible, in order to move from planning and temporary access to implementation. Now, therefore, be it

Resolved, by the Council of the Incorporated County of Los Alamos, That the County of Los Alamos supports the transfer of the Valles Caldera National Preserve to the U.S. Department of the Interior's National Park Service to be managed as a preserve. Los Alamos County requests to be notified and involved in the process at every opportunity; be it further

Resolved, That if legislation to transfer the Preserve is not enacted in 2010 Congress consider action to modify the year 2000 enabling legislation to remove obstacles restricting the Valles Caldera Trust's ability to effectively manage the Preserve to meet the public's access priorities

---

LOS ALAMOS COMMERCE &
DEVELOPMENT CORP.,
Los Alamos, NM, April 27, 2010.

Subject: Comment Concerning Future Management of Valles Caldera.

Senator JEFF BINGAMAN,
Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: Please accept our organization's comment on the question of the future management of the Valles Caldera property. Our organization operates several programs having strong interest in this matter. The Los Alamos Chamber of Commerce is an association of about 300 businesses, organizations, and individuals interested in positive community and economic development and our Los Alamos Meeting and Visitor Bureau program operates visitor centers in Los Alamos and White Rock and is an important resource for understanding visitation and tourism in our area.

We believe that the most desirable management option coinciding with the interests of the Los Alamos community is for the Valles Caldera to become a National Park managed by the National Park Service. This option presents several advantages:

The National Park Service option is by far the best from the standpoint of promoting visitation and tourism to the area. The NPS ''arrowhead'' is a powerful brand that far exceeds those of forest service and the Valles Caldera Trust in terms of attracting interest and visitation.

The NPS mission of ''safeguarding America's special places'' stands in contrast with the role of the Forest Service in consumptive use of resources. In contrast with the VCNP Trust, the NPS works with small businesses

to provide concession opportunities whereas the VCNP is motivated to develop captive services that do not provide such opportunities. These attributes of the NPS are best aligned among the three management options with our community's interests in realizing economic benefit from visitation and tourism.

In our experience in Los Alamos County, the involvement of the NPS in our community has far exceeded that of the other proposed management entities. Based on this experience, we believe that it is more likely that the NPS would be interested in working closely with our community for mutual benefit.

Please note that we do not expect the Valles Caldera to become ''Los Alamos-centric'' in any of the scenarios. We think that Los Alamos is a natural eastern gateway to the Valles and the Jemez Mountains just as we recognize that Jemez Pueblo and Jemez Springs are natural western gateway communities. We understand that it will be important for whatever management entity that is selected to reach out in both of these directions. We encourage that as general input regardless of the choice that is made.

We think that there is an opportunity to collaborate with the selected entity on a joint visitor center (or centers) in Los Alamos County. Such a facility would be a natural first stop for visitors to Los Alamos and would feature not only the Valles Caldera, but also Bandelier National Monument, the Bradbury Science Museum, the Los Alamos Historical Museum, the Pajarito Environmental Education Center, area Pueblos, and area recreational attractions. We are currently the operator of the visitor center here and we would welcome the opportunity to collaborate on a joint visitor center. We believe that this would enhance the visitor experience as well as enable economies of operation.

Thank you for listening to and accepting our input. Our organization stands ready to assist the selected management entity for the Valles Caldera.

Sincerely,

KEVIN HOLSAPPLE,
Executive Director.

On behalf of the Board of Directors of LACDC.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in introducing a bill to designate the Valles Caldera National Preserve as a unit of the National Park System. Known as the Valle Grande, this icon of the Jemez Mountains is one of the largest volcanic calderas in the world. The vast grass-filled valleys, forested hillsides, and numerous volcanic peaks make the Valles Caldera a treasure to New Mexico, and a landscape of national significance millions of years in the making.

Volcanic activity began in the Jemez Mountains about 10 million years ago. This activity reached a climax about 1.5 million years ago with a series of explosive rhyolitic eruptions that dropped hundreds of meters of volcanic ash for miles surrounding the caldera, and gave the surrounding area its distinctive landscapes of pink and white tuff overlaying the black basalts of the Rio Grande Rift. In the millennia following the Caldera's explosive creation, natural processes of erosion and weathering carved vibrant canyons and left piñion topped mesa stretching like fingers away from the massive caldera. As the great valley was drained of magma, and later a caldera lake, it filled with the diversity of plants and wildlife that makes the area so valuable to biologists and ecologists today. With such resources and natural beauty, it is no wonder that for millennia people have also been an integral part Valle Grande.

For generations innumerable, the Valles Caldera has been a part of life for the Pueblo Tribes of northern New Mexico. Today, the caldera continues to have important cultural and religious significance, something that must and will be respected and protected as the preserve moves into the management of the National Park Service.

In recent centuries, the Valles Caldera has been often in private ownership beginning with Spanish settlers who introduced livestock to the grassy valleys that continue to fatten elk and cattle in the summer months. Recognizing the unique national significance of the caldera, the Federal Government finally purchased the area in 2000 through the Valles Caldera Preservation Act, which I was proud to help shepherd through Congress with Senator BINGAMAN and then-Senator Domenici. The subsequent creation of the Valles Caldera National Preserve included the creation of a board of directors and the Valles Caldera Trust to manage the area. The legislation also included mandates for stakeholder involvement and eventual financial self-sufficiency of the preserve.

As Senator BINGAMAN and I take steps today to begin a transition of the Valles Caldera into the National Park System, I want to applaud the decade of work that both the Board of Trustees and the Valles Caldera Trust have dedicated to the preserve. I especially want to highlight the contributions of individual employees who have been on the ground in the caldera, day after day, developing research programs that utilize the unmatched natural resources of the caldera, managing cattle grazing and expanding the livestock program to include cutting edge scientific research, and extending educational opportunities in the caldera to students from across state and the country.

With the heavy mandate of self-sufficiency looming and the annual struggle to get sufficient funding for the caldera, Senator BINGAMAN and I are proposing a new direction forward. As a new unit of the National Park Service, the National Preserve will have a sustainable future with greater access to the public.

Since 1939, the National Park Service has conducted numerous studies of the Valles Caldera. In each, the Park Service consistently deemed the area of significant national value because of its unique and unaltered geology, and its singular setting, which are conducive to public recreation, reflection, education, and research. With this legislation the Secretary of Interior is directed to continue the longstanding grazing, education, and hunting programs that so many New Mexicans value as a once-ina-lifetime opportunity. By utilizing the resources and skills within the National Park Service, I believe the Valles Caldera National Preserve will continue to prosper as a natural wonder full of significant geology, ecology, history, and culture.

The Valle Grande is truly that: a great valley that so very many New Mexicans value and feel connected to. The future of the preserve is of utmost importance to us in New Mexico, and also has significance nationally. I look forward to working with Senator BINGAMAN and all of the stakeholders who care about the future of this preserve to ensure that this legislation emerges from the legislative process with improvements that are supported by my colleagues in the Senate and—most importantly—by the people of New Mexico.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 541—DESIGNATING JUNE 27, 2010, AS ''NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY''

Mr. CONRAD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 541

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being;

Whereas 12 percent of Operation Iraqi Freedom veterans, 11 percent of Operation Enduring Freedom veterans, 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and at least 8 percent of the general population of the United States suffers from Post Traumatic Stress Disorder (referred to in this preamble as ''PTSD'');

Whereas the incidence of PTSD in members of the military is rising as the United States Armed Forces conducts 2 wars, exposing hundreds of thousands of soldiers to traumatic life-threatening events;

Whereas women, who are more than twice as likely to experience PTSD than men, are increasingly engaged in direct combat on the front lines, putting these women at even greater risk of PTSD;

Whereas—

(1) from 2003 to 2007, approximately 40,000 Department of Defense patients were diagnosed with PTSD; and

(2) from 2000 to 2009—

(A) more than 5,000 individuals were hospitalized with a primary diagnosis of PTSD; and

(B) more than 500,000 individuals were treated for PTSD in outpatient visits;

Whereas PTSD significantly increases the risk of depression, suicide, and drug and alcohol related disorders and deaths;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 27, 2010, as ''National Post-Traumatic Stress Disorder Awareness Day'';

(2) urges the Secretary of Veterans Affairs and the Secretary of Defense to continue working to educate servicemembers, veterans, the families of servicemembers and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

Mr. CONRAD. Mr. President, today I am submitting a Senate resolution to designate June 27, 2010, as National Post-Traumatic Stress Disorder Awareness Day. That date was inspired by the birthday of North Dakota National Guard Staff Sergeant Joe Biel. Staff Sergeant Biel served two tours of duty in Iraq as a Trailblazer, part of a unit responsible for route clearance operations. Each day, Joe's mission was to go out with his unit every day to find and remove Improvised Explosive Devices and other dangers from heavily traveled roads to make it safe for coalition forces and Iraqi civilians to travel. As a result of those experiences, Joe suffered from PTSD and, tragically, took his own life in April 2007. There is absolutely no doubt that Joe Biel is a hero who gave his life for our country.

I learned of Joe's story because friends from his platoon, the 4th Platoon, A Company, of the North Dakota National Guard's 164th Combat Engineer Battalion, have organized an annual motorcycle ride across the state of North Dakota in his memory. The Joe Biel Memorial Ride serves as a reunion for the 164th, a memorial for a lost friend, and a beacon to those suffering from PTSD and other mental issues across the region. The key point made to me by the event's organizer, Staff Sergeant Matt Leaf, is that we have to raise awareness of this disease so that the lives of servicemembers, veterans, and other PTSD sufferers can be by greater awareness of and treatment for this disorder.

For many, the war does not end when the warrior comes home. All too many servicemembers and veterans face PTSD symptoms like anxiety, anger, and depression as they try to adjust to life after war. We cannot sweep these problems under the rug. PTSD is real. The Department of Defense and the Department of Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and its symptoms, but many challenges yet remain. More must be done to inform and educate veterans, families and communities on the facts about this illness and the resources and treatments available. That is why SSG Leaf and his fellow Trailblazers started the Joe Biel Memorial Bike Ride. And that is why I am introducing this Resolution. These efforts are about letting our troops—past and present—know it's okay to come forward and say they need help. It's a sign of strength, not weakness, to seek assistance. It is my hope that this message will be heard. In the words of SSG Leaf, ''maybe if we all take a minute to listen, we can stop one more tragedy from ever happening again.''

Mr. President, I ask unanimous consent that a letter about Joe Biel be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOE BIEL MEMORIAL BIKE RIDE

On April 26th 2007 we lost one of the best soldiers the United States Military and the North Dakota Army National Guard had ever had the privilege of enlisting. Staff Sergeant Joseph Arthur Biel took his own life in Devils Lake North Dakota surrounded by his peers superiors and some of his best friends. He shot himself in the mouth while these people looked on and his last words were ''tell everybody I love them'' the shot was heard as far away as Fargo North Dakota. Specialist David Young was on the phone with SSG Matthew Leaf while standing directly in front of SSG Biel as he pulled the trigger. This was the most horrific and worst day of our lives. Tears did not stop for 3 days as Joe's platoon (4th platoon A Company 164 Combat Engineers) deployed upon the small town of Devils Lake North Dakota. Everybody was asking one question ''Why?''

Why we failed Joe Biel? Why we did not understand PTSD? Why so many of us have problems when we return from overseas? Why nobody wants to listen? Why nobody understands? Why we are afraid to talk about it? Why we think nobody cares? Why can't I get help? Why will nobody listen to me? These are the questions that race through our minds after this tragedy. We deserve and have earned the right to be understood. The answer is too simple. PTSD is real and it needs to be addressed now. With the help of fellow veterans, spouses, loved ones, the V.A. and our Government. Please take the time to listen too and understand this disorder and at the very least be made aware of how this is affecting our Veterans and our lives, not just those who have served but all of the fine citizens of the United States. Maybe if we all take a minute to listen we can stop one more tragedy from ever happening again.

Sincerely SSG Matthew James Leaf, North Dakota Army National Guard.

SENATE RESOLUTION 542—DESIGNATING JUNE 20, 2010, AS ''AMERICAN EAGLE DAY'', AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. BYRD, Mr. CORKER, Mrs. BOXER, Mr. CRAPO, Mrs. FEINSTEIN, Mr. GREGG, Ms. LANDRIEU, Mr. BROWNBACK, and Mr. BAYH) submitted the following resolution; which was considered and agreed to:

S. RES. 542

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;

(2) the Office of the Vice President;

(3) Congress;

(4) the Supreme Court;

(5) the Department of the Treasury;

(6) the Department of Defense;

(7) the Department of Justice;

(8) the Department of State;

(9) the Department of Commerce;

(10) the Department of Homeland Security;

(11) the Department of Veterans Affairs;

(12) the Department of Labor;

(13) the Department of Health and Human Services;

(14) the Department of Energy;

(15) the Department of Housing and Urban Development;

(16) the Central Intelligence Agency; and

(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and

(2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named ''Eagle'';

Whereas the ''Eagle'' played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald Eagle Protection Act of 1940''); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald

eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately $7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations) the bald eagle would probably be extinct;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marks the 25th anniversary of the American Eagle Foundation;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2010, as ''American Eagle Day'';

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

SENATE RESOLUTION 543—EXPRESSING SUPPORT FOR THE DESIGNATION OF A NATIONAL PRADER-WILLI SYNDROME AWARENESS MONTH TO RAISE AWARENESS OF AND PROMOTE RESEARCH ON THE DISORDER.

Mr. MENENDEZ (for himself, Mr. LEAHY, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to.

S. RES. 543

Whereas Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births;

Whereas Prader-Willi syndrome is the most commonly known genetic cause of life-threatening obesity;

Whereas Prader-Willi syndrome affects—

(1) males and females with equal frequency; and

(2) all races and ethnicities;

Whereas Prader-Willi syndrome causes an extreme and insatiable appetite, often resulting in morbid obesity;

Whereas morbid obesity is the major cause of death for individuals with the Prader-Willi syndrome;

Whereas Prader-Willi syndrome causes cognitive and learning disabilities and behavioral difficulties, including obsessive-compulsive disorder and difficulty controlling emotions;

Whereas the hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment;

Whereas studies have shown that individuals with Prader-Willi syndrome have a high morbidity and mortality rate;

Whereas there is no known cure for Prader-Willi syndrome;

Whereas early diagnosis of Prader-Willi syndrome allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome;

Whereas recently discovered treatments, including the use of human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated;

Whereas increased research into Prader-Willi syndrome—

(1) may lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome; and

(2) is likely to lead to a better understanding of common public health concerns, including childhood obesity and mental health; and

Whereas advocacy organizations have designated May as Prader-Willi Syndrome Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports raising awareness and educating the public about Prader-Willi syndrome;

(2) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome;

(3) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome; and

(4) expresses support for the designation of a National Prader-Willi Syndrome Awareness Month.

SENATE RESOLUTION 544—SUPPORTING INCREASED MARKET ACCESS FOR EXPORTS OF UNITED STATES BEEF AND BEEF PRODUCTS

Mr. BAUCUS (for himself, Mr. JOHANNS, Mrs. LINCOLN, Mrs. MURRAY, Mr. NELSON of Nebraska, Ms. KLOBUCHAR, Mr. BENNET, Mr. BINGAMAN, and Mr. ROBERTS) submitted the following resolution; which was considered and agreed to:

S. RES. 544

Whereas in 2003, United States beef exports to China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam were valued at $3,300,000,000.

Whereas after the discovery of 1 Canadian-born cow infected with bovine spongiform encephalopathy (BSE) disease in the State of Washington in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam, among others, closed their markets to United States beef;

Whereas for years the Government of the United States has developed and implemented a multilayered system of interlocking safeguards to ensure the safety of United States beef, and after the 2003 discovery, the United States implemented further safeguards to ensure beef safety;

Whereas a 2006 study by the United States Department of Agriculture found that BSE was virtually nonexistent in the United States;

Whereas the internationally recognized standard-setting body, the World Organization for Animal Health (OIE), has classified the United States as a controlled risk country for BSE, which means that all United States beef and beef products from cattle of all ages is safe for export and consumption;

Whereas China continues to prohibit imports of all beef and beef products from the United States;

Whereas Japan has opened its market for United States exporters of beef and beef products from cattle less than 21 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Hong Kong has opened its market for United States exporters of deboned beef from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Taiwan has opened its market for United States exporters of deboned and bone-in beef and certain offal products from cattle less than 30 months of age and has agreed to open, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas South Korea has opened its market for United States exporters of beef and beef products from cattle less than 30 months of age and has agreed to open eventually, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas Mexico has opened its market for United States exporters of deboned and bone-in beef and certain offal from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Vietnam has opened its market for United States exporters of beef and beef products from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas between 2004 through 2009, United States beef exports declined due to these restrictions, causing significant revenue losses for United States cattle producers, for example, United States beef exports to Japan and South Korea averaged less than 15 percent of the amount the United States sold to Japan and South Korea in 2003; and

Whereas, while China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam remain important trading partners of the United States, unscientific trade restrictions are not consistent with their trade obligations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) sanitary measures affecting trade in beef and beef products between the United States and China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should be based on science;

(2) since banning United States beef in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam

have, to varying degrees, failed to comply with internationally recognized scientific guidelines with respect to United States beef and beef products

(3) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should fully comply with internationally recognized scientific guidelines;

(4) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should open their markets to United States exporters of all beef and beef products from cattle of all ages, consistent with OIE guidelines; and

(5) the President should continue to insist on full access for United States exporters of beef and beef products to the markets in China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam.

SENATE RESOLUTION 545—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 545

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis;

Whereas, the Subcommittee has received requests from federal and state government entities for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved. That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis.

SENATE CONCURRENT RESOLUTION 64—HONORING THE 28TH INFANTRY DIVISION FOR SERVING AND PROTECTING THE UNITED STATES

Mr. CASEY (for himself and Mr. SPECTER) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 64

Whereas the 28th Infantry Division was established on October 11, 1879, and is recognized as the oldest, continuously serving division in the Army;

Whereas units of the 28th Infantry Division date back to 1747, when Benjamin Franklin organized a battalion in Philadelphia;

Whereas units of the 28th Infantry Division served in the Revolutionary War, including units that served with distinction in the Continental Army under General George Washington;

Whereas the 28th Infantry Division was integral to the success of World War I campaigns in the European theater, including those in Champagne, Champagne-Marne, Aisne-Marne, Oise Marne, Lorraine, and Mesuse-Argone;

Whereas the 28th Infantry Division earned the title of ''Iron Division'' by General John J. Pershing for the valiant efforts of the Division during World War I;

Whereas the 28th Infantry Division contributed to military operations in Normandy, Northern France, Rhineland, Ardennes-Alsace, and Central Europe during World War II;

Whereas the perseverance of the 28th Infantry Division throughout the harsh winter spanning from 1944 to 1945 on the western front led to a decisive victory in the Battle of the Huertgen Forest, the longest single battle engaged in by the Army;

Whereas soon after the Battle of the Huertgen Forest, the 28th Infantry Division withstood the onslaught of the main thrust of the last great German offensive during the Battle of the Bulge, giving time for reinforcements to arrive and defeat the Germans;

Whereas the 28th Infantry Division was activated again in 1950 to serve in Germany;

Whereas the 28th Infantry Division was folded into the Army Selective Reserve Force during the Vietnam War;

Whereas the 28th Infantry Division aided relief efforts throughout the devastating aftermath of Hurricane Agnes in 1972;

Whereas the 28th Infantry Division was called to action during the partial meltdown of the nuclear reactor of the Three Mile Island Nuclear Generating Station in 1979;

Whereas the 28th Infantry Division contributed to the international coalition forces, facilitating efforts in Operation Desert Storm;

Whereas the 28th Infantry Division has been part of peacekeeping missions in Bosnia-Herzegovina, the Republic of Kosovo, and the Sinai Peninsula;

Whereas the 28th Infantry Division has deployed troops as part of Operation Noble Eagle, securing high-profile infrastructure targets in the aftermath of the September 11, 2001, attacks;

Whereas the 28th Infantry Division has deployed troops to Afghanistan as part of Operation Enduring Freedom, which ousted the Taliban regime and has since helped to secure the country and bring humanitarian relief to the Afghan people;

Whereas in Operation Iraqi Freedom, the 28th Infantry Division played a crucial role in the search for weapons of mass destruction, the invasion of Iraq, the provision of security in post-invasion Iraq, the training of an Iraqi police force, the securing of transport convoys, and the safe detainment of suspected terrorists;

Whereas more than 2,600 soldiers of the 28th Infantry Division remain missing in action from World War I and World War II;

Whereas the 28th Infantry Division has 127 units in 90 armories in 75 cities across the Commonwealth of Pennsylvania;

Whereas the 28th Infantry Division has been sent to aid portions of the United States affected by harsh winter storms, flooding, violent windstorms, and other severe weather emergencies; and

Whereas 10 recipients of the Medal of Honor, 4 recipients of the Legion of Merit, and 258 recipients of the Silver Star have been members of the 28th Infantry Division: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors the 28th Infantry Division for serving and protecting the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Adjutant General of the Pennsylvania National Guard for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4296. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4274 submitted by Mr. BURR and intended to be proposed to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4297. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4275 submitted by Mr. BURR and intended to be proposed to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4298. Mr. NELSON of Florida (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 4234 proposed by Ms. LANDRIEU to the bill H.R. 4899, supra; which was ordered to lie on the table.

SA 4299. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4899, supra.

TEXT OF AMENDMENTS

SA 4296. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4274 submitted by Mr. BURR and intended to be proposed to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 1, strike line 3 and all that follows through line 6 and insert the following:

''Filipino Veterans Equity Compensation Fund'' account and such other unobligated amounts as the Secretary of Veterans Affairs considers appropriate may be transferred to the ''Medical Services'' account: *Provided*, That any amount transferred from ''Construction, Major Projects'' shall be derived from unobligated balances that are a direct result of bid savings: *Provided further*, That amounts transferred to the ''Medical Servvices'' account are

SA 4297. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4275 submitted by Mr. BURR and intended to be proposed to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

On page 1, strike line 6 and all that follows through line 7 and insert the following:

fiscal years, $67,000,000 of the unobligated balances that are a direct result of bid savings may be transferred to the ''Filipino Veterans Equity Compensation Fund'' account

and any remaining amounts of such unobligated balances not transferred to the ''Filipino Veterans Equity Compensation Fund'' account may be used by the Secretary of Vet-

---

SA 4298. Mr. NELSON of Florida (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 4234 proposed by Ms. LANDRIEU to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table, as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Economic Development Assistance Programs'', to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $10,000,000, to remain available until expended, of which not less than $5,000,000 shall be used to provide technical assistance grants in accordance with section 2002.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', $13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: *Provided*, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Office of the Secretary, Salaries and Expenses'' for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, $29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for ''Science and Technology'' for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, $2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001.

(a) IN GENERAL.—Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting '': (1)'' before ''may obtain an advance'' and after ''the Coast Guard'';

(2) by striking ''advance. Amounts'' and inserting the following: ''advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of $100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts''.

(b) ASSESSMENT OF ENVIRONMENTAL IMPACTS.—

(1) DEFINITIONS.—In this subsection:

(A) DEEPWATER HORIZON OIL DISCHARGE.—The term ''Deepwater Horizon oil discharge'' means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(B) RESPONSIBLE PARTY.—The term ''responsible party'' means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(2) APPROPRIATIONS OF FUNDS.—

(A) IN GENERAL.—For an additional amount, in addition to amounts provided elsewhere in this Act for ''Operations, Research, and Facilities'' of the National Oceanic and Atmospheric Administration, $22,400,000 to carry out enhanced fisheries data collection in the Gulf of Mexico to assess environmental impacts related to the Deepwater Horizon oil discharge.

(B) GRANTS TO FISHERMEN.—Of the amount appropriated under subparagraph (A), $5,000,000 shall be available to provide cooperative research grants to fishermen to collect data to establish ecosystem baselines to assist managers in fully understanding the extent of the damage that resulted from the Deepwater Horizon oil discharge.

(3) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the amount appropriated pursuant to paragraph (2).

SEC. 2002. FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS.

(a) DEFINITIONS.—In this section:

(1) DEEPWATER HORIZON OIL DISCHARGE.—The term ''Deepwater Horizon oil discharge'' means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) OIL SPILL LIABILITY TRUST FUND.—The term ''Oil Spill Liability Trust Fund'' means the Oil Spill Liability Trust Fund established under section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509).

(3) RESPONSIBLE PARTY.—The term ''responsible party'' means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the Deepwater Horizon oil discharge.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any provision of section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), amounts from the Oil Spill Liability Trust Fund shall be made available for the following purposes:

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $20,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data

management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(c) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party shall, upon the demand of the Secretary of the Treasury, reimburse the Oil Spill Liability Trust Fund for the amounts made available pursuant to subsection (b).

SEC. 2003. OIL SPILL CLAIMS ASSISTANCE AND RECOVERY.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Commerce (referred to in this section as the ''Secretary'') shall establish a grant program to provide to eligible (as determined by the Secretary) organizations technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this section as the ''oil spill'').

(b) APPLICATION.—An organization that seeks to receive a grant under this section shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary shall require.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds from a grant provided under this section may be used by an eligible organization—

(A) to support—

(i) education;

(ii) outreach;

(iii) intake;

(iv) language services;

(v) accounting services;

(vi) legal services offered pro bono or by a nonprofit organization;

(vii) damage assessments;

(viii) economic loss analysis;

(ix) collecting and preparing documentation; and

(x) assistance in the preparation and filing of claims or appeals;

(B) to provide assistance to individuals or businesses seeking assistance from or under—

(i) a party responsible for the oil spill;

(ii) the Oil Spill Liability Trust Fund;

(iii) an insurance policy; or

(iv) any other program administered by the Federal Government or a State or local government;

(C) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

(D) to assist other organizations in—

(i) assisting specific business sectors;

(ii) providing services;

(iii) assisting specific jurisdictions; or

(iv) otherwise supporting operations; and

(E) to establish an advisory board of service providers and technical experts—

(i) to monitor the claims process relating to the oil spill; and

(ii) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

(2) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this section may not be used to provide compensation for damages or removal costs relating to the oil spill.

(d) PROVISION OF GRANTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide grants under this section.

(2) NETWORKED ORGANIZATIONS.—The Secretary is encouraged to consider applications for grants under this section from organizations that have established networks with affected business sectors, including—

(A) the fishery and aquaculture industries;

(B) the restaurant, grocery, food processing, and food delivery industries; and

(C) the hotel and tourism industries.

(3) TRAINING.—Not later than 30 days after the date on which an eligible organization receives a grant under this section, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

(4) AVAILABILITY OF FUNDS.—Funds from a grant provided under this section shall be available until the later of, as determined by the Secretary—

(A) the date that is 6 years after the date on which the oil spill occurred; and

(B) the date on which all claims relating to the oil spill have been satisfied.

SEC. 2004. GULF OF MEXICO RESTORATION AND PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Gulf of Mexico Restoration and Protection Act''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the Gulf of Mexico is a valuable resource of national and international importance, continuously serving the people of the United States and other countries as an important source of food, economic productivity, recreation, beauty, and enjoyment;

(B) over many years, the resource productivity and water quality of the Gulf of Mexico and its watershed have been diminished by point and nonpoint source pollution;

(C) the United States should seek to attain the protection and restoration of the Gulf of Mexico ecosystem as a collaborative regional goal of the Gulf of Mexico Program; and

(D) the Administrator of the Environmental Protection Agency, in consultation with other Federal agencies and State and local authorities, should coordinate the effort to meet those goals.

(2) PURPOSES.—The purposes of this section are—

(A) to expand and strengthen cooperative voluntary efforts to restore and protect the Gulf of Mexico;

(B) to expand Federal support for monitoring, management, and restoration activities in the Gulf of Mexico and its watershed;

(C) to commit the United States to a comprehensive cooperative program to achieve improved water quality in, and improvements in the productivity of living resources of, the Gulf of Mexico; and

(D) to establish a Gulf of Mexico Program to serve as a national and international model for the collaborative management of large marine ecosystems.

(c) GULF OF MEXICO RESTORATION AND PROTECTION.—Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

''SEC. 123. GULF OF MEXICO RESTORATION AND PROTECTION.

''(a) DEFINITIONS.—In this section;

''(1) GULF OF MEXICO ECOSYSTEM.—The term 'Gulf of Mexico ecosystem' means the ecosystem of the Gulf of Mexico and its watershed.

''(2) GULF OF MEXICO EXECUTIVE COUNCIL.—The term 'Gulf of Mexico Executive Council' means the formal collaborative Federal, State, local, and private participants in the Program.

''(3) PROGRAM.—The term 'Program' means the Gulf of Mexico Program established by the Administrator in 1988 as a nonregulatory, inclusive partnership to provide a broad geographic focus on the primary environmental issues affecting the Gulf of Mexico.

''(4) PROGRAM OFFICE.—The term 'Program Office' means the office established by the Administrator to administer the Program that is reestablished by subsection (b)(1)(A).

''(b) CONTINUATION OF GULF OF MEXICO PROGRAM.—

''(1) GULF OF MEXICO PROGRAM OFFICE.—

''(A) REESTABLISHMENT.—The Program Office established before the date of enactment of this section by the Administrator is reestablished as an office of the Environmental Protection Agency.

''(B) REQUIREMENTS.—The Program Office shall be—

''(i) headed by a Director who, by reason of management experience and technical expertise relating to the Gulf of Mexico, is highly qualified to direct the development of plans and programs on a variety of Gulf of Mexico issues, as determined by the Administrator; and

''(ii) located in a State all or a portion of the coastline of which is on the Gulf of Mexico.

''(C) FUNCTIONS.—The Program Office shall—

''(i) coordinate the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies—

''(I) to improve the water quality and living resources in the Gulf of Mexico ecosystem; and

''(II) to obtain the support of appropriate officials;

''(ii) in cooperation with appropriate Federal, State, and local authorities, assist in developing and implementing specific action plans to carry out the Program;

''(iii) coordinate and implement priority State-led and community-led restoration plans and projects, and facilitate science, research, modeling, monitoring, data collection, and other activities that support the Program through the provision of grants under subsection (d);

''(iv) implement outreach programs for public information, education, and participation to foster stewardship of the resources of the Gulf of Mexico;

''(v) develop and make available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Gulf of Mexico ecosystem;

''(vi) serve as the liaison with, and provide information to, the Mexican members of the Gulf of Mexico States Accord and Mexican counterparts of the Environmental Protection Agency; and

''(vii) focus the efforts and resources of the Program Office on activities that will result in measurable improvements to water quality and living resources of the Gulf of Mexico ecosystem.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into 1 or more interagency agreements with other Federal agencies to carry out this section.

''(d) GRANTS.—

''(1) IN GENERAL.—In accordance with the Program, the Administrator, acting through the Program Office, may provide grants to

nonprofit organizations, State and local governments, colleges, universities, interstate agencies, and individuals to carry out this section for use in—

''(A) monitoring the water quality and living resources of the Gulf of Mexico ecosystem;

''(B) researching the effects of natural and human-induced environmental changes on the water quality and living resources of the Gulf of Mexico ecosystem;

''(C) developing and executing cooperative strategies that address the water quality and living resource needs in the Gulf of Mexico ecosystem;

''(D) developing and implementing locally based protection and restoration programs or projects within a watershed that complement those strategies, including the creation, restoration, protection, or enhancement of habitat associated with the Gulf of Mexico ecosystem; and

''(E) eliminating or reducing nonpoint sources that discharge pollutants that contaminate the Gulf of Mexico ecosystem, including activities to eliminate leaking septic systems and construct connections to local sewage systems.

''(2) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using a grant provided under this section shall not exceed 75 percent, as determined by the Administrator.

''(3) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects carried out using funds made available through a grant under this subsection shall not exceed 15 percent of the amount of the grant.

''(e) REPORTS.—

''(1) ANNUAL REPORT.—Not later than December 30, 2009, and annually thereafter, the Director of the Program Office shall submit to the Administrator and make available to the public a report that describes—

''(A) each project and activity funded under this section during the previous fiscal year;

''(B) the goals and objectives of those projects and activities; and

''(C) the net benefits of projects and activities funded under this section during previous fiscal years.

''(2) ASSESSMENT.—

''(A) IN GENERAL.—Not later than April 30, 2011, and every 5 years thereafter, the Administrator, in coordination with the Gulf of Mexico Executive Council, shall complete an assessment, and submit to Congress a comprehensive report on the performance, of the Program.

''(B) REQUIREMENTS.—The assessment and report described in subparagraph (A) shall—

''(i) assess the overall state of the Gulf of Mexico ecosystem;

''(ii) compare the current state of the Gulf of Mexico ecosystem with a baseline assessment;

''(iii) include specific measures to assess any improvements in water quality and living resources of the Gulf of Mexico ecosystem;

''(iv) assess the effectiveness of the Program management strategies being implemented, and the extent to which the priority needs of the region are being met through that implementation; and

''(v) make recommendations for the improved management of the Program, including strengthening strategies being implemented or adopting improved strategies.

''(f) BUDGET ITEM.—The Administrator, in the annual submission to Congress of the budget of the Environmental Protection Agency, shall include a funding line item request for the Program Office as a separate budget line item.

''(g) LIMITATION ON REGULATORY AUTHORITY.—Nothing in this section establishes any new legal or regulatory authority of the Administrator other than the authority to provide grants in accordance with this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, to remain available until expended—

''(1) $10,000,000 for fiscal year 2010;

''(2) $15,000,000 for fiscal year 2011; and

''(3) $25,000,000 for each of fiscal years 2012 through 2014.''.

SA 4299. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 41, line 14, insert before the colon the following: ''or may be retained in the 'Construction, Major Projects' account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on May 27, 2010, at 9:30 a.m. in room 328A of the Russell Senate Office Building.

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

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 27, 2010, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 27, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 27, 2010.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. 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, to conduct a hearing entitled ''Building a Secure Future for Multiemployer Pension Plans'' on May 27, 2010. The hearing will commence at 2 p.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 27, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on May 27, 2010.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 27, 2010 at 2:30 p.m.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on May 27, 2010, at 2:15 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The United/Continental Airlines Merger: How Will Consumers Fare?''

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

EXTENSION OF ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM ACT OF 2004

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5330, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5330) to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will extend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004, ACPERA, for an additional 10 years. This legislation ensures that the Justice Department will have the tools it

needs to effectively prosecute criminal antitrust cartels for years to come. I thank Senator KOHL for his hard work in securing passage of this important legislation.

I have long supported vigorous enforcement of the antitrust laws. ACPERA provides a necessary complement to the Justice Department's highly successful corporate leniency program by limiting civil damages recoverable against a party who submits an application for leniency. Without this legislation, potential leniency applicants could be deterred from self-reporting antitrust violations that otherwise would result in significant criminal prosecutions.

I would have preferred that ACPERA be permanently reauthorized. Even so, a 10-year extension ensures that the Justice Department can still provide applicants with certainty that the rules of the game will not suddenly shift underneath them. ACPERA's incentives are critical to the Justice Department's criminal antitrust enforcement efforts, and I look forward to continuing to work to provide the Antitrust Division to ensure it has the resources necessary to protect consumers.

Mr. DURBIN. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5330) was ordered to be read a third time, was read the third time, and passed.

ORDER FOR PRINTING—H.R. 4173

Mr. DURBIN. I ask unanimous consent that H.R. 4173, as passed by the Senate on May 20, 2010, be printed.

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

AUTHORIZING PRODUCTION OF RECORDS

AMERICAN EAGLE DAY

SUPPORT FOR NATIONAL PRADER-WILLI SYNDROME AWARENESS MONTH

SUPPORTING INCREASED MARKET ACCESS FOR EXPORTS OF U.S. BEEF AND BEEF PRODUCTS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 542, S. Res. 543, S. Res. 544, and S. Res. 545.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. DURBIN. I ask unanimous consent the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements related to the resolutions be printed in the RECORD.

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

Mr. REID. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has received requests from Federal and State government entities seeking access to records that the subcmmittee obtained during its recent investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis.

S. Res. 545 would authorize the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the subcommittee in the course of its investigation, in response to these requests and to other government entities and officials with a legitimate need for the records.

The resolution (S. Res. 543) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 545

Whereas, the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs conducted an investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis;

Whereas, the Subcommittee has received requests from federal and state government entities for access to records of the Subcommittee's investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs, acting jointly, are authorized to provide to law enforcement officials, regulatory agencies, and other entities or individuals duly authorized by federal, state, or foreign governments, records of the Subcommittee's investigation into Wall Street and the financial crisis of 2008, examining the role of mortgage lenders, bank regulators, credit rating agencies, and investment banks in causing the crisis.

The resolution (S. Res. 542) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 542

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;
(2) the Office of the Vice President;
(3) Congress;
(4) the Supreme Court;
(5) the Department of the Treasury;
(6) the Department of Defense;
(7) the Department of Justice;
(8) the Department of State;
(9) the Department of Commerce;
(10) the Department of Homeland Security;
(11) the Department of Veterans Affairs;
(12) the Department of Labor;
(13) the Department of Health and Human Services;
(14) the Department of Energy;
(15) the Department of Housing and Urban Development;
(16) the Central Intelligence Agency; and
(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and
(2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named ''Eagle'';

Whereas the ''Eagle'' played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald Eagle Protection Act of 1940''); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately $7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations) the bald eagle would probably be extinct;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marks the 25th anniversary of the American Eagle Foundation;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2010, as ''American Eagle Day'';

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

The resolution (S. Res. 543) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 543

Whereas Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births;

Whereas Prader-Willi syndrome is the most commonly known genetic cause of life-threatening obesity;

Whereas Prader-Willi syndrome affects—

(1) males and females with equal frequency; and

(2) all races and ethnicities;

Whereas Prader-Willi syndrome causes an extreme and insatiable appetite, often resulting in morbid obesity;

Whereas morbid obesity is the major cause of death for individuals with the Prader-Willi syndrome;

Whereas Prader-Willi syndrome causes cognitive and learning disabilities and behavioral difficulties, including obsessive-compulsive disorder and difficulty controlling emotions;

Whereas the hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment;

Whereas studies have shown that individuals with Prader-Willi syndrome have a high morbidity and mortality rate;

Whereas there is no known cure for Prader-Willi syndrome;

Whereas early diagnosis of Prader-Willi syndrome allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome;

Whereas recently discovered treatments, including the use of human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated;

Whereas increased research into Prader-Willi syndrome—

(1) may lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome; and

(2) is likely to lead to a better understanding of common public health concerns, including childhood obesity and mental health; and

Whereas advocacy organizations have designated May as Prader-Willi Syndrome Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports raising awareness and educating the public about Prader-Willi syndrome;

(2) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome;

(3) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome; and

(4) expresses support for the designation of a National Prader-Willi Syndrome Awareness Month.

The resolution (S. Res 544) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 544

Whereas in 2003, United States beef exports to China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam were valued at $3,300,000,000;

Whereas after the discovery of 1 Canadian-born cow infected with bovine spongiform encephalopathy (BSE) disease in the State of Washington in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam, among others, closed their markets to United States beef;

Whereas for years the Government of the United States has developed and implemented a multilayered system of interlocking safeguards to ensure the safety of United States beef, and after the 2003 discovery, the United States implemented further safeguards to ensure beef safety;

Whereas a 2006 study by the United States Department of Agriculture found that BSE was virtually nonexistent in the United States;

Whereas the internationally recognized standard-setting body, the World Organization for Animal Health (OIE), has classified the United States as a controlled risk country for BSE, which means that all United States beef and beef products from cattle of all ages is safe for export and consumption;

Whereas China continues to prohibit imports of all beef and beef products from the United States;

Whereas Japan has opened its market for United States exporters of beef and beef products from cattle less than 21 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Hong Kong has opened its market for United States exporters of deboned beef from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Taiwan has opened its market for United States exporters of deboned and bone-in beef and certain offal products from cattle less than 30 months of age and has agreed to open, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas South Korea has opened its market for United States exporters of beef and beef products from cattle less than 30 months of age and has agreed to open eventually, but has not yet opened, its market for all United States beef and beef products from cattle of all ages;

Whereas Mexico has opened its market for United States exporters of deboned and bone-in beef and certain offal from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas Vietnam has opened its market for United States exporters of beef and beef products from cattle less than 30 months of age, but has not yet opened its market for all United States beef and beef products from cattle of all ages;

Whereas between 2004 through 2009, United States beef exports declined due to these restrictions, causing significant revenue losses for United States cattle producers, for example, United States beef exports to Japan and South Korea averaged less than 15 percent of the amount the United States sold to Japan and South Korea in 2003; and

Whereas, while China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam remain important trading partners of the United States, unscientific trade restrictions are not consistent with their trade obligations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) sanitary measures affecting trade in beef and beef products between the United States and China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should be based on science;

(2) since banning United States beef in December 2003, China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam have, to varying degrees, failed to comply with internationally recognized scientific guidelines with respect to United States beef and beef products;

(3) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should fully comply with internationally recognized scientific guidelines;

(4) China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam should open their markets to United States exporters of all beef and beef products from cattle of all ages, consistent with OIE guidelines; and

(5) the President should continue to insist on full access for United States exporters of

beef and beef products to the markets in China, Japan, Hong Kong, Taiwan, South Korea, Mexico, and Vietnam.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 282, the adjournment resolution, received from the House and at the desk.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 282) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. 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 (H. Con. Res. 282) was agreed to, as follows:

H. CON. RES. 282

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 8, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, 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, June 7, 2010, or such other time on that day as may be specified 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.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

APPOINTMENT AUTHORIZATION

Mr. DURBIN. Mr. President, I ask unanimous consent 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.

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

ORDERS FOR FRIDAY, MAY 28, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 10 a.m. on Friday, May 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. DURBIN. Mr. President, there will be no rollcall votes during Friday's session of the Senate.

RECESS UNTIL 10 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 9:53 p.m., recessed until Friday, May 28, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

J. THOMAS DOUGHERTY, OF WYOMING, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

ERIC D. BENJAMINSON, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

DEPARTMENT OF LABOR

PAUL M. TIAO, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE GORDON S. HEDDELL, RESIGNED.

NATIONAL BOARD FOR EDUCATION SCIENCES

ROBERT ANACLETUS UNDERWOOD, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE ROBERT C. GRANGER, TERM EXPIRED.

ANTHONY BRYK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2011, VICE HERBERT JOHN WALBERG, TERM EXPIRED.

BEVERLY L. HALL, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING MARCH 15, 2012, VICE CRAIG T. RAMEY, TERM EXPIRED.

KRIS D. GUTIERREZ, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2012, VICE GERALD LEE, TERM EXPIRED.

THE JUDICIARY

JAMES E. SHADID, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE MICHAEL M. MIHM, RETIRED.

MAX OLIVER COGBURN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE LACY H. THORNBURG, RETIRED.

DEPARTMENT OF JUSTICE

WILLIAM J. IHLENFELD, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE SHARON LYNN POTTER.

JOHN WILLIAM VAUDREUIL, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE ERIK C. PETERSON.

DEPARTMENT OF ENERGY

NEILE L. MILLER, OF MARYLAND, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE WILLIAM CHARLES OSTENDORFF, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AXEL L. STEINER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CLIFFORD R. SHEARER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ADAM M. KING
MATTHEW N. MCCONNELL
DEREK A. POTEET
JOHN J. STEPHENS
JAMES D. VALENTINE

Daily Digest

HIGHLIGHTS

Senate passed H.R. 4899, Emergency Supplemental Appropriations Act, as amended.

Senate agreed to H. Con. Res. 282, Adjournment Resolution.

Senate

Chamber Action

Routine Proceedings, pages S4473–S4562

Measures Introduced: Twenty-one bills and six resolutions were introduced, as follows: S. 3432–3452, S. Res. 541–545, and S. Con. Res. 64.

Pages S4528–29

Measures Reported:

H.R. 553, to require the Secretary of Homeland Security to develop a strategy to prevent the overclassification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, with an amendment in the nature of a substitute. (S. Rept. No. 111–200)

H.R. 4506, to authorize the appointment of additional bankruptcy judges. **Pages S4527–28**

Measures Passed:

Emergency Supplemental Appropriations Act: By 67 yeas to 28 nays (Vote No. 176), Senate passed H.R. 4899, making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, after agreeing to the committee amendment in the nature of a substitute, an amendment to the title, and taking action on the following amendments proposed thereto: **Pages S4474–S4507**

Adopted:

By 60 yeas to 37 nays (Vote No. 173), Collins Amendment No. 4253, to prohibit the imposition of fines and liability under certain final rules of the Environmental Protection Agency.

Pages S4475, S4491–96, S4501–02

By 60 yeas to 35 nays (Vote No. 174), Inouye Amendment No. 4299, to allow unobligated balances in the Construction, Major Projects account to be utilized for major medical facility projects of the Department of Veterans Affairs otherwise authorized by law. **Pages S4502–03**

Inouye (for Reid) Amendment No. 4178, to facilitate a transmission line project. **Page S4503**

Inouye (for Levin) Amendment No. 4205, to make a technical correction. **Pages S4503–04**

Inouye (for McCain) Amendment No. 4217, to provide for the submittal of the charter and reports on the High-Value Detainee Interrogation Group to additional committees of Congress. **Page S4504**

Inouye (for Webb) Amendment No. 4222, to limit the use of funds for the Department of Veterans Affairs for the presumption of service-connection between exposure of veterans to Agent Orange during service in Vietnam and certain additional diseases until the period for disapproval by Congress of the regulation establishing such presumption has expired. **Page S4504**

Inouye (for Wicker) Amendment No. 4224, to make a technical correction related to Amtrak security in the Consolidated Appropriations Act, 2010. **Page S4504**

Inouye (for Leahy) Amendment No. 4245, to add a provision relating to commitments of resources by foreign governments. **Page S4504**

Inouye (for Leahy) Amendment No. 4246, to strike a technical clarification. **Page S4504**

Inouye (for Leahy) Amendment No. 4249, to modify a condition on the availability for funds to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan. **Page S4504**

Inouye (for Lugar) Amendment No. 4260, to clarify that non-military projects in the former Soviet Union for which funding is authorized by this Act for the purpose of engaging scientists and engineers shall be executed through existing science and technology centers. **Page S4504**

Inouye (for Sanders) Amendment No. 4280, to require the Administrator of General Services to make publicly available the contractor integrity and performance database established under the Clean Contracting Act of 2008. **Page S4504**

Inouye (for Landrieu) Further Modified Amendment No. 4184, to require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico at full Federal expense. **Pages S4475, S4503, S4504**

Inouye (for Bond/Coburn) Amendment No. 4259, to require assessments on the detainees at United States Naval Station, Guantanamo Bay, Cuba. **Page S4504**

Inouye (for Isakson/Chambliss) Amendment No. 4255, to make a technical correction. **Pages S4504–05**

Inouye (for Leahy) Amendment No. 4248, to authorize the Secretary of State to award task orders for police training in Afghanistan under current Department of State contracts for police training. **Page S4505**

Inouye (for Byrd) Amendment No. 4200, to make a technical correction. **Page S4505**

Inouye (for Landrieu) Modified Amendment No. 4213, to provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis. **Pages S4474 S4505**

Inouye (for Merkley) Further Modified Amendment No. 4251, to provide funds for drought relief, with an offset. **Pages S4505, S4506**

Inouye (for Shelby/Vitter) Modified Amendment No. 4287, to provide fisheries disaster relief, conduct a study on ecosystem services, and conduct an enhanced stock assessment for Gulf of Mexico fisheries impacted by the Deepwater Horizon oil discharge. **Pages S4505–06**

Rejected:

By 18 yeas to 80 nays (Vote No. 168), Feingold Amendment No. 4204, to require a plan for safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan. **Pages S4474, S4481–82**

Coburn/McCain Modified Amendment No. 4231, to pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government. (By 53 yeas to 45 nays (Vote No. 169), Senate tabled the amendment.) **Pages S4475, S4482–83**

Coburn/McCain Amendment No. 4232, to pay for the costs of supplemental spending by reducing Congress' own budget and disposing of unneeded Federal property and uncommitted Federal funds. (By 50 yeas to 47 nays (Vote No. 170), Senate tabled the amendment.) **Pages S4475, S4483**

By 37 yeas to 58 nays (Vote No. 175), Burr Amendment No. 4273, to strike section 901, relating to the transfer of amounts to the Filipino Veterans Equity Compensation Fund. **Pages S4502–03**

Withdrawn:

McCain Amendment No. 4214, to provide for the National Guard support to secure the southern land border of the United States. **Pages S4474, S4475–79**

Kyl/McCain Modified Amendment No. 4228 (to Amendment No. 4202), to appropriate $200,000,000 to increase resources for the Department of Justice and the Judiciary to address illegal crossings of the Southwest border, with an offset. **Pages S4475, S4479–81**

Cornyn/Kyl Further Modified Amendment No. 4202, to make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111–5. **Pages S4474, S4479**

Isakson/Chambliss Amendment No. 4221, to include the 2009 flooding in the Atlanta area as a disaster for which certain disaster relief is available. **Pages S4475, S4494**

Reid Amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions. **Page S4474**

Sessions/McCaskill Amendment No. 4173, to establish 3-year discretionary spending caps. **Pages S4474, S4496–97**

Wyden/Grassley Amendment No. 4183, to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter. **Page S4474**

Lautenberg Modified Amendment No. 4175, to provide that parties responsible for the Deepwater Horizon oil spill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oil spill. **Page S4475**

Cardin Amendment No. 4191, to prohibit the use of funds for leasing activities in certain areas of the outer Continental Shelf. **Page S4475**

Landrieu/Cochran Amendment No. 4179, to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 Gulf Coast hurricanes or the 2008 Gulf Coast hurricanes. **Page S4475**

Landrieu Amendment No. 4180, to defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oil spill. **Page S4475**

Landrieu Amendment No. 4182, to require the Secretary of the Army to use certain funds for the

construction of authorized restoration projects in the Louisiana coastal area ecosystem restoration program. **Page S4475**

Landrieu Amendment No. 4234, to establish a program, and to make available funds, to provide technical assistance grants for use by organizations in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico. **Page S4475**

Ensign/Reid Amendment No. 4229, to prohibit the transfer of C–130 aircraft from the National Guard to a unit of the Air Force in another State. **Page S4475**

Ensign/Reid Modified Amendment No. 4230, to establish limitations on the transfer of C–130H aircraft from the National Guard to a unit of the Air Force in another State. **Page S4475**

Menendez Amendment No. 4289 (to Amendment No. 4174), to require oil polluters to pay the full cost of oil spills. **Page S4475**

During consideration of this measure today, Senate took the following actions:

By 51 yeas to 46 nays (Vote No. 165), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 302(f) of the Congressional Budget Act of 1974, with respect to McCain Amendment No. 4214, to provide for the National Guard support to secure the southern land border of the United States. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and pursuant to the order of May 26, 2010, the amendment was withdrawn. **Page S4479**

By 54 yeas to 44 nays (Vote No. 166), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 403 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, with respect to Kyl/McCain Modified Amendment No. 4228 (to Amendment No. 4202), to appropriate $200,000,000 to increase resources for the Department of Justice and the Judiciary to address illegal crossings of the Southwest border, with an offset. Subsequently, the point of order that the amendment was in violation of section 403 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, was sustained, and pursuant to the order of May 26, 2010, the amendment was withdrawn. **Page S4479**

By 54 yeas to 43 nays (Vote No. 167), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 403 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, with respect to Cornyn/Kyl Further Modified Amendment No. 4202, to make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111–5. Subsequently, the point of order that the amendment was in violation of section 403 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, was sustained, and pursuant to the order of May 26, 2010, the amendment was withdrawn. **Pages S4480–81**

By 69 yeas to 29 nays (Vote No. 171), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the committee-reported substitute amendment. **Page S4483**

By 45 yeas to 52 nays (Vote No. 172), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to suspend Rule XXII for purpose of offering DeMint Amendment No. 4177. **Page S4501**

Subsequently, the motion to invoke cloture on the bill was withdrawn. **Page S4501**

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Inouye, Byrd, Leahy, Harkin, Mikulski, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, Landrieu, Reed, Lautenberg, Nelson (NE), Pryor, Tester, Specter, Cochran, Bond, McConnell, Shelby, Gregg, Bennett, Hutchison, Brownback, Alexander, Collins, Voinovich, and Murkowski. **Page S4507**

Antitrust Criminal Penalty Enhancement and Reform Act: Senate passed H.R. 5330, to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, clearing the measure for the President. **Pages S4559–60**

American Eagle Day: Senate agreed to S. Res. 542, designating June 20, 2010, as ''American Eagle Day'', and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States. **Pages S4560–61**

National Prader-Willi Syndrome Awareness Month: Senate agreed to S. Res. 543, expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research on the disorder. **Page S4561**

United States Beef Products: Senate agreed to S. Res. 544, supporting increased market access for exports of United States beef and beef products. **Pages S4561–62**

Authorize the Production of Records: Senate agreed to S. Res. 545, to authorize the production

of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs. Page S4560

Adjournment Resolution: Senate agreed to H. Con. Res. 282, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. Page S4562

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 Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. Page S4562

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the National Security Strategy of the United States of America; which was referred to the Committee on Armed Services. (PM–58) Page S4525

Nominations Received: Senate received the following nominations:

J. Thomas Dougherty, of Wyoming, to be Ambassador to Burkina Faso.

Eric D. Benjaminson, of Oregon, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe.

Paul M. Tiao, of Maryland, to be Inspector General, Department of Labor.

Robert Anacletus Underwood, of New Jersey, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

Anthony Bryk, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2011.

Beverly L. Hall, of Georgia, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring March 15, 2012.

Kris D. Gutierrez, of Colorado, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2012.

James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois.

Max Oliver Cogburn, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

William J. Ihlenfeld II, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

John William Vaudreuil, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

Neile L. Miller, of Maryland, to be Principal Deputy Administrator, National Nuclear Security Administration.

Routine lists in the Marine Corps, and Navy. Page S4562

Messages from the House: Page S4525

Executive Communications: Pages S4525–27

Executive Reports of Committees: Page S4528

Additional Cosponsors: Pages S4529–31

Statements on Introduced Bills/Resolutions: Pages S4531–56

Additional Statements: Pages S4524–25

Amendments Submitted: Pages S4556–59

Authorities for Committees to Meet: Page S4559

Record Votes: Twelve record votes were taken today. (Total—176) Pages S4479–83, S4501–03, S4507

Recess: Senate convened at 9:30 a.m. and recessed at 9:53 p.m., until 10 a.m. on Friday, May 28, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4562.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nominations of Elisabeth Ann Hagen, of Virginia, to be Under Secretary for Food Safety, who was introduced by Senator Casey, and Catherine E. Woteki, of the District of Columbia, to be Under Secretary for Research, Education, and Economics, both of the Department of Agriculture, and Sara Louise Faivre-Davis, of Texas, Lowell Lee Junkins, of Iowa, and Myles J. Watts, of Montana, all to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration, after the nominees testified and answered questions in their own behalf.

AUTHORIZATION: NATIONAL DEFENSE

Committee on Armed Services: Committee ordered favorably reported an original bill entitled "National Defense Authorization Act for fiscal year 2011"; and

The nominations of 182 pending military nominations in the Army, Navy, Air Force, and Marine Corps.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nomination of Sherry Glied, of New York, to be Assistant Secretary of Health and Human Services.

MULTIEMPLOYER PENSION PLANS

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine building a secure future for multiemployer pension plans, focusing on long-standing challenges that remain for multiemployer pension plans, after receiving testimony from Phyllis C. Borzi, Assistant Secretary of Labor for Employee Benefits Security Administration; Charles A. Jeszeck, Acting Director, Education, Workforce, and Income Security Issues, Government Accountability Office; Thomas C. Nyhan, Central States Southeast and Southwest Areas Pension Fund, Rosemont, Illinois; Randy G. DeFrehn, National Coordinating Committee for Multiemployer Plans (NCCMP), Washington, D.C.; John R. McGowan, Saint Louis University John Cook School of Business, St. Louis, Missouri; and Norman P. Stein, University of Alabama School of Law, Tuscaloosa, on behalf of the Pension Rights Center.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

H.R.4506, to authorize the appointment of additional bankruptcy judges; and

The nominations of John A. Gibney, Jr., to be United States District Judge for the Eastern District of Virginia, and Stephanie A. Finley, to be United States Attorney for the Western District of Louisiana, Laura E. Duffy, to be United States Attorney for the Southern District of California, Scott Jerome Parker, to be United States Marshal for the Eastern District of North Carolina, Darryl Keith McPherson, to be United States Marshal for the Northern District of Illinois, and Gervin Kazumi Miyamoto, to be United States Marshal for the District of Hawaii, all of the Department of Justice, and Daniel J. Becker, of Utah, James R. Hannah, of Arkansas, Gayle A. Nachtigal, of Oregon, John B. Nalbandian, of Kentucky, Marsha J. Rabiteau, of Connecticut, and Hern n D. Vera, of California, all to be a Member of the Board of Directors of the State Justice Institute.

UNITED/CONTINENTAL AIRLINES MERGER

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded a hearing to examine the United/Continental Airlines merger, focusing on how consumers will fare, after receiving testimony from Glenn F. Tilton, UAL Corp, Chicago, Illinois; Jeffery Smisek, Continental Airlines, Inc., and Darren Bush, University of Houston Law Center, on behalf of the American Antitrust Institute, both of Houston, Texas; and William J. McGee, Consumers Union, New York, New York.

BUSINESS MEETING

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported the nomination of Marie Collins Johns, of the District of Columbia, to be Deputy Administrator of the Small Business Administration.

DEEPWATER HORIZON OIL SPILL

Committee on Small Business and Entrepreneurship: Committee resumed hearings to examine the impact of the Deepwater Horizon oil spill on small businesses, after receiving testimony from James Rivera, Associate Administrator, Disaster Assistance, Small Business Administration; Rear Admiral Paul Zukunft, Assistant Commandant, Maritime Safety, Security and Stewardship, United States Coast Guard, Department of Homeland Security; Darryl Willis, BP America, Houston, Texas; Mike Voisin, Motivatit Seafoods Inc., Houma, Louisiana; and Carmen Sunda, Louisiana Small Business Development Center, Metairie.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 32 public bills, H.R. 5421–5452; and 11 resolutions, H. Con. Res. 282–283; and H. Res. 1405–1413 were introduced. **Pages H4021–23**

Additional Cosponsors: **Pages H4023–24**

Report Filed: A report was filed today as follows:

H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, with an amendment (H. Rept. 111–499). **Page H4021**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Dr. Carl White, Highland Baptist Church, Meridian, MS. **Page H3873**

Adjournment Resolution: The House agreed to H. Con. Res. 282, providing for an adjournment or recess of the two Houses, by a yea-and-nay vote of 230 yeas to 187 nays, Roll No. 306. **Pages H3885–86**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Tuesday, May 25th:

Honoring the Centennial Celebration of Women at Marquette University: H. Res. 1161, to honor the Centennial Celebration of Women at Marquette University, the first Catholic university in the world to offer co-education as part of its regular undergraduate program, by a ⅔ recorded vote of 380 ayes with none voting "no" and 36 voting "present", Roll No. 308 and **Pages H3887–88**

Honoring the University of Georgia Graduate School on the occasion of its centennial: H. Res. 1372, to honor the University of Georgia Graduate School on the occasion of its centennial, by a ⅔ recorded vote of 412 ayes with none voting "no" and 1 voting "present", Roll No. 309. **Pages H3888–89**

National Defense Authorization Act for Fiscal Year 2011: The House began consideration of H.R. 5136, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense and to prescribe military personnel strengths for such fiscal year. Consideration is expected to resume tomorrow, May 28th. **Pages H3876–85 H3887 H3889–(continued in next issue.)**

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 five-minute rule. **Page H3900**

Agreed to:

Bartlett amendment (No. 2 printed in H. Rept. 111–498) that prohibits funds authorized to be appropriated in section 101(5) for other procurement, Army, from being obligated or expended by the Secretary of the Army for line-haul tractors unless the source selection is made based on a full and open competition; **Page H3986**

Smith (WA) amendment (No. 3 printed in H. Rept. 111–498) that ensures that the spouse, children and parents of a deployed or deploying member of the Armed Forces, who are not covered under the Family Medical Leave Act, have the ability to take at least two weeks of unpaid leave from their job in order to address issues that arise over the course of a deployment cycle; **Pages H3986–88**

Skelton en bloc amendment No. 1 consisting of the following amendments printed in H. Rept. 111–498: Giffords amendment (No. 9) that authorizes the Secretary of Defense to share with the Department of Homeland Security and the Department of Justice any data gathered during training exercises; Nye amendment (No. 10) that requires the Department of Defense to report to the House Armed Services Committee and the Small Business Committee on their plans to support the Regional Advanced Technology Clusters; Sessions amendment (No. 16) that establishes a 5-year "pay-for-performance" pilot program for the treatment of traumatic brain injuries; Jackson Lee (TX) amendment (No. 24) that requires the Secretary of Defense shall provide, by December 1, 2010, a report to the Congressional Black Caucus that includes a list of minority-owned, women-owned and disadvantaged-owned businesses over the past 10 years who have received contracts resulting from authorized funding to the Department; Watson amendment (No. 36) that inserts language based on H.R. 4900 and H.R. 5247, that contain the following provisions: (1) the establishment of a new National Office for Cyberspace; (2) management and oversight reforms for agency information security programs; (3) security related acquisition requirements for federal information technology investments; (4) the establishment of a federal Chief Technology Officer; and (5) make the Director of the National Office for Cyberspace a member of the National Security Council and grant the office additional government-wide coordinating responsibilities; McMahon amendment (No. 63) that expresses a Sense of Congress to encourage the Secretary of the Navy to name a naval vessel after

Medal of Honor recipient and Navy chaplain, Father Vincent Capodanno; and Tonko amendment (No. 70) that expresses a Sense of Congress encouraging the development of next generation semiconductor technologies; **Pages H3990–H4001**

Skelton en bloc amendment No. 2 consisting of the following amendments printed in H. Rept. 111–498: Burton (IN) amendment (No. 20) that expresses the Sense of Congress that the President, as Commander-in-Chief, should treat all military personnel and military families equally and overturn the policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide; Holden amendment (No. 22) that makes any person who served in combat as a pilot or crew member of a Medevac unit beginning June 25, 1950, eligible for the Combat Medevac Badge; Pomeroy amendment (No. 23) that authorizes the continuation of the Joint Family Support Assistance Program; Latham amendment (No. 26) that expresses the Sense of Congress that an erroneous interpretation of recent changes to age and service requirements for reserve retirement pay should be corrected; Kennedy amendment (No. 27) that adds neurology to the list of selected residency programs at military medical treatment facilities subject to a program review; and Tim Murphy (PA) amendment (No. 45) that directs the Surgeons General of the Army, Navy, and Air Force to submit a report to Congress on whether additional behavioral health professionals are needed to treat members of the Armed Forces for PTSD/TBI, and offer recommendations for ways to provide incentives for health care professionals to join active and reserve components; **Pages H4003–08**

Skelton manager's amendment (No. 1 printed in H. Rept. 111–498) that corrects a variety of technical errors in the bill (by a recorded vote of 421 ayes with none voting ''no'', Roll No. 310); **Pages H3984–86, H4013–14**

Marshall amendment (No. 4 printed in H. Rept. 111–498) that expresses the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts (by a recorded vote of 423 ayes with none voting ''no'', Roll No. 311); **Pages H3988–90, H4013–14**

McGovern amendment (No. 13 printed in H. Rept. 111–498) that includes a Sense of Congress stating that hunger and obesity are impairing military recruitment and must be properly addressed (by a recorded vote of 341 ayes to 85 noes, Roll No. 312); **Pages H4001–03, H4014–15**

Andrews en bloc amendment No. 3 consisting of the following amendments printed in H. Rept. 111–498: Pascrell amendment (No. 29) that requires that the same cognitive screening tool be used predeployment and post-deployment until a new, comprehensive policy for screening our soldiers to detect cognitive injuries is implemented; Harman amendment (No. 34) that calls for expedited and priority consideration of an application for permanent change of base or unit transfer for victims of sexual assault to reduce the possibility of retaliation against the victim; Brown-Waite amendment (No. 40) that expands the eligibility for the Army Combat Action Badge to those soldiers who served during the dates ranging from December 7, 1941, to September 18, 2001; Space amendment (No. 46) that requires the Secretary of the VA to send an electronic copy of service members' separation paperwork to the States; Walz amendment (No. 48) that revises the language of the Alternative Career Track Pilot Program slightly to ensure officers are not penalized with regards to promotion for participating in the pilot program; Carson amendment (No. 52) that amends the Department of Defense pre-separation counseling program to provide discharging service members and their spouses with financial and job placement counseling; and Hare amendment (No. 54) that directs the Secretary of the Army to deliver a report to Congress that provides a detailed explanation of the Army's Heirloom Chest policy, the Army's plans to continue the Heirloom Chest program, and a cost estimate for the procurement to expand the number of Heirloom Chests to additional family members; **Pages H4015–19**

Andrews en bloc amendment No. 4 consisting of the following amendments printed in H. Rept. 111–498: Owens amendment (No. 12) that provides Congress enhanced and updated budget and quantity information on proposed equipment purchases; Polis amendment (No. 17) that clarifies that federal agencies can procure commercially available fuels that have less than a majority proportion of alternative fuels with greater life cycle emissions than traditional petroleum fuels; Dingell amendment (No. 18), as modified, that requires the Secretary of Defense to provide the Agency for Toxic Substances and Disease Registry with information pertaining to Marine Corps Base Camp Lejeune's historic drinking water contamination no later than 90 days after enactment; Jackson Lee (TX) amendment (No. 25) that makes available post-traumatic stress counseling for civilians affected by the Fort Hood shooting, and shootings at other domestic military bases; Etheridge amendment (No. 28) that clarifies that the Department of Defense Office of Economic Adjustment's

existing grant-making authority for community adjustment and economic diversification to assist communities affected by the 2005 Base Realignment and Closure Process includes development assistance; Putnam amendment (No. 35) that expresses a sense of Congress in support of recreational hunting and fishing on military installations; Chandler amendment (No. 37) that strikes section 2412(c), which would prohibit funds from being allocated to the Blue Grass Army Depot Chemical Demilitarization program as it is currently contracted; and Richardson amendment (No. 44) that requires Transportation Command (TRANSCOM) to update the PORT LOOK 2008 Strategic Seaports study;

(See next issue.)

Andrews en bloc amendment No. 5 consisting of the following amendments printed in H. Rept. 111–498: Bordallo amendment (No. 5) that incorporates the text of H.R. 44, the Guam World War II Loyalty Recognition Act, into the bill as Title XVII; Coffman amendment (No. 6) that requires the Department of Defense to formulate and submit a plan to establish a domestic source of neodymium iron boron magnets for use in the defense supply chain; Shea-Porter amendment (No. 7) that requires the President to commission a study to assess the need for and implications of a common alignment of world regions in the internal organization of departments and agencies of the Federal government with international responsibilities; Kratovil amendment (No. 11) that clarifies that no funds authorized to be appropriated in this Act or otherwise made available to the Department of Defense shall be used in violation of section 1040 of the National Defense Authorization Act for Fiscal Year 2010; McGovern amendment (No. 14) that requires the President to certify that the Afghanistan Independent Election Commission and the Afghan Electoral Complaints Commission have the professional capacity, legal authority and independence to carry out and oversee free, fair and honest elections, absent the fraud that characterized the 2009 presidential elections, before funds are made available to support the holding of elections in Afghanistan; Conyers amendment (No. 19) that requires the Secretary of Defense, in coordination with the Secretary of State, to issue a report evaluating naval security in the Persian Gulf and the Strait of Hormuz; Lee (CA) amendment (No. 31) that expresses the Sense of Congress that there is potential for additional and significant cost savings through further reductions by the Secretary of Defense in waste, fraud, and abuse and that the Secretary should make implementation of remaining Government Accountability Office recommendations an utmost priority of the Department of Defense; and Schakowsky amendment (No. 33) that requires the Special Inspector General for Afghanistan Reconstruction to report on existing oversight of contractors in Afghanistan, as well as to make recommendations for increasing oversight, decreasing reliance on contractors responsible for civilian deaths, and preventing contractors responsible for waste, fraud, and abuse from getting future contracts; (See next issue.)

Andrews en bloc amendment No. 6 consisting of the following amendments printed in H. Rept. 111–498: Lipinski amendment (No. 39) that requires the Department of Defense to solicit bids from domestic suppliers when procuring articles, materials, or supplies for use outside of the United States; Braley amendment (No. 41) that requires the Secretary of Defense, with contributions from the Secretary of State and Secretary of Veterans Affairs, to submit a report on the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom; Murphy (CT) amendment (No. 43) that requires the Department of Defense to include in its yearly assessment of waivers granted under the Buy American Act to include in that report an analysis of the domestic capacity to supply the articles, materials or supplies procured from overseas and an analysis of the reasons for the yearly increase or decrease in Buy American waivers granted; Broun amendment (No. 50), as modified, that expresses the sense of Congress strongly encouraging the President to order the flag of the United States flown on military outposts of the United States in the Republic of Haiti; Edwards (MD) amendment (No. 51) that directs the Department of Defense to include the impact on domestic jobs in their periodic assessments of defense capability; and Price (NC) amendment (No. 57) that extends certain provisions of the Fiscal Year 2008 National Defense Authorization Act pertaining to private security contractors in Iraq and Afghanistan to additional overseas areas with a significant contractor presence; (See next issue.)

McMahon amendment (No. 62 printed in H. Rept. 111–498) that expresses a Sense of Congress concerning the implementation of the Congressionally-mandated recommendations of the Institute of Medicine study; (See next issue.)

Skelton en bloc amendment No. 7 consisting of the following amendments printed in H. Rept. 111–498: Herseth Sandlin amendment (No. 38) that requires reports to Congress on U.S. bomber modernization, sustainment and recapitalization efforts in support of the national defense strategy; Childers amendment (No. 49) that requires the Secretary of Defense to submit a report to Congress regarding the procurement and the feasibility of sustained low-level production of Mine Resistant Ambush Protective Vehicles; Foster amendment (No. 53) that directs the Secretary of Defense to commission an

independent study by assessing the optimal balance of unmanned versus manned platforms, and the current ability of each branch of the military to defend against unmanned aerial vehicles; Luján amendment (No. 60) that instructs the Administrator of the National Nuclear Security Administration to encourage technology transfer activities at its national security laboratories that will lead to enhanced private-sector employment opportunities; Hinchey amendment (No. 72) that requires the Department of Defense to apply the Buy American Act to the procurement of photovoltaic devices purchased through subcontracts; Hinchey amendment (No. 73) that requires armed private security contractors who are using U.S. citizens in Iraq or Afghanistan to hire those individuals as direct employees rather than independent contractors; and Connolly amendment (No. 75) that requires the Secretary of Defense to establish monitoring and evaluation mechanisms for its programs in the Horn of Africa; **(See next issue.)**

Inslee amendment (No. 82 printed in H. Rept. 111–498) that requires the Department of Defense to take into consideration during the KC–X or any successor aerial tanker replacement program any unfair competitive advantage an offeror may possess, and to report any such unfair competitive advantage to Congressional defense committees within 60 days of bid submissions (by a recorded vote of 410 ayes to 8 noes, Roll No. 313);

Pages H4011–13 (continued in next issue.)

Gutierrez amendment (No. 21 printed in H. Rept. 111–498) that stipulates that, should the Secretary of Defense determine that BP or its subsidiaries performing any contract with the Department are no longer a ''responsible source,'' the Secretary shall consider debarring BP or its subsidiaries from contracting with the Department no later than 90 days after making such determination (by a recorded vote of 372 ayes to 52 noes, Roll No. 314);

(See next issue.)

Eshoo amendment (No. 42 printed in H. Rept. 111–498) that requires the DNI to cooperate with GAO inquiries that are initiated by Committees (by a recorded vote of 218 ayes to 210 noes, Roll No. 315); **(See next issue.)**

Patrick J. Murphy (PA) amendment (No. 79 printed in H. Rept. 111–498) that repeals ''Don't Ask Don't Tell'' only after: (1) receipt of the recommendations of the Pentagon's Comprehensive Review Working Group on how to implement a repeal of DADT (due December 1, 2010) and (2) a certification by the Secretary of Defense, Chairman of the Joint Chiefs and President that repeal is first, consistent with military readiness, military effectiveness, unit cohesion and recruiting, and second, that the DoD has prepared the necessary policies and regulations to implement its repeal (by a recorded vote of 234 ayes to 194 noes, Roll No. 317); **(See next issue.)**

Sarbanes amendment (No. 47 printed in H. Rept. 111–498) that requires non-Defense agencies to establish contractor inventories and insourcing programs to mirror current law for the Department of Defense (by a recorded vote of 253 ayes to 172 noes, Roll No. 318); **(See next issue.)**

Skelton en bloc amendment No. 8 consisting of the following amendments printed in H. Rept. 111–498: Dahlkemper amendment (No. 56) that allows the Secretary of Defense to make excess nonlethal supplies available for domestic emergency assistance purposes, in coordination with the Secretary of Homeland Security; Kirkpatrick amendment (No. 58) that eliminates gaps in existing law that have resulted in unauthorized and improper disposal of Department of Defense property; Kosmas amendment (No. 59) that requires DoD and NASA to conduct a study of the feasibility of joint usage of the NASA Shuttle Logistics Depot; Perriello amendment (No. 65) that ensures that Department of Defense in sourcing decisions are performance based by excluding from consideration the value of employer sponsored health plans and retirement benefits plans provided by both DoD and private government contractors; Titus amendment (No. 69) that provides the Secretary of Defense the flexibility to change the effective date of the Homeowners Assistance Program for members of the armed forces permanently reassigned during the mortgage crisis; Critz amendment (No. 71) that allows military claims offices to pay full replacement value, instead of fair market value, on claims that fall outside the current contractual arrangements for providing full replacement value for the household goods of service members and civilian employees moved at the expense of the Department of Defense; Connolly amendment (No. 76) that standardizes federal agency and OPM reporting requirements regarding federal internship programs; and Grayson amendment (No. 78) that requires cost or price be given at least equal importance in evaluating competitive proposals for procurement contracts with the United States Department of Defense; and **(See next issue.)**

Teague amendment (No. 68 printed in H. Rept. 111–498) that provides health insurance to dependents of permanently and totally disabled veterans, as well as veterans who died from serviced connected disabilities, through the age of 26. **(See next issue.)**

Rejected:

Pingree (ME) amendment (No. 80 printed in H. Rept. 111–498) that sought to strike funding for the Joint Strike Fighter's Alternate Engine Program (by

a recorded vote of 193 ayes to 231 noes with 3 voting ''present'', Roll No. 316).

Pages H4008–11 (continued in next issue.)

Proceedings Postponed:

Shea-Porter amendment (No. 81 printed in H. Rept. 111–498) that seeks to require a penalty for prime contractors that do not provide information to databases on contracts in Iraq and Afghanistan, and it adds a reporting requirement and (See next issue.)

Skelton en bloc amendment No. 9 consisting of the following amendments printed in H. Rept. 111–498: Courtney amendment (No. 8) that seeks to transfer the Troops to Teachers program from the Department of Education to the Department of Defense; Hastings (FL) amendment (No. 15) that seeks to require the Department of Defense, in consultation with the Secretary of State, Attorney General, Secretary of Homeland Security, Administrator of the United States Agency for International Development, and heads of other appropriate Federal agencies to produce a needs assessment of U.S. affiliated Iraqis and their status; Shadegg amendment (No. 30) that seeks to prohibit members of the Armed Forces or veterans from receiving burial benefits if they are convicted of certain sexual offenses requiring them to register as ''Tier III'' sex offenders; Holt amendment (No. 32), as modified, that seeks to require that the Secretary of Defense ensure that each member of the Individual Ready Reserve or those designated as Individual Mobilization Augmentees who have served at least one tour in Iraq or Afghanistan receive at least quarterly counseling and health and welfare calls from personnel properly trained to provide such services; Luetkemeyer amendment (No. 55) that seeks to direct the Secretary of each military department to review the service records of eligible Jewish American veterans from World War I to determine whether such veterans should be awarded the Medal of Honor; Markey (CO) amendment (No. 61) that seeks to create the Department of Veterans Affairs HONOR Scholarship Program for veterans' pursuit of graduate and post-graduate degrees in behavioral health sciences; Minnick amendment (No. 64) that seeks to authorize the Secretary of Education to provide support to help cover operating costs of new state programs under the National Guard Youth Challenge Program; Schrader amendment (No. 66) that seeks to require the Secretary of Defense to ensure that each member of a reserve component of the Armed Forces who is mobilized or demobilized is provided a clear and comprehensive statement of the medical care and treatment to which such member is entitled under Federal law by reason of being so mobilized or demobilized; Schrader amendment (No. 67) that seeks to instruct the DoD Inspector General to conduct a study assessing the medical processing of National Guard and Reserve soldiers mobilizing and demobilizing under Title X; Klein (FL) amendment (No. 74) that seeks to require companies that are applying for Department of Defense contracts to certify that they do not conduct business in Iran, as defined by Section 5 of the Iran Sanctions Act; and Pingree (ME) amendment (No. 77) that seeks to require the Department of Defense to continue commissary and exchange stores at Naval Air Station Brunswick through September 30, 2011.

(See next issue.)

H. Res. 1404, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 241 yeas to 178 nays, Roll No. 307, after the previous question was ordered without objection.

Page 3887

Committee Resignation: Read a letter from Representative Shuster, wherein he resigned from the Committee on Armed Services, effective today.

(See next issue.)

Presidential Message: Read a message from the President wherein he transmitted to Congress the National Security Strategy of the United States—referred to the Committee on Armed Services.

Page 3889

Quorum Calls—Votes: Two yea-and-nay votes and 11 recorded votes developed during the proceedings of today and appear on pages H3885–86, H3887, H3889, H388–89, H4013, H4013–14, H4014–15, (continued in next issue.) There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:53 p.m.

Committee Meetings

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on BP-Transocean Deepwater Horizon Oil Disaster: Ongoing Response and Environmental Impacts. Testimony was heard from the following officials of the Department of the Interior: Ken Salazar, Secretary; David J. Hayes, Deputy Secretary; Tom Strickland, Assistant Secretary, Fish, Wildlife and Parks; and Marcia McNutt, Director, U.S. Geological Survey; and Bob Perciasepe, Deputy Administrator, EPA.

LOW-INCOME/MINORITY SERVING INSTITUTIONS

Committee on Education and Labor: Subcommittee on Higher Education, Lifelong Learning, and Competitiveness held a hearing Examining GAO's Findings

on Efforts to Improve Oversight of Low-Income and Minority Serving Institutions. Testimony was heard from George A. Scott, Director, Education, Workforce and Income Security Issues, GAO; and Robert Shireman, Office of the Under Secretary, Deputy Under Secretary, Department of Education.

SYNTHETIC GENOMICS' HEALTH/ENERGY IMPLICATIONS

Committee on Energy and Commerce: Held a hearing on Developments in Synthetic Genomics and Implications for Health and Energy. Testimony was heard from Anthony S. Fauci, M.D., National Institute of Allergy and Infectious Diseases, NIH, Department of Health and Human Services; and public witnesses.

BP OIL SPILL

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing entitled ''Combating the BP Oil Spill.'' Testimony was heard from Lisa Jackson, Administrator, EPA; Larry Robinson, Assistant Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; David J. Hayes, Deputy Secretary, Department of the Interior; RADM James Watson, USCG, Deputy, Unified Area Command, Department of Homeland Security; and Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works), Department of Defense.

HOUSING FAIRNESS ACT OF 2009

Committee on Financial Services, Subcommittee on Housing and Community Opportunity approved for full Committee action, as amended, H.R. 476, Housing Fairness Act of 2009.

U.S.-MEXICO SECURITY COOPERATION

Committee on Homeland Security: Subcommittee on Border, Maritime, and Global Counterterrorism and the Subcommittee on Western Hemisphere of the Committee on Foreign Affairs held a joint hearing entitled ''U.S.-Mexico Security Cooperation: Next Steps for the Merida Initiative.'' Testimony was heard from Roberta S. Jacobson, Deputy Assistant Secretary, Bureau of Western Hemisphere, Department of State; the following officials of the Department of Homeland Security: Mariko Silver, Deputy Assistant Secretary, Policy, Acting Assistant Secretary, International Affairs; Alonzo R. Peña, Deputy Assistant Secretary, Operations, U.S. Immigration and Customs Enforcement; and Allen Gina, Acting Assistant Commissioner, Office of Intelligence and Operations Coordination, U.S. Customs and Border Protection; and John D. Negroponte, former Director of National Intelligence, former Deputy Secretary of State; and former U.S. Ambassador to Honduras and to Mexico.

GULF COAST OIL SPILL LEGAL LIABILITY

Committee on the Judiciary: Held a hearing on the Legal Liability Issues Surrounding the Gulf Coast Oil Disaster. Testimony was heard from Jim Hood, Attorney General, State of Mississippi; Darryl Willis, Vice President, Resources, BP America; Rachael Clingman, Acting General Counsel, Transocean, Ltd., James W. Ferguson, Vice President and Deputy General Counsel, Halliburton; William C. Lemmer, General Counsel, Cameron International Corporation; and public witnesses.

DEEPWATER HORIZON EXPLOSION'S OIL STRATEGY IMPACT

Committee on Natural Resources: Continued oversight hearings entitled ''Outer Continental Shelf Oil and Gas Strategy and Implications of the Deepwater Horizon Rig Explosion.'' Testimony was heard from Representative Garamendi, Lamar McKay, Chairman and President, BP America, Inc., Steven L. Newman, President and CEO, Transocean Ltd., and public witnesses.

PEDIATRIC OVER-THE-COUNTER MEDICATION RECALLS

Committee on Oversight and Government Reform: Held a hearing regarding the circumstances surrounding the recall of popular children's medicines produced by Johnson & Johnson/McNeil Consumer Healthcare. Testimony was heard from following officials of the FDA, Department of Health and Human Services: Joshua Sharfstein, Principal Deputy Commissioner; Deborah M. Autor, Director, Office of Compliance, Center for Drug Evaluation and Research; and Michael A. Chappell, Acting Associate Commissioner, Regulatory Affairs; and Colleen Goggins, Worldwide Chairman, Consumer Group, Johnson & Johnson.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service, and the District of Columbia approved for full Committee action the following bills: H.R. 3243, to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determination relating to overtime pay; H.R. 3264, as amended, Federal Internship Improvement Act; H.R. 5367, as amended, D.C. Courts and Public Defender Service Act of 2010; and H.R. 5368, United States Postal Service Postal Inspectors Equity Act.

PUBLIC SAFETY COMMUNICATIONS EQUIPMENT INTEROPERABILITY

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on Interoperability in Public Safety Communications Equipment. Testimony was heard from David Boyd, Director, Command, Control and Interoperability, Science and Technology Directorate, Department of Homeland Security; Dereck Orr, Program Manager, Public Safety Communications Systems, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

VETERANS' MEASURES

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on the following measures: H.R. 4062, Veterans' Health and Radiation Safety Act; H.R. 4505, To enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces; H.R. 4465, To amend title 38, United States Code, to direct the Secretary of Veterans affairs to take into account each child a veteran has when determining the veteran's financial status when receiving hospital care or medical services; Draft legislation "World War II Hearing Aid Treatment Act"; and Draft legislation on Outreach. Testimony was heard from Representatives Adler of New Jersey, Thornberry and Kissell; Robert Jesse, M.D., Acting Principal Under Secretary, Health, Veterans Health Administration, Department of Veterans Affairs; and representatives of veterans organizations.

TOBACCO SMUGGLING EXCISE TAX COMPLIANCE ISSUES

Committee on Ways and Means: Subcommittee on Oversight held a hearing on tobacco smuggling in the United States and other excise tax compliance issues. Testimony was heard from Representative Doggett; and John J. Manfreda, Administrator, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, MAY 28, 2010

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the **SENATE**

10 a.m., Friday, May 28

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Friday, May 28

House Chamber

Program for Friday: Complete consideration of H.R. 5136—National Defense Authorization Act for Fiscal Year 2011.

(House proceedings for today will be continued in the next issue of the Record.)

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.