United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, JULY 29, 2009 No. 116

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 29, 2009.

I hereby appoint the Honorable JESSE L. JACKSON Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Jonathan Falwell, Thomas Road Baptist Church, Lynchburg, Virginia, offered the following prayer:

Our Heavenly Father, we thank You for our great Nation. We thank You for what You have done to make this Nation a lighthouse to the world and a beacon of hope to people everywhere.

We know, as our forefathers knew and as the Scriptures tell us, that righteousness exalts a nation but sin is a reproach to any people. And so, today, we ask Your forgiveness for the sins that we as a people, and we as a Nation, have committed.

Today we seek Your wisdom and Your guidance in all that takes place in this room. We ask You to be a lamp unto our feet and a light unto our path. We ask You to protect the men and women who serve here in this place. We ask You to protect the men and women who serve our Nation around the world today and are in harm's way. We ask You to lead them as they lead us.

And above all, we ask You to continue to bless this great land that we call home. And in Jesus' name we pray.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SHIMKUS 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 THE REVEREND JONATHAN FALWELL

The SPEAKER pro tempore. Without objection, the gentleman from Virginia is recognized for 1 minute.

There was no objection.

Mr. GOODLATTE. Mr. Speaker, it is a real honor today to welcome our guest chaplain, the Reverend Jonathan Falwell, the senior pastor of Thomas Road Baptist Church in Lynchburg, Virginia, one of the largest churches in America, which has a tremendous outreach to the community in Lynchburg and across Virginia, across our Nation and, indeed, across the world helping people in need. He also serves as the executive vice president of spiritual affairs at Liberty University, the world's largest evangelical Christian university, with over 40,000 students, both on campus and online.

I very much welcome not only Reverend Falwell, but his entire family who is with us in the gallery today, and we are delighted that they could be with us to share in a full day of activities here at the United States Capitol and to meet as many Members of the House and staff members and others who work so hard here on behalf of our country.

I hope Members will take the opportunity to come by and say hello to him at the various places he'll be during the course of the day. I'm honored to call Reverend Falwell a constituent and, most importantly, a dear friend; and I offer the thanks of this entire body to him for delivering today's morning prayer. He is joined by his wife, Shari, as well as their four children, Jonathan Jr., Jessica, Natalie and Nicholas, as well as his mother, Macel. Thank you all for being with us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

TRIBUTE TO MRS. VIRGINIA KUCINICH

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

Mr. KUCINICH. Let me tell you a story about a bright, high-spirited woman who, like many American women of the Greatest Generation, sacrificed for her family and her Nation.

Instead of going to college, she helped the war effort, working in manufacturing during the day and singing for the USO at night. She met a young marine combat veteran, fell in love, married, nursed her war-injured husband back to health, and began a family which quickly grew to seven rollicking children. She and her husband never owned a home. As renters, the family was forced to move from place to place. In the first 20 years of their marriage, the family lived in 21 different places, including a couple of cars. Despite economic hardship and

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her own illnesses, she taught her children to read in preschool years, raised her children to appreciate life, to love God, to count spiritual blessings, to be strong of heart, always to be grateful, to be kind, honest, respect others and never to quit.

Her name was Virginia, and she was my mother. And today would have been her 85th birthday. Happy birthday, Mom.

ALL PAIN AND NO GAIN

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

Mr. SHIMKUS. Mr. Speaker, as we spin in circles here on health care, let's not forget the failed policy of a national energy tax, or cap-and-trade. These coal miners lost their jobs the last time we passed environmental laws, and with their jobs went their health care benefits. I've always said that cap-and-tax is a direct attack on coal by the environmental left.

And if you don't believe me, yesterday's article says Sierra Club opposes transmission lines to link AEP to Allegheny coal fire power plants on the grounds that it would increase coal use. I also say that cap-and-tax is all pain and no gain, especially if China and India do not comply.

Well, we also have a quote by Rajendra Pachauri, who is the Chair of the U.N. Intergovernmental Panel on Climate Change. And he says: ''India will continue to use coal to meet its energy demands.'' And finally, the science of climate change is not exact and not conclusive. Channel 2, CBS Chicago, says that Chicago sees coldest July in 67 years.

IF IT IS GOOD ENOUGH FOR THE AMERICAN PEOPLE, IT IS GOOD ENOUGH FOR CONGRESS

(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, as Democrats push for a government takeover of health care, I hope they will abide by a very simple standard: if a government-run health plan is good enough for the American people, it's good enough for Congress.

During consideration of the over 1,000-page bill in the Education and Labor Committee, I successfully got an amendment passed that would provide that Congress Members who vote in favor of government-run health care would enroll in the plan themselves. The American people should monitor that this provision is kept in the bill.

I want to commend Congressman JOHN FLEMING, a physician, for originally promoting this concept of fairness. I urge my Democrat colleagues to adopt this standard if they insist on dragging a Big Government bureaucracy between patients and doctors. The American people deserve better to protect jobs.

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

THE RECOVERY ACT IS WORKING

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

Mr. SCHRADER. Mr. Speaker, I came to the floor yesterday to talk about 145 teaching jobs that were saved, thanks to the Recovery Act in one community school district alone. Today I'd like to talk about jobs that have been created and saved for Oregon's first responders.

Mr. Speaker, just yesterday, the first wave of COPS grants was announced. That means 21 more police officers patrolling our streets in Oregon thanks to the Recovery Act. A number of those are in Oregon City, a city I know very closely, which desperately needs the assistance for an understaffed police department. These are 21 first responders that would not have been on the job, again, without this recovery package.

The Oregon Department of Corrections also received $103 million to save guard positions and prevent prisoners from being released from Oregon's prisons. Oregon is in very tough shape with this economic downturn.

These are just a few examples, with more announcements on the way. Over the next couple of weeks, Byrne grants targeted to help local police communities investigate and prosecute criminals and provide revenue for juvenile justice programs that help steer our troubled youth away from a life of crime. The Recovery Act is working.

ANOTHER MISSED OPPORTUNITY

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

Mr. WOLF. Mr. Speaker, in Monday's Wall Street Journal, Secretary of State Hillary Clinton and Secretary of the Treasury Geithner co-authored an opinion piece outlining the issues to be discussed in the U.S.-China Strategic and Economic Dialogue. No mention of human rights. No mention of the Chinese Government's suppression of journalists. No mention of the dozens of human rights lawyers across China who have been stripped of their licenses, no mention of the 35 Catholic bishops that languish in Chinese prisons and slave labor camps, no mention of the Chinese Government's crackdown on the ethnic Uyghurs, no mention of how China continues to repatriate North Korean refugees, no mention of human rights.

Human rights simply cannot be separated from economic policy. The Obama administration has missed yet another opportunity to make human rights a fundamental component of U.S. foreign policy.

GAO MORTGAGE REPORT

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

Mrs. MALONEY. Mr. Speaker, the Joint Economic Committee just concluded a hearing highlighting a GAO report that analyzed the performance of subprime loans in all 435 congressional districts, as this map illustrates. This report that I requested provides a sobering snapshot of the ongoing foreclosure crisis inherited by the Obama administration. The dark red is where there are high instances of foreclosure.

So we see that California, Florida, and Nevada are the places where the most nonprime loans were originated with noxious prepayment penalties and exploding interest rates. The end results are obvious. The hearing reviewed past Federal regulatory failures and identified the actions that the administration and Congress have taken to reduce foreclosure rates and prevent a future recurrence. The report is online by congressional district with the hearing Web site at the JEC Web site, www.jec.senate.gov.

SOCIALIZING THE COUNTRY IS NOT THE ANSWER

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

Mr. FLEMING. Mr. Speaker, recently the President said in a speech: ''Folks are skeptical and that is entirely legitimate because they haven't seen a lot of laws coming out of Washington that help.'' That is an understatement. Americans have found themselves at the mercy of the mass social agenda of this administration and the liberal leadership in Congress.

First it was the $750 billion stimulus bill that neither created nor saved any jobs; then came cap-and-tax. Both of these bills were passed only minutes after being fully released, but not read, and were the first two installments of this liberal/socialist agenda.

But this health care bill, H.R. 3200, is the mother of all bad bills and seeks to recast America as a new socialist state. If it passes in its current form, we can expect tax increases for all American families, waiting lines with DMV-style medicine, an explosion of taxpayer-funded abortions and a lack of good health care for the elderly.

Americans are urging Democrats to finally reach across the aisle and work with Republicans for a change.

HEALTH CARE REFORM

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

Mr. BLUMENAUER. Mr. Speaker, if you wonder why health care reform is so hard, look at the rhetoric surrounding efforts to help senior citizens and their families cope with end-of-life decisions. It has morphed into something that has been, I think, rather

sad. I was both angry and put off, I must say, in the references to section 1233. Today in the Washington Times they cite a misrepresentation by Republican leadership that talk about this leading the path down to government-encouraged euthanasia.

Yesterday, we heard one of our Republican colleagues talk about actually having the government—I want to be careful about this—that ''seniors being in a position of being put to death by their government.''

Mr. Speaker, looking at this legislation that is a result of a bipartisan effort to allow senior citizens and their families to know the choices that face them, nothing mandatory, no government bureaucrat, simply giving them the choice to have information. Shame on people who use senior citizens as a prop to try to scare people.

□ 1015

PAYING FOR HEALTH CARE REFORM

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

Mrs. CHRISTENSEN. Mr. Speaker, today, I want to talk about something everyone, Republicans and Democrats, cares about: paying for health care reform.

There is so much evidence that prevention at the individual and community levels will produce hundreds of billions of dollars of savings. Trust for America's Health has shown, based on existing community prevention programs, that we could get a return of 5.6 to 6.2 times on every dollar spent. Private industry has also shown a similar savings in less than 10 years. Another report will show that we would save $652 billion over 10 years by getting healthier individuals to Medicare and by reducing advancing disease when they enter the system. This kind of prevention is in the bill.

The CBO will score prevention if we give them reliable data, and that would make the true cost of this bill much less than $1 trillion. So let's cover the Territories and not cut important programs out of the bill. Let's score prevention, and let's pass a bill that honors health care as a right and that reestablishes the United States as the leader we ought to be.

SCIENCE CZAR

(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 President has appointed over 30 new czars in the Federal bureaucracy, and I'm concerned about the President's new science czar. John Holdren detailed and advocated draconian population control methods in a 1977 textbook that he coauthored.

In it, they state, ''Some coercive proposals deserve discussion, mainly because some countries may ultimately have to resort to them unless current trends in birth rates are rapidly reversed.''

They go on to speculate that a program in India to vasectomize fathers of large families could have been successful with ''massive assistance from the developed world.'' The same chapter later promotes readily available abortion services as one of the milder methods governments can promote to reduce family size. Some of their ideas are quite bizarre. This is the same man who has the ear of the President on some of the most important decisions of the day.

Clearly, we need to watch the office of the science czar carefully with an eye toward whether Dr. Holdren will promote policies that maintain our cherished liberties or policies that call for the heavy hand of government in our private lives.

HEALTH CARE REFORM

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

Mr. OLVER. Mr. Speaker, this is our year for health insurance reform. The private health insurance industry has reaped enormous profits over the last 9 years while Americans' wages have barely increased at all. On average, 30 percent of the $1.8 trillion in premiums that Americans pay to health insurance companies pays for overhead costs—salaries, administrative, lobbying, and profits—rather than for health care. Americans cannot afford that waste of scarce dollars. Our health reform legislation will limit such overhead spending to no more than 15 percent.

We have to focus our priorities on the quality of health care itself. For example, the diabetes epidemic demonstrates dramatically how critical preventative medicine is to America's children. One-third of all children born this decade are expected to develop diabetes in their lifetimes. The prevention of diabetes will make America healthier, and we will avoid the enormous future costs of diabetes treatment.

Now is the time to act on health care reform.

THE SUCCESS OF THE AMERICAN RECOVERY ACT

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

Mr. YARMUTH. Mr. Speaker, our Republican friends, perhaps in a bit of wishful thinking, are trying to convince the American public that the American Recovery Act has been a failure.

Well, they're going to have a hard time convincing my constituents in Louisville, Kentucky, where it was just reported that home sales have increased by 27 percent this month over last year, almost all due to the $8,000 first-time home buyer's credit that we put in that act. They're going to have a hard time convincing the people at GE's Appliance Park, where they're about to bring 400 jobs back from China to Kentucky to build a revolutionary, energy-saving water heater. They're going to have a hard time convincing the 95 percent of my constituents who have had their paychecks increased because of the almost $300 billion in tax cuts that were part of that act.

No, Mr. Speaker, the American Recovery Act is far from a failure. It is succeeding to rebuild the economy of this country.

HEALTH CARE IS A HUMAN ISSUE

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

Mr. BACA. Mr. Speaker, families in America deserve a health care system that works. A parent should not have to worry about paying for either high health care insurance premiums or putting food on the table or paying their mortgages.

In fact, each year in my district, 5,200 seniors who hit the doughnut hole are forced to pay their full drug costs despite having part D drug coverage. The Tri-Committee bill provides these seniors with immediate relief by cutting brand-name drug costs in the doughnut hole by 50 percent.

In 2008, my district had 1,490 health care-related bankruptcies, caused primarily by the high health care costs not covered by insurance. The Tri-Committee bill caps out-of-pocket costs at $10,000 per year, ensuring that no individual will have to face financial ruin because of high health care costs.

For these reasons, I stand here to advocate for American families who are struggling in every corner. I urge my colleagues to stand with me and to support health care reform. This is not a political issue. This is a human issue.

JOB CREATION

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

Mr. SIRES. Mr. Speaker, I rise today to highlight where some of the stimulus jobs are located. While some States have refused the stimulus money that is available, I want to acknowledge some of the areas that are using the stimulus funds to create jobs today.

In my State of New Jersey, the funding has gone towards good-paying jobs for New Jerseyan workers. Six thousand summer jobs were created for New Jersey youth using funds allotted under the Workforce Investment Act Youth Recovery Act. Over 60 jobs have been created in transportation, and at least 20 people are currently working on housing improvements for the Woodbridge Public Housing Authority.

At least 62 people are working for the Newark Housing Authority, including union workers, to renovate vacant apartments and to prepare for future construction. These are just a few of the projects, but it's not just New Jersey that is seeing jobs increase as a result of the stimulus funding.

Yesterday, The New York Times highlighted Perry County, Tennessee, where hundreds of laid-off workers are now, once again, back to work. Since deciding to use the stimulus money to employ 300 jobs, ranging from the State Transportation Department to small businesses, the unemployment has dropped from 27 to 22 percent in that county. That's where the jobs went.

AMERICA'S AFFORDABLE HEALTH CHOICES ACT ADDRESSES PRIMARY CARE

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

Ms. SCHWARTZ. Mr. Speaker, finding a uniquely American solution to ensure that all Americans have access to affordable, meaningful health coverage must also ensure adequate access to health care providers and services.

Primary care providers are on the front line of our health care system, treating acute and chronic problems and keeping costly conditions from worsening. Yet, despite this essential role, it is primary care where we face the most acute shortages.

Since 1998, the percentage of residents choosing primary care has dropped from 50 percent to 20 percent. By 2025, America will have a shortage of 46,000 primary care providers.

I am very proud that the provisions in the health care reform legislation that is moving through Congress will address this impending crisis. It provides scholarships and loan repayments to primary care providers. It increases payments for primary care services. It eliminates copayments for Medicare beneficiaries who seek preventative care, and it creates incentives for doctors and nurses to coordinate care for patients with multiple chronic conditions.

These are significant reforms that will improve access to primary care, that will improve health outcomes, and that will improve health care costs. We should support better health care for Americans by supporting health care reform.

SMALL BUSINESSES CANNOT AFFORD THE STATUS QUO IN HEALTH CARE

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

Mr. HEINRICH. Mr. Speaker, I just held a roundtable in my district to hear from small business owners on how they feel about health care reform. Each of the small business owners agreed that the system is broken and that keeping the status quo will only hurt small businesses in New Mexico.

With skyrocketing health care costs, many of these small businesses have been forced to consider layoffs and have been forced to consider lowering wages. In some cases, discontinuing insurance coverage for their employees has been the only way to avoid going out of business.

There is no doubt that our broken health care system is bad for America's small businesses. We can, and we must do better. We need a long-term, viable solution that creates stability, that prevents insurance companies from cherry-picking customers and businesses. We need a solution that supports a healthy workforce and that improves employee productivity. Now is the time to reform our health care system. Our small businesses cannot afford the status quo.

THE OBAMA-PELOSI GOVERNMENT HIJACKING OF HEALTH CARE

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

Mr. TIAHRT. Mr. Speaker, the more we learn about the Obama-Pelosi government hijacking of health care, the more we recognize how terrible the plan is. Let me point out just a few things that we've recently learned about the Democrat bill.

First and foremost, the Democrat bill creates a government-run health care plan that will ration care, that will remove choice and that will decrease the quality of health care for Americans. The bill imposes not only an employer mandate on health benefits, but it also creates a fleet of government auditors who will sail in to inspect every employer in the Nation to assess the health benefits they offer to a standard even the Democrats admit they haven't ascertained yet.

Individuals and employers will be taxed to pay for the public plan, and an independent commissioner, not accountable to anyone, will set the reimbursement rate for health care providers and will have power over what will and will not be covered.

Everyone over age 65 will be required to have an end-of-life consultation with their physicians and to assess that plan every 5 years. Democrats don't know why any Member of Congress would read a bill that's over 1,000 pages. Now we are learning why—apparently because they don't want us to know or the American people to know what the health care plan holds.

PASS HEALTH CARE REFORM

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

Mr. MURPHY of Connecticut. Mr. Speaker, I hope that our friends on the Republican side of the aisle who don't want us to fix our health care system will listen to their constituents when they go home in August because they'll hear stories like I've heard in Connecticut.

A woman in Thomaston, Connecticut, contacted me about her own horrific experience. She had a pulmonary embolism and was told by her doctor that she was in danger of losing her leg, but her insurance company decided not to pay for the surgery on the grounds that it was cosmetic. Her appeal was denied, and she lost the leg.

One of the biggest lies I hear about our health care system is that, if you have insurance, you're all set. Well, this woman had coverage, and it failed her. The cost of our broken system can't be measured just in dollars and cents. It's so much more. We have a system that just doesn't value keeping people healthy, and we can change this by passing health care reform.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

GOVERNMENT TAKEOVER WILL RUIN HEALTH CARE

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY G. MILLER of California. Mr. Speaker, think about it—government-run health care.

Now, the argument being made by my friends on the other side is that the only reason it hasn't worked everywhere it has been tried is that the right people aren't in charge. Think about that. It has never worked anywhere. It doesn't work.

An individual I represent, who lives in Mission Viejo, was a doctor for 60 years in the United States and in Canada. He holds two of the highest degrees in medicine. He said it not only hurts the poor; it hurts the wealthy, it hurts everybody. If you want to ruin health care, have the government take it over.

Now, the argument is we'll just have the government compete with the private sector. Think about that. Where does the government get the money? From you—the taxpayers—and the private sector has to charge people to provide health care. There is no way in the world the private sector can compete with government when the government is funded by unlimited amounts of money that they extort from you, the working people.

If you want health care in this country to be of quality and to be good,

there are things we can do, but don't destroy it by turning it over to the government. The government does very few things well. In fact, my colleagues complain about the way the government even handles wars. That's the one thing we can do in a quality fashion, but government-run health care is not something we want to turn over to the government.

□ 1030

WE MUST NOT LET OUR CONSTITUENTS DOWN

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

Mr. LANGEVIN. Mr. Speaker, as the Congress is working to resolve our Nation's health care crisis, I would like to take a moment to read an excerpt from a constituent's letter which I hope will serve as a reminder of why we are fighting for health care reform.

''Dear Congressman LANGEVIN,

''Ten years ago I was diagnosed with a brain tumor. As a single mother raising two children, I was nervous about supporting, feeding, clothing, and providing a roof over my children's heads. After my brain tumor was removed, I spent 30 days in the hospital. I was then terminated from my job. When I lost my job, I lost my health benefits. So I faced a choice that I don't want any other American to have to make—pay my mortgage or my COBRA premiums for continuing health coverage.''

Signed, Nancy from Warwick, RI.

Mr. Speaker, choosing between your home and your life, it's not a decision that any American should have to face. In fact, catastrophic illness or accident is one of the leading causes of bankruptcy in America, and that shouldn't happen. We have an opportunity and an obligation to reform our health care system. We must not let our constituents down.

OUR BROKEN HEALTH CARE SYSTEM

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

Mr. POLIS. Mr. Speaker, health care reform is the single most important step we can take to help families and rebuild our economy. Our health care system is broken, and only a comprehensive fix will end the suffering of so many from sickness and financial insecurity.

Today, I want to share the story of Alicia Varela, a 56-year-old resident in my district in Colorado. Like many Americans, Alicia followed her dreams, bravely left her home, and moved to the United States—legally—where, like many other Americans, she's paid into the system, and like many Americans, her employer does not provide health insurance.

With common but pricey preexisting arthritis and blood clot conditions, Alicia could not afford the high prices quoted by private insurance companies. But when tragedy struck and she became seriously ill, like many Americans, Alicia went to the emergency room as a last resort. By the time she was rushed into surgery, her situation was so severe that doctors removed a tumor that weighed 10 pounds. She isn't 100 percent better and she doesn't know what to do.

Her salary, while too high to qualify for Medicaid, is nowhere near enough to cover the high costs for a hospital stay. She can't afford costly medications and copes each day with pain and financial worries.

I encourage my colleagues to join me to help Alicia and many Americans like her.

RECISION

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

Ms. SPEIER. I would like to talk about a dirty little secret about the insurance industry. It's called recision, and the health care reform bill will ban it.

Consumers who have paid their premiums on time for years are suddenly cut loose by their insurer because they have the audacity of getting ill. These are people with severe medical conditions who depend on their coverage. It could be devastating when the lifeline that they've paid for is suddenly yanked away.

A woman recently addressed the Congress about having an insurance policy canceled days before her mastectomy surgery. The reason, she was told, is because she didn't disclose on her application that she had suffered from acne.

Recision is an inhumane and abusive practice. The good news is recision is outlawed in the House health care reform bill. Never again should anyone have to worry that their insurance that they've paid for will be canceled if they get sick.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

IMPROVED OVERSIGHT BY FINANCIAL INSPECTORS GENERAL ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3330) to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3330

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 ''Improved Oversight by Financial Inspectors General Act of 2009''.

SEC. 2. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE DEPOSIT INSURANCE FUND FOR PURPOSES OF INSPECTORS GENERAL REVIEWS.

(a) IN GENERAL.—Section 38(k) of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraph:

''(B) MATERIAL LOSS DEFINED.—The term 'material loss' means any estimated loss in excess of $200,000,000, occurring after March 31, 2009.'';

(2) in that portion of paragraph (4)(A) that precedes clause (i), by striking ''the report'' and inserting ''any reports under this subsection on losses'';

(3) by striking paragraph (6);

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

''(5) LOSSES THAT ARE NOT MATERIAL.—

''(A) SEMIANNUAL REPORT.—For the 6-month period ending on September 30, 2009, and each 6-month period thereafter, the Inspector General of each Federal banking agency shall—

''(i) identify losses estimated to be incurred by the Deposit Insurance Fund during that 6-month period with respect to insured depository institutions supervised by such Federal banking agency;

''(ii) for each loss to the Deposit Insurance Fund (as a loss to such Fund is defined in paragraph (2)(A)) that is not a material loss, determine the grounds identified by the Federal banking agency or State bank supervisor under section 11(c)(5) for appointing the Corporation as receiver and whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

''(iii) prepare a written report to the appropriate Federal banking agency and for the Congress on the results of the Inspector General's determinations, including—

''(I) the identity of any loss that warrants an in-depth review and the reasons why such review is warranted, or if the Inspector General determines that no review is warranted, an explanation of such determination; and

''(II) for each loss identified in subclause (I) that warrants an in-depth review, a date by which such review, and a report on the review prepared in a manner consistent with reports under paragraph (1)(A), will be completed.

''(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of each Federal banking agency shall—

''(i) comply with the semiannual report requirements of paragraph (A) expeditiously, and in any event within 90 days after the end of the 6-month period covered by the report; and

''(ii) provide a copy of the report to any Member of Congress upon request.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The heading for subsection (k) of section 38 of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended—

(1) by striking ''REVIEW'' and inserting ''REVIEWS''; and

(2) by striking ''MATERIAL LOSS'' and inserting ''LOSSES''.

SEC. 3. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE NATIONAL CREDIT UNION SHARE INSURANCE FUND FOR PURPOSES OF INSPECTORS GENERAL REVIEWS.

(a) IN GENERAL.—Subsection (j) of section 216 of the Federal Credit Union Act (12 U.S.C. 1790d(j)) is amended to read as follows:

''(j) REVIEWS REQUIRED WHEN SHARE INSURANCE FUND EXPERIENCES LOSSES.—

''(1) IN GENERAL.—If the Fund incurs a material loss with respect to an insured credit union, the inspector general of the Board shall—

''(A) make a written report to the Board reviewing the Administration's supervision of the credit union (including the Administration's implementation of this section), which shall—

''(i) ascertain why the credit union's problems resulted in a material loss to the Fund; and

''(ii) make recommendations for preventing any such loss in the future; and

''(B) provide a copy of the report to—

''(i) the Comptroller General of the United States; (ii) the Corporation (if the agency is not the Corporation);

''(ii) in the case of a State credit union, the appropriate State supervisor; and

''(iii) upon request by any Member of Congress, to that Member.

''(2) MATERIAL LOSS DEFINED.—For purposes of determining whether the Fund has incurred a material loss with respect to an insured credit union, a loss is material if it exceeds the sum of—

''(A) $25,000,000; and

''(B) an amount equal to 10 percent of the total assets of the credit union at the time at which the Board initiated assistance under section 1788 of this title or was appointed liquidating agent.

''(3) PUBLIC DISCLOSURE REQUIRED.—

''(A) IN GENERAL.—The Board shall disclose a report under this subsection upon request under section 552 of title 5 without excising—

''(i) any portion under section 552(b)(5) of that title; or

''(ii) any information about the insured credit union (other than trade secrets) or paragraph (8) of section 552(b) of that title.

''(B) EXCEPTION.—Subparagraph (A) shall not be construed as requiring the agency to disclose the name of any customer of the insured credit union (other than an institution-affiliated party), or information from which such a person's identity could reasonably be ascertained.

''(4) LOSSES THAT ARE NOT MATERIAL.—

''(A) SEMIANNUAL REPORT.—For the 6-month period ending on September 30, 2009, and each 6-month period thereafter, the Inspector General of the Board shall—

''(i) identify losses estimated to be incurred by the Fund during that 6-month period with respect to insured credit unions;

''(ii) for each loss to the Fund that is not a material loss, determine the grounds identified by the Board or the State official having jurisdiction over a State credit union for appointing the Board the liquidating agent for any Federal or State credit union and whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

''(iii) prepare a written report to the Board and for the Congress on the results of the Inspector General's determinations, including—

''(I) the identity of any loss that warrants an in-depth review and the reasons why such review is warranted, or if the Inspector General determines that no review is warranted, an explanation of such determination; and

''(II) for each loss identified in subclause (I) that warrants an in-depth review, a date by which such review, and a report on the review prepared in a manner consistent with reports under paragraph (1)(A), will be completed.

''(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of the Board shall—

''(i) comply with the semiannual report requirements of paragraph (A) expeditiously, and in any event within 90 days after the end of the 6-month period covered by the report; and

''(ii) provide a copy of the report to any Member of Congress upon request.

''(5) GAO REVIEW.—The Comptroller General of the United States shall, under such conditions as the Comptroller General determines to be appropriate, review reports made under paragraph (1), including the extent to which the Inspector General of the Board complied with section 8L of the Inspector General Act of 1978 with respect to each such report, and recommend improvements in the supervision of insured credit unions (including the implementation of this section).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield 5 minutes to the chief sponsor to this bipartisan legislation, a strong proponent in this Congress for tougher oversight, the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Mr. Speaker, I want to thank the subcommittee chairman for all of his support in this legislation, and also my colleague on the other side of the aisle, Mr. LEE from New York, for his tremendous support.

This is simply a good government bill, Mr. Speaker. H.R. 3330 is about protecting the financial institutions but providing efficiency, efficiency when it comes to the Inspectors General.

What we're dealing with today is material loss reviews, and right now we have a problem in the United States in that our Inspectors General, who are charged with conducting material loss reviews, can't keep up with the number of financial institutions who are experiencing these losses.

So we have been requested by the FDIC to look at the threshold. And what this bill does is it increases the threshold in the case of our financial institutions from $25 million in losses to $200 million in losses. And in the case of our credit unions, from $10 million in losses to $25 million in losses.

And if I might, Mr. Speaker, I would like to read briefly from a letter dated July 17, 2009, from Jon Rymer, the Inspector General of the FDIC. And in this letter, Mr. Rymer says, As of today, my office has conducted and completed nine material loss reviews under section 38(k) of the Federal Deposit Insurance Act. We now have an additional 31 reviews in the planning or production phase.

Based on publicly available projections alone, we believe the numbers of reviews that will be required under the law as it presently exists will continue to grow significantly in the foreseeable future.

We require that the Inspectors General complete these reviews within 6 months. And right now, given the threshold, they simply don't have the ability to do that. So this is a good government measure, a good government measure that without increasing spending, without increasing taxes, we make government more efficient. And it's simply increasing the threshold to allow the Inspectors General to do their jobs while at the same time allowing them to look at the smaller financial institutions if such reviews are warranted.

Mr. LEE of New York. Mr. Speaker, at this time I yield myself such time as I may consume.

I want to applaud my friend from Ohio (Mr. DRIEHAUS) for showing leadership on this very bipartisan bill that will have a very positive effect in helping to turn around very important agencies that provide oversight.

I also want to thank the chairman of our Oversight and Investigations Subcommittee, Mr. MOORE, and our ranking member, Mrs. BIGGERT, for holding that hearing and helping this legislation come to the floor.

The IG for Treasury said, ''We have either shut down or indefinitely deferred nearly all critical audits in other Treasury high-risk programs.'' And as Mr. DRIEHAUS pointed out, this is a significant problem.

As a matter of comparison, Treasury is currently conducting 16 MLRs. Before 2007, the office had not conducted a review of this nature in almost 5 years. Meanwhile, the IG for the Federal Reserve said that these reviews make up almost 40 percent of her workload. The FDIC IG informed us that the 36 employees in his audit office are currently handling 20 reviews.

At the end of the day, when you have these auditors focus solely on bank failures, that's time taken away from other aspects of this economic crisis, not to mention critical oversight areas like terrorist financing.

The measure we are considering today, the Improved Oversight by Financial Inspectors General Act, raises the threshold for material loss reviews from $25 million to $200 million for

banks and from $10 million to $25 million for credit unions. This will help give the Inspectors General the leeway they need to hone in on the cases in need of the most attention, because it's through that work that we will find what actions need to be addressed to restore taxpayer and investor confidence in our financial system.

I also want to note that this legislation is crafted responsibly and that it takes steps forward to ensure fraud does not go undetected. So, if the IGs see a need to conduct a review below the threshold, there is no problem. And when fraud is suspected, they will be able to move forward.

Mr. Speaker, it's an easy fix we can implement right now to lend our financial watchdogs a hand and provide them with the tools and resources they need to get the job done. I urge my colleagues to support the adoption of this important bipartisan measure.

I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield myself 4 minutes.

As a former district attorney for 12 years and chairman of the House Financial Services Oversight and Investigation Subcommittee, one of my priorities is to make sure that our Inspectors General have all of the tools and the resources they need to continue and improve their important oversight work.

In January, the IGs for the Treasury, Fed, and FDIC wrote to request that Congress raise the material loss review, or MLR, threshold so they could focus on other high-priority areas of potential waste, fraud, and abuse.

The National Credit Union Administration IG later made a similar request, Mr. Chairman. In addition to a higher threshold, the IGs suggested adding a requirement that for failed banks falling below the new threshold, an initial assessment still be taken to ''ensure that unusual or potentially significant situations are not missed.''

During an O&I hearing we held on this issue in May, I was disturbed to learn that without a modernized MLR system, the current system would limit the IGs' ''ability to effectively oversee many of the new and significant programs and initiatives that the Federal banking agencies are undertaking to address current economic conditions.'' We must address this problem.

I commend Congressman DRIEHAUS from Ohio, a member of our Oversight Subcommittee, for drafting a bipartisan bill that will do just that. I also thank our colleagues on the other side of the aisle, Congressman LEE of New York and our O&I Subcommittee ranking member, Congresswoman BIGGERT of Illinois, for their hard work in drafting this bill. The improved oversight by the Financial Inspectors General Act will put in place a $200 million MLR threshold for bank IGs and $25 million for the credit union IGs with new, stronger protections that will ensure proper oversight is conducted of any failed institution that costs even a dollar.

In a letter dated July 17, Jon Rymer, the FDIC's Inspector General, commented on the bill, writing: ''I believe this legislation is a reasonable and prudent compromise that will our workload but preserve meaningful, independent oversight by my office, as well as other Inspectors General tasked with similar reviews.''

And I couldn't agree more, and I urge my colleagues to support H.R. 3330 to improve oversight of our financial agencies.

I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield 3 minutes to the gentlelady from the fine State of Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the improved Oversight by Financial Inspectors General Act of 2009. I would like to thank my colleagues, Mr. DRIEHAUS and Mr. LEE, for introducing this bill and thank the chairman of our Oversight and Investigations Subcommittee, Mr. MOORE, for his work on this issue.

H.R. 3330 makes technical corrections to the monetary thresholds that trigger Inspectors General to launch an investigation in the failure of a financial institution. Financial Inspectors General must dedicate resources and personnel to investigate failures like that of AIG because their finding can present critical evidence about what caused the financial crises. Congress, Federal regulators, and the administration can better target reform to our broken financial regulatory system.

In May, the Financial Services Committee on Oversight and Investigations held a hearing on the role of financial services Inspectors General. We heard from Inspectors General about their difficult task to tackle the waste, fraud, and abuse that is at the heart of our financial crisis.

Fraud and abuse were two of many significant factors that contributed to the financial crisis, especially in Chicago. In March, the U.S. Attorney General in Chicago, Patrick Fitzgerald brought mortgage fraud indictments against two dozen players. They are brokers, accountants, loan officers, processors, and attorneys.

Mortgage fraud comes in all shapes and sizes. Scam artists inflate appraisals, flip properties, and lie about information including income and identity on loan applications. Some use the identity of deceased people to obtain mortgages, and other desperate thieves bilked out of their homes and home equity the most vulnerable homeowners and seniors in dire financial straits.

□ 1045

To get the economy back on track and credit flowing again, we have to address what was at the root of the mortgage meltdown in the first place, and that is mortgage fraud.

Inspectors General hold key positions to investigate mortgage fraud and really get to the bottom of the turmoil that plagues today's financial markets; what went wrong, who broke the law, were the laws enforced, were laws and regulations adequate. To restore confidence in our markets and address any failings in our system of regulation, including enforcement, we must determine the answer to these questions. The sooner we get to the root of these matters, the sooner we can get the financial institutions off the Federal dole and our financial markets and economy back on track. H.R. 3330 will help us get there.

I applaud all of the Members who have worked so hard on this issue and urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I include for the RECORD letters from the Inspectors General on these issues.

JANUARY 9, 2009.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: We are writing to request that the Congress consider increasing the threshold for conducting material loss reviews (MLR) on failed financial institutions. The current $25 million threshold has been in effect for about 25 years and, in light of the current economic environment, is no longer serving as a reasonable measure of materiality or a meaningful trigger point for an Office of Inspector General (OIG) review of the failed financial institution. If this current threshold remains in effect, we anticipate that the projected volume of MLR work—and the time and resources that this work demands—will limit the OIGs' ability to effectively oversee many of the new and significant programs and initiatives that the Federal banking agencies are undertaking to address current economic conditions.

Section 38(k) of the Federal Deposit Insurance Act mandates OIG reviews of certain material losses to the Deposit Insurance Fund (the Fund) when federally supervised banks fail. In general terms, the purpose of the MLR is to determine the causes for the institution's failure and resulting loss to the Fund, and assess the banking agency's supervision of the failed institution. A loss is considered material if the loss is estimated to exceed $25 million or 2 percent of the institution's total assets at the time the Federal Deposit Insurance Corporation (FDIC) was appointed receiver. The Act further requires that the OIG report be completed within 6 months after it becomes apparent that a material loss has been incurred.

As of today, the OIGs from the FDIC, Department of the Treasury, and the Board of Governors of the Federal Reserve System are performing a total of 18 MLRs, with projected losses ranging from $36 million to $8.9 billion. At the current threshold and as economic conditions continue to worsen, we anticipate the number of reviews to increase. As we are actively conducting these reviews, we are discovering that MLRs at the lower end of the threshold appear to provide little, if any, new perspectives or insights regarding the cause of the failure beyond what we initially discerned at the closure. We are, nevertheless, bound by professional standards to invest time and resources to conduct a thorough review of each individual failure. Expending our scarce resources on these reviews limits our ability to oversee the new initiatives that the banking agencies are undertaking to deal with the current economic crisis affecting open financial institutions.

We believe that increasing the MLR threshold would better serve the Congress by providing the OIGs with increased flexibility to refocus scarce resources to the wide-ranging programs and initiatives that the agencies are now managing, while continuing to ensure that significant failures receive an appropriate, in-depth review. As such, we recommend modifying the threshold for a material loss to an amount between $300 and $500 million. The $500 million figure is the materiality threshold used by the Government Accountability Office (GAO) when conducting the Fund's financial statement audit, and has proven appropriate for that purpose over the years. Looking at the current inventory of 18 MLRs, only six would have been required with a $300–$500 million threshold. To ensure that unusual or potentially significant situations are not missed, we also recommend language that would allow the OIG to initiate an MLR of an institution with a projected loss below the increased threshold, should circumstances (i.e., indications of fraud) warrant.

Last year, we participated in a discussion initiated by one of your professional staff members on the merits of increasing this threshold, and were encouraged to raise this issue if circumstances warranted. We believe such circumstances have arrived. We are sending a similar letter to the Committee's Ranking Member and the Chairman and Ranking Member of the Senate Committee on Banking, Housing and Urban Affairs to share our concerns.

Thank you for considering our request to amend Section 38(k) to increase the MLR threshold. We would welcome the opportunity to discuss our concerns and possible solutions with you in more detail.

Sincerely,

JON T. RYMER,
Inspector General, Federal Deposit Insurance Corporation.

ERIC M. THORSON,
Inspector General, Department of the Treasury.

ELIZABETH A. COLEMAN,
Inspector General, Board of Governors of the Federal Reserve System.

FEDERAL DEPOSIT INSURANCE CORPORATION,
Arlington, VA, July 17, 2009.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing to thank you for your support of the draft Deposit Insurance Fund Loss Review Act legislation, which was provided to us by Subcommittee staff a few days ago. I support the draft legislation as written and want to take this opportunity to emphasize my view that prompt action is needed.

As I testified before the Subcommittee on Oversight and Investigations several months ago, our resources permit us to conduct approximately 21 to 22 reviews at any one time, consistent with the statutory requirement that the reviews be completed within a 6-month period from the time it becomes apparent that the Deposit Insurance Fund has sustained a ''material loss.'' I reported to the Subcommittee that we have stretched and leveraged our resources, but we nevertheless recently issued one report, and anticipate issuing two additional reports, outside of that 6-month window. In order to forestall future reporting delays and address the large increase in our workload, I have undertaken a review of our current approaches to conducting our work and am considering alternatives ranging from additional contracting for external audit services to the potential reorganization of the Office of Inspector General.

As of today, my office has conducted and completed nine material loss reviews under Section 38(k) of the Federal Deposit Insurance Act. We now have an additional 31 reviews in the planning or production phase. Based on publicly-available projections alone, we believe the number of reviews that will be required under the law as it presently exists will continue to grow significantly in the foreseeable future.

In raising the threshold for a ''material loss'' to $200,000,000, as of March 31, 2009, the draft legislation would reduce our current requirement from 31 to 7 reports. The legislation would also require us to perform a shortened review of all failures, thus ensuring that (1) the reasons for even smaller losses to the Deposit Insurance Fund are properly understood, (2) important lessons to be learned from failures of financial institutions that do not rise to the new threshold level are nevertheless captured to improve future bank supervision, and (3) this information is duly and regularly reported to the Congress. I believe this legislation is a reasonable and prudent compromise that will reduce our workload but preserve meaningful, independent oversight by my office, as well as other Inspectors General tasked with similar reviews.

Thank you for your interest in this issue. We are sending a similar letter to the Committee's Ranking Member, the Chairman and Ranking Member of the Subcommittee on Oversight and Investigations, and Representative Steven Driehaus of the Subcommittee on Oversight and Investigations. We are also sending a letter to the Chairman and Ranking Member of the Senate Committee on Banking, Housing and Urban Affairs encouraging their support of this draft legislation. I welcome the opportunity to discuss our concerns with you and other interested parties.

Sincerely,

JON T. RYMER,
Inspector General.

Mr. Speaker, I yield myself 2 minutes and invite Congressman DRIEHAUS to join me for purposes of a colloquy.

Congressman DRIEHAUS, to be clear, nothing in your legislation would change current law that requires all Inspectors General, at the Treasury Department, Federal Reserve Board, FDIC or NCUA, to post material loss review reports online within 3 days. That is what I understand. Is this your understanding as well, sir?

Mr. DRIEHAUS. Yes, that is correct. The purpose of H.R. 3330 is to increase and improve oversight conducted by the Inspectors General. Congress and our constituents will continue to learn important information from these material loss review reports, posted online within 3 days, so we can better understand why financial institutions failed. My bill will not change that at all.

Mr. MOORE of Kansas. Thank you for making that clear. Thank you for the colloquy.

Mr. Speaker, I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield 2 minutes to my good friend from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this issue, as well as the leadership of Mr. DRIEHAUS from Ohio.

I rise today in support of H.R. 3330, the Improved Oversight by Financial Inspectors General Act. In the wake of the financial crisis, it is so important that we make sure that our Federal banking supervisory resources are deployed where they are best going to be the most effective, and the financial crisis and the increased number of bank failures that have followed have exposed some very outdated provisions in existing law that are now placing some onerous reporting requirements on the financial inspectors general.

It is using precious time, and it is really diverting some really crucial resources. So this bill is going to update the standard that was first set 25 years ago that will trigger a material loss review for a failed financial institution.

Now, the financial Inspectors General have assured us that this does not mean there will be insufficient review of failures in the future, but rather there is now going to be a smarter review concerning large bank failures and any small bank failures that occur where there are special circumstances, and that is something that can be learned.

So I would urge my colleagues to support this very bipartisan legislation. It has been a pleasure working with my colleagues on both sides of the aisle on this. We should put our focus and attention now, and that of the Inspectors General, where it can be most effective to protect taxpayers and financial institutions.

Mr. LEE of New York. Mr. Speaker, this is a good, commonsense, bipartisan bill. I urge its passage, and I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. DRIEHAUS) to close.

Mr. DRIEHAUS. Mr. Speaker, I thank the chairman.

Mr. Speaker, I believe this is a good, commonsense bill. This is about helping our Inspectors General do their job and do it well. We have heard from both sides of the aisle how important the work they are doing is to the health and safety of our financial institutions and to our financial system. I would encourage all of my colleagues to support this good-government piece of legislation. I thank them for their support.

Mr. MOORE of Kansas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 3330.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RURAL HOMEOWNERS PROTECTION ACT OF 2009

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2034) to permit refinancing of certain loans under the Rural Housing Service program for guaranteed loans for rural housing, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2034

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 ''Rural Homeowners Protection Act of 2009''.

SEC. 2. SINGLE FAMILY HOUSING LOAN GUARANTEE PROGRAM.

Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking ''paragraph (13)'' and inserting ''paragraph (15)'';

(2) in paragraph (8), by striking ''1 percent'' and inserting ''2 percent'';

(3) in paragraph (9), by striking ''REFINANCING'' and inserting ''MODIFICATION OF GUARANTEED LOANS'';

(4) in paragraph (14)—

(A) by striking ''GUARANTEES FOR REFINANCING LOANS'' and inserting ''REFINANCING OF LOANS MADE OR GUARANTEED BY SECRETARY''; and

(B) in subparagraph (E)—

(i) by striking ''(10)'' and inserting ''(12)''; and

(ii) by striking ''(13)'' and inserting ''(9) or of paragraphs (11) through (14)'';

(5) by redesignating paragraphs (10), (11), (12), (13), and (14) as paragraphs (12), (13), (14), (15), and (10), respectively;

(6) by transferring and inserting paragraph (10), as so redesignated by paragraph (5) of this subsection, after paragraph (9); and

(7) by inserting after paragraph (10), as so redesignated and transferred by paragraphs (5) and (6) of this subsection, the following new paragraph:

''(11) REFINANCING OF LOANS MADE BY PRIVATE SECTOR LENDERS.—

''(A) AUTHORITY.—The Secretary may, in accordance with this paragraph, guarantee a loan made to refinance a loan made by a private lender to an individual to acquire or construct a single-family residence.

''(B) ELIGIBILITY.—Except as provided in subparagraph (C), all requirements of this subsection shall apply to loans guaranteed and loan guarantees made under this paragraph.

''(C) GUARANTEE FEE.—Notwithstanding paragraph (8), the Secretary shall charge a guarantee fee with respect to loans guaranteed under this paragraph at levels necessary, but no higher than needed, to allow such class of loans to be guaranteed without resulting in a need for an appropriation for a credit subsidy.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. I yield 3 minutes to the chief sponsor of this important legislation, the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, as the sponsor of this measure, I am pleased to present H.R. 2034 for consideration by the House today.

The current foreclosure crisis affects rural America, as well as cities and suburbs. Many rural areas are subject to additional complicating factors, such as a shortage of housing, counseling resources, and high poverty rates. Nevertheless, homeowners with average incomes under $19,000 per year are 98.3 percent successful when serviced through section 502 single-family housing direct or guaranteed loan programs. The foreclosure rate in both of these programs is below 2 percent, as compared to a 5 to 6 percent subprime foreclosure rate overall.

Under current law, rural families who obtain a mortgage from a private lender for the purpose of acquiring or constructing a single-family residence are not permitted to refinance such loans through the section 502 Rural Housing Guaranteed Loan program. To address this issue, the bill would provide the Secretary of Agriculture with the authority to permit the refinancing of such loans through the section 502 Rural Housing Guaranteed Loan program.

Rural families who meet current income and geographic criteria would be eligible to refinance their private loan. As such, this new authority will provide some much-needed relief to our rural housing community and complement efforts by the administration to stabilize communities by helping struggling homeowners stay in their homes.

The Rural Housing Service estimates that this new authority would significantly increase loan volume under the section 502 guaranteed loan program. To address this issue, the bill includes a provision giving the Secretary of Agriculture the authority to charge a higher guarantee fee than the 2 percent fee that is permitted under current law to help ensure that the expected increased loan volume does not require additional congressional appropriations.

The higher fee would apply to private loans and could be no higher than is necessary to ensure that no appropriation is needed. Consequently, the CBO has indicated that the bill is cost-neutral.

I commend Chairman FRANK and Subcommittee Chairwoman WATERS for bringing this legislation to the floor. I urge all of my colleagues to support the bill.

Mrs. CAPITO. Mr. Speaker, I yield such time as I may consume.

Mr. Speaker, I rise in support, strong support, of H.R. 2034, the Rural Homeowners Protection Act of 2009. As my colleague has stated, the current foreclosure crisis affects rural America as well as cities and suburbs; and many rural areas are subject to additional complicating factors, such as high poverty rates.

The section 502 Rural Housing Guaranteed Loan program is an important source of funding in rural areas for moderate-income families wishing to purchase a home. As currently structured, the 502 program guarantees loan origination and allows refinancing on current 502 loans. However, it does not allow refinancing of loans obtained through private lenders.

H.R. 2034 amends the section 502 Single Family Housing Loan Guarantee program to allow refinancing of private rural loans through the section 502 program.

To safeguard the program, the bill authorizes the Secretary of Agriculture to charge a higher fee for refinancing private origination loans to ensure that the class of loans can be guaranteed without the need of additional cost to the government.

Mr. Speaker, this is an important change that will provide much-needed assistance in our rural communities. I urge my colleagues to support H.R. 2034, the Rural Homeowners Protection Act of 2009.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2034.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NEIGHBORHOOD PRESERVATION ACT

Mr. MOORE of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2529) to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2529

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 ''Neighborhood Preservation Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Depository institutions and affiliates of depository institutions currently may control and lease foreclosed property for a limited period of time often subject to safety

and soundness considerations, under various Federal laws and the law of some States.

(2) Authorizing such institutions and affiliates to enter into a long-term lease with the occupant of the property or any other person would reduce the number of residential properties entering into the housing inventory, which in turn would help to stabilize home values and restore confidence in the housing markets.

(3) Allowing depository institutions and affiliates of such institutions to lease foreclosed property will allow the institution or affiliate to dispose of such property into a presumably more stable market at the end of the lease term which would reduce the loss the institution or affiliate may otherwise be required to recognize upon disposition of the property.

(4) Providing a means for foreclosed property to remain occupied during the housing downturn will preserve the property itself as well as the aesthetic and economic values of neighboring homes and even whole neighborhoods.

(5) Allowing depository institutions to lease foreclosed property gives families the opportunity to remain in the home, causing less disruption to families, until they have the means to become a homeowner again.

SEC. 3. BANK LEASING OF FORECLOSED PROPERTIES.

(a) IN GENERAL.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

''(y) LEASING OF FORECLOSED PROPERTY.—

''(1) LEASING AUTHORIZED.—Notwithstanding any provision of Federal or State law restricting the time during which a depository institution, or any affiliate of a depository institution, may hold or lease property, or any provision of Federal or State law prohibiting a depository institution, or any affiliate of a depository institution, from leasing property and subject to this subsection and regulations prescribed under this subsection, any depository institution, and any affiliate of a depository institution, may lease to any individual, including a lease with an option to purchase, for not to exceed 5 years an interest in residential property which—

''(A) was or is security for an extension of credit by such depository institution or affiliate; and

''(B) came under the ownership or control of the depository institution or affiliate through foreclosure, or a deed in lieu of foreclosure, on the extension of credit.

''(2) SAFETY AND SOUNDNESS REGULATIONS.—The Federal banking agencies shall jointly prescribe regulations which—

''(A) establish criteria and minimum requirements for the leasing activity of any depository institution or affiliate of a depository institution, including minimum capital requirements, that the agency determines to be appropriate for the preservation of the safety and soundness of the institution or affiliate;

''(B) establish requirements or exceptions that the agency determines are appropriate under this subsection for any such institution or affiliate for any other purpose; and

''(C) provide for appropriate actions under section 38 with respect to any such lease if necessary to protect the capital or safety and soundness of the institution or affiliate or any other necessary enforcement action.

''(3) LENGTH OF LEASE.—If any provision of any Federal or State law, including the Bank Holding Company Act of 1956, governing the permissible activities of depository institutions or affiliates of depository institutions permits a depository institution or any such affiliate to hold property as described in paragraph (1) for a period longer than 5 years, any lease under paragraph (1) may be extended to the extent permitted by such provision of law.

''(4) SUNSET.—This section shall apply only with respect to leases entered into during the 2-year period beginning on the date of the enactment of the Neighborhood Preservation Act.''.

(b) INTENT OF THE CONGRESS.—It is the intent of the Congress that—

(1) no permanent change in policy on leasing foreclosed property is being established with respect to depository institutions and depository institution holding companies; and

(2) subsection (y) of section 18 of the Federal Deposit Insurance Act should not apply to leases entered into after the sunset date contained in such subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MOORE) and the gentleman from California (Mr. GARY G. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas.

GENERAL LEAVE

Mr. MOORE of Kansas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. MOORE of Kansas. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. DONNELLY), a chief sponsor of this legislation.

Mr. DONNELLY of Indiana. Mr. Speaker, today I rise in strong support of H.R. 2529, the Neighborhood Preservation Act, which I joined my colleague from California, Mr. GARY G. MILLER, in introducing.

This bill would amend The Federal Deposit Insurance Act to allow depository institutions like banks to temporarily lease a foreclosed property for up to 5 years. This bill is a fiscally responsible way to help mitigate the damage of the housing crisis and does not cost the government any money. The President has recently spoken in support of this idea. We hope that banks will utilize this to mitigate damage to hard-hit communities and prioritize working with the foreclosed family first.

My home State of Indiana ranks 13th in the country for number of foreclosures. Our district has felt the pain of the economic downturn, as many have lost jobs and struggled to make ends meet. Like many Americans, we have found ourselves unable to pay our mortgages and faced with foreclosure, and that is what has happened to many families in our district.

□ 1100

When a bank is forced to foreclose on a home, many people suffer. The family suffers as they are forced to find a new place to live and new schools for their children. One foreclosure can depress an entire neighborhood by decreasing the values of surrounding properties, and the depository institution that holds the mortgage no longer receives payments on the home. H.R. 2529 would help to minimize the impact of foreclosure by allowing depository institutions to rent a foreclosed property for up to 5 years to the previous owner or to another owner. Allowing depository institutions to lease the foreclosed property gives families a chance to stay in their home and to make payments as a renter until they have the means to become an owner again. It does so without adding any cost to our deficit. Not only does this help provide some relief to the former homeowner, it helps to preserve the economic values of surrounding homes in the neighborhood, and it provides stability in the housing market. The number of foreclosed homes on the market have contributed to an oversupply of unoccupied homes. Having a high number of unoccupied bank-owned homes negatively impacts whole communities and can even drive up crime, as these vacant homes can become havens for squatters. There are 19 million vacant homes across the United States. That's up from 15.7 million only 4 years ago. These homes present a number of safety concerns. By allowing a family to reside as a renter, they're able to care for the property and prevent further adverse consequences. This bill is a temporary measure that can serve as a useful tool to keep excess housing stock off an already saturated market.

I want to thank the gentleman from California for his work on H.R. 2529, and I'd like to thank Chairman FRANK and Ranking Member BACHUS for their support on this important piece of legislation. I urge my colleagues to support H.R. 2529.

Mr. GARY G. MILLER of California. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of the Neighborhood Preservation Act, a bill that I introduced with my colleague from Indiana, JOE DONNELLY, who I want to thank for his support on this. This bipartisan legislation is supported by Chairman FRANK and Ranking Member BACHUS of the House Financial Services Committee, who are both cosponsors of the bill.

This bill amends the Federal Deposit Insurance Act to authorize depository institutions and their holding companies to lease foreclosed properties held by institutions for up to 5 years while ensuring the safety and soundness of such activity. H.R. 2529 would provide a tool to address the current foreclosure crisis. Today the American economy is suffering from an overburdened inventory of available houses for sale, roughly estimated at a 10-month supply. In some areas of the country, distressed sales have reached almost 90 percent of the houses being sold which are continually driving down home and neighborhood values. In my district, distressed sales represent approximately 86 percent of homes on the market in San Bernardino County, 65 percent in Los

Angeles County, and almost 50 percent in Orange County. In fact, foreclosures have caused prices to decline in California alone by 30 percent in recent months, and they continue to be a problem.

To address the inventory surplus and help stabilize the housing market, the Neighborhood Preservation Act would allow banks to temporarily—and I emphasize temporarily—lease foreclosed properties. Under the bill, the prior homeowner would have the opportunity to lease a property and could be given the option to buy back the home. By allowing a family to lease a property rather than abandon it, families would be given a chance to remain in their homes until they have the means to own again. This legislation would also enable the lender to sell the property within 5 years into a more stable market; thereby, potentially recovering all or part of the losses that could otherwise have occurred in an immediate sale in a saturated market. The Neighborhood Preservation Act would not only reduce the number of houses being sold, but it would help preserve the physical condition of foreclosed properties, which would ultimately help stabilize the aesthetics and economic value of neighborhoods and communities. This would minimize the negative impact on surrounding homes and neighborhoods that have been impacted by the unrelenting foreclosure crisis.

To ensure bank solvency, this bill would require the Federal bank agencies to establish criteria and minimum requirements for the leasing activities of any depository institution, including minimum capital requirements that the agency determines to be appropriate for the preservation of the safety and soundness of the institution. The bill explicitly states that ''it is the intent of Congress that no permanent change in policy on leasing foreclosed property is being established with respect to depository institutions'' and their ''holding companies.'' The purpose of this bill is to mitigate the impact of the oversupply of homes on the marketplace and allow individuals the chance to stay in their homes during these exigent circumstances.

Mr. Speaker, at no cost to the taxpayer, this bill will help preserve properties and communities, provide more confidence in our housing markets, and assist in stabilizing the economy.

At this point, I reserve the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I have no further requests for time, so I will let the other side close.

Mr. GARY G. MILLER of California. In recent years, many of you recall that there have been concerns about allowing banks to get involved in the real estate marketplace, specifically being involved in housing sales and housing transactions other than for pure lending purposes.

So before I introduced this bill, I went to all the associations to make sure the understanding was that this was clearly a temporary bill. This bill has been endorsed by the National Association of REALTORS, which mainly had a huge concern with banks being involved with real estate, the National Association of Homebuilders and the National Association of Mortgage Brokers. This bill was discharged from committee without a hearing because the ranking member and the chairman both believed this bill could really have a major impact. That's why this bill is on the floor. I ask for an ''aye'' vote.

I yield back the balance of my time.

Mr. MOORE of Kansas. Mr. Speaker, I have no further requests for time, I urge my colleagues to support this bill, and I yield 1 minute to the gentleman from Indiana (Mr. DONNELLY) to close.

Mr. DONNELLY of Indiana. Mr. Speaker, I urge my colleagues to support H.R. 2529. This bill is a very, very positive step for the homeowners, for our neighborhoods, as well as a way to help solve the problem of foreclosed homes in America. So I urge Members' support.

Mr. AL GREEN of Texas. Mr. Speaker, I am pleased to submit my support of H.R. 2529, the Neighborhood Preservation Act. This Act will allow depository institutions and their affiliate entities to lease foreclosed properties for up to five years- it also has a provision which would allow for people to sign leases with the intent to purchase.

The Neighborhood Preservation Act is a commendable approach to utilizing the growing inventory of foreclosed properties and putting American families back into homes. Allowing foreclosed homes to be leased is a win-win situation. This allows people who may not be financially positioned to buy a house an opportunity to live in and potentially purchase a home while also allowing the bank to get some of the money back from the foreclosed property.

Additionally, by allowing depository institutions to lease foreclosed properties, we will put people in homes and begin to reduce the housing inventory overhang that is currently causing downward pressure on home values. This will help stabilize the housing market and will help facilitate the recovery of the greater economy.

Communities throughout the nation will benefit from this legislation, and it could not have come at a more opportune time.

Mr. MOORE of Kansas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and pass the bill, H.R. 2529, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL FLOOD INSURANCE PROGRAM EXTENSION ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3139) to extend the authorization of the National Flood Insurance Program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3139

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 Flood Insurance Program Extension Act of 2009''.

SEC. 2. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking ''September 30, 2008'' and inserting ''March 31, 2010''.

(b) FINANCING.—Section 1309(a) of such Act (42 U.S.C. 4016(a)) is amended by striking ''September 30, 2008'' and inserting ''March 31, 2010''.

SEC. 3. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1), by striking ''2005, 2006, 2007, 2008, and 2009'' and inserting ''2009 and 2010''; and

(2) by striking subsection (l).

SEC. 4. CONSIDERATION OF RECONSTRUCTION AND IMPROVEMENT OF FLOOD PROTECTION SYSTEMS IN DETERMINATION OF FLOOD INSURANCE RATES.

(a) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(1) in subsection (e)—

(A) in the first sentence, by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system (without respect to the level of Federal investment or participation)''; and

(B) in the second sentence—

(i) by striking ''construction of a flood protection system'' and inserting ''construction, reconstruction, or improvement of a flood protection system''; and

(ii) by inserting ''based on the present value of the completed system'' after ''has been expended''; and

(2) in subsection (f)—

(A) in the first sentence in the matter preceding paragraph (1), by inserting ''(without respect to the level of Federal investment or participation)'' after ''no longer does'';

(B) in the third sentence in the matter preceding paragraph (1), by inserting '', whether coastal or riverine,'' after ''special flood hazard''; and

(C) in paragraph (1), by striking ''a Federal agency in consultation with the local project sponsor'' and inserting ''the entity or entities that own, operate, maintain, or repair such system''.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Administrator of the Federal Emergency Management Agency shall promulgate regulations to carry out the amendments made by subsection (a). Section 5 may not be construed to annul, alter, affect, authorize any waiver of, or establish any exception to, the requirement under the preceding sentence.

SEC. 5. IMPLEMENTATION.

The Administrator of the Federal Emergency Management Agency shall implement this Act and the amendments made by this Act in a manner that will not materially weaken the financial position of the National Flood Insurance Program or increase

the risk of financial liability to Federal taxpayers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself as much time as I may consume.

I want to acknowledge the great cooperation we have had on a bipartisan basis here, the gentlewoman from West Virginia and I. We have, as Members know, a Flood Insurance Program. It does some good, but it's become somewhat controversial. There are Members who would like to see its future extended, and I tend to agree with them. Some of our colleagues from the gulf coast on both sides have talked about extending it to, for instance, other disasters and wind. There are Members who believe that the way it works now, it causes undue hardship without providing any serious protection. There are many others who believe—and I think we could argue—that it's time to examine the whole program.

This is an example, Mr. Speaker, where two groups that are sometimes in debate are on the same side; and that is, people concerned about excessive government expenditure and the environmental community. It's certainly our goal to try to discourage people from building where they shouldn't. On the other hand, we have people who years ago, in good faith built there; and they cannot be expropriated and shouldn't be. What we have decided on a bipartisan basis is that we have a program that expires in September. As Members know, the Committee on Financial Services, which has jurisdiction over this, has a fairly broad jurisdiction, including housing and, of course, the financial industry. We have been somewhat preoccupied with those other issues, mortgage foreclosures and financial regulation. We have not had the time to do the kind of thorough reexamination of flood insurance that it deserves. So what we have today as a result of an agreement is a 6-month extension of the program essentially as-is.

There is one change, again in a bipartisan way. The gentlewomen from California (Ms. MATSUI and Ms. SPEIER) and the gentlewoman from Kansas (Ms. JENKINS) came together to ask us for a provision that they believed important for their districts and many others that does no harm and can provide some protection for them. With that inclusion, we are extending it for 6 months. This will now go across the Rotunda to the United States Senate. We expect that they will be able to enact it, if not in the next couple of days, when we come back in September. What this then does is gives us a chance, when we come back in 2010, to deal with this in a comprehensive way and to do the kind of reexamination that is called for. So that's exactly where we are. I note that the gentlewoman from California has joined us, the author of one of the provisions. I will yield to her after the other side.

I reserve the balance of my time.

Mrs. CAPITO. I yield myself as much time as I may consume.

Mr. Speaker, I want to thank the chairman of the full committee, the gentleman from Massachusetts, for his bipartisan way of approaching this particular issue. He is correct when he says that we've gone back and forth on this over, I think, almost a decade on the way to reform this program. We certainly want to see that.

Everyone here should be in agreement that the National Flood Insurance Program needs reform. The chairman spoke of that. But I think we can also agree it would be irresponsible and unfair to many communities and areas where flooding occurs to let the program expire at the end of September 2009 without attempting to fix it, which is why we need to pass another short-term extension today.

The National Flood Insurance Program is currently carrying a debt in excess of more than $19 billion, primarily from property damage claims that were paid after the series of big storms that hit Florida in 2004 and the gulf coast in 2005. According to the Government Accountability Office, the NFIP is underfunded by design because many property owners continue to receive subsidized premium rates under long-standing provisions in place since the flood insurance rate mapping system went into effect in 1974. We need to deal with these issues. It's going to take bipartisan leadership on both sides, and I think we have that commitment to get it done. Many of us believe it's time for Congress to work toward encouraging more private insurance and reinsurance capacity to help protect at-risk communities and high-risk regions against the potential damages of flooding as well as other natural disasters. We are committed to pressing forward with reforms as soon as possible and urge others to join us in making this a bipartisan effort as well as a higher priority in this Congress.

In addition to supporting the need for a short-term flood insurance extension bill, I support a small but important technical change that would end the program's illogical and unwarranted discrimination against State and local funding of levee construction and improvement projects. I commend my friend, Congresswoman MATSUI from Sacramento, for her leadership and her thoughtful and constructive proposal. I also would like to salute Congresswoman LYNN JENKINS of Kansas, an active member of our committee, for lending her support. As I previously stated, I know that we have a great need for reform in this program, and hopefully that will be our ultimate goal. But at the same time, I think it's wise for this Congress to extend this program for another 6 months as we would do in this legislation.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the aforementioned gentlewoman from California (Ms. MATSUI), the author of the amendment.

Ms. MATSUI. I thank the gentleman for yielding me time.

Mr. Speaker I would like to thank Chairman FRANK, Chairwoman WATERS, as well as Ranking Members BACHUS and CAPITO and all the staff for all the work they've done to get us here today. I would also like to thank FEMA for their technical guidance throughout the year. The amended bill before us today includes language from H.R. 1525 that I authored to provide technical changes to Federal flood zone designations. This legislation makes a number of modifications to the National Flood Insurance Act in order to give communities clarity to help them restore and improve their flood protection system. From my hometown of Sacramento to the Louisiana bayou to the plains of the Midwest, communities are advancing flood protection infrastructure in order to keep Americans safe and secure.

□ 1115

However, as we work to conform to changing dynamics of flood protection, these communities are seeking clarity as they work to meet Federal regulations.

Public safety is my absolute number one priority. And during the last year that I worked with local, State, and Federal flood protection officials, that remains our priority. This bill will give communities clarity so they can continue to uphold public safety and promote proper protection. Specifically, this legislation will update current law to take local, State, and Federal funding into account when determining designations.

The city of Sacramento and the State of California have devoted millions of dollars toward flood protection. That investment should simply be recognized by the Federal Government. For my constituents this is vital. FEMA needs to recognize what our State and city have contributed when they review the progress made on the Natomas levees in my district and determine the area's flood designation.

This legislation also helps communities understand requirements for a completed system. Current regulations are vague on what a completed system actually is, and this has caused great concern and confusion among local communities. This provision brings greater clarity by combining a public safety standard with a concrete milestone.

Protecting our constituents from the dangers of floods requires a comprehensive approach. Local communities, States, and the Federal Government must all be thoughtful and committed partners to achieve public safety. I am glad that the bill before us today includes this Federal commitment to

give communities clear objectives as they work to improve flood protection infrastructure.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the coauthor of the amendment we have been discussing, the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. The American people have an indomitable spirit, and judging from my constituents, they don't expect the Federal Government to come to their aid for every problem. But they also don't expect us to stand in their way when they are trying to save lives and property.

The massive flooding and loss of life following Hurricane Katrina was a wake-up call for those of us who live along our Nation's beautiful coasts, bays, lakes and rivers. I represent the San Francisco Peninsula. As the name suggests, there is hardly a spot in my district where you can't see water. Currently, an advanced new levee system is being constructed to protect parts of three cities along San Francisco Bay. The levee is being built with local money. The residents have voted to tax themselves to do it. This is exactly how it should be, communities handling their issues themselves.

But currently, FEMA only recognizes Federally funded or managed projects. So, despite the fact that these levees are built to the exact same specifications, until the project is completed, homeowners and businesses in those areas will be forced to pay dramatically higher flood insurance, and any new construction will be required to be built on stilts above where the flood plain would be if the levees had not been built or improved. Imagine putting homes on stilts in an earthquake area. It just doesn't make sense.

Again, the levees are not the issue. These levees are being built to Federal standards. The only reason that tens of thousands of hardworking Americans will have to pay thousands of dollars more in insurance and local builders will have to put their buildings on stilts is because the forward-thinking residents of San Mateo, Foster City and Redwood Shores decided to improve their levees without Federal dollars.

I urge the passage of this amendment and this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 3 minutes. And I would yield for a question to our colleague from Mississippi, who has been, with our support on our committee, a major proponent for protecting the people he represents in the area of wind and elsewhere.

I yield to the gentleman.

Mr. TAYLOR. Mr. Chairman, last year you had extensive hearings on this subject. The bill that was proposed by the House increased the coverage amount since it was a shock to a lot of people who had to rebuild—$250,000 just doesn't buy the kind of house that it used to 10 years ago.

We took the step to end the practice of concurrent causation, where if, according to testimony before the Mississippi Supreme Court, a house was 95 percent destroyed by the wind before the water got there, the insurance companies would bill the Federal Government for 100 percent of the cost of the damage, as testimony before the Mississippi Supreme Court. And then the other thing is the possibility of adding wind insurance to the National Flood Insurance Program so that there isn't any discrepancy. It doesn't matter if the wind destroyed your house or if the water destroyed your house, if you built it to code, if your community built to code and you paid your premiums, that you are going to get paid.

I realize your committee has been very busy with the housing crisis. Everyone is aware of that. But the folks in the affected regions—which is now 52 percent of all Americans—are curious; at what point do you think there will be some talk of these changes to the flood insurance?

Mr. FRANK of Massachusetts. Well, as the gentleman knows, there has been a request from the administration for a longer extension, but the gentleman conferred with the Chair of the subcommittee, the gentlewoman from California (Ms. WATERS), and expressed his concern that that would put off further any chance to do this, and we agreed with that. That is why this is a 6-month extension. And the answer is, I believe the House remains committed to that. What happens in the Senate will be another issue. But it is certainly our intention, the leadership of the committee on the majority side, once again, to work with the gentleman to extend that protection, and hope that maybe things will change in the Senate.

I yield again to the gentleman.

Mr. TAYLOR. Specifically, does the gentleman envision hearings this fall on the subject?

Mr. FRANK of Massachusetts. Yes, it would be very appropriate.

As Members know, we have been a little busy with the financial material, but we are probably not going away for a while this calendar year. And yes, I know the gentlewoman from California, who chairs the subcommittee which has jurisdiction, is very interested in this and does plan to have some hearings.

Mr. TAYLOR. I thank the gentleman.

And to the previous speaker, as someone who lives in a house on stilts and represents a lot of people who live in houses on stilts, they're not all that bad.

Thank you very much.

Mr. FRANK of Massachusetts. I would just finish up by saying that the gentlewoman did talk about the problem of houses on stilts in an earthquake area.

I reserve the balance of my time.

Mrs. CAPITO. I don't live in a house on stilts, I live on a mountain, so I don't need stilts. I guess that's a good thing.

Mr. Speaker, I yield back the balance of my time and urge support of this legislation.

Mr. FRANK of Massachusetts. Well, I will yield back after recalling for no particular reason the views of the British philosopher, Jeremy Bentham, who said that he thought talk of natural law was nonsense and talk of natural rights was nonsense on stilts. That is irrelevant, but it just occurred to me.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 3139, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CLARIFYING SEC'S AUTHORITY TO SANCTION BROKERS

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2623) to amend the Federal securities laws to clarify and expand the definition of certain persons under those laws.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2623

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

SECTION 1. FORMERLY ASSOCIATED PERSONS.

(a) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(8)) is amended by striking ''any member or employee'' and inserting ''any person who is, or at the time of the alleged misconduct was, a member or employee''.

(b) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended—

(1) in subsection (c)(1)(C), by striking ''or seeking to become associated,'' and inserting ''seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'';

(2) in subsection (c)(2)(A), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''; and

(3) in subsection (c)(2)(B), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''.

(c) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting '', or, as to any act or practice, or omission to act, while associated with a member, formerly associated'' after ''member or a person associated''.

(d) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting ''or, as to any act or practice, or omission to act, while a participant, was a participant,'' after ''in which such person is a participant,''.

(e) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(1) by striking ''any officer or director'' and inserting ''any person who is, or at the time of the alleged misconduct was, an officer or director''; and

(2) by striking ''such officer or director'' and inserting ''such person''.

(f) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(1) by striking ''a person serving or acting'' and inserting ''a person who is, or at the time of the alleged misconduct was, serving or acting''; and

(2) by striking ''such person so serves or acts'' and inserting ''such person so serves or acts, or at the time of the alleged misconduct, so served or acted''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, this is another important bipartisan bill. The gentleman from California (Mr. MCCARTHY) took the initiative here, and we were pleased to work with him.

The Chair of the subcommittee, the gentleman from Pennsylvania (Mr. KANJORSKI), is dealing with a back problem, so he's not here. But he's not dealing with a backbone problem, because this bill puts some more backbone into the antifraud laws. And what it does is, in consultation with the SEC, enhances their ability to kick people, in effect, out of the industry who have a bad record. And it makes it very clear that a past bad record or a past affiliation would still be relevant in giving the SEC the right to protect investors.

We are all aware that too little has been done to protect investors. This is a step forward towards further empowering the SEC to do the job of protecting investors.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2623, legislation that would amend the Federal securities laws to clarify the Security and Exchange Commission's, the SEC, authority to sanction certain employees of regulated or supervised entities after they leave their jobs.

I would like to thank Mr. KANJORSKI and Chairman FRANK for bringing this bill to the floor today. I would also like to mention that this legislation was included in a larger piece of securities legislation from the 110th Congress, H.R. 6513, the Securities Act of 2008, which passed the House on suspension by voice vote.

The legislation is also included in H.R. 3310, the Consumer Protection and Regulatory Enhancement Act introduced by Ranking Member BACHUS, and I appreciate his support on this legislation.

This legislation is directed at ensuring that former employees of organizations like the New York Stock Exchange or the Financial Industry Regulatory Authority can be held accountable for any misconduct while an employee of these organizations.

Many provisions of Federal securities law which authorize the sanctioning of a person who engages in misconduct while associated with a regulated or supervised entity explicitly provide that such authority exists even if the person is no longer associated with that entity or has left his or her job. But there are confusing loopholes so that employees of some regulated or supervised organizations cannot be sanctioned by the SEC after they leave their positions. By clarifying the SEC's authority to sanction formerly associated persons, we ensure that employees are held accountable for their actions while in those positions even if they have moved on to another job.

Specifically, my legislation amends the Securities Exchange Act of 1994 and the Investment Company Act of 1940. Congress must ensure that the SEC has authority to investigate individuals suspected of violating the securities laws, to bring enforcement cases, and have those cases considered on the merits and not be dismissed on an ambiguity because a statute is confusing. No one should be able to violate the securities laws and resign their position knowing that the SEC cannot proceed against them. My legislation does not expand or alter the SEC's current authority; it clarifies it.

One illustration of the need for this legislation is in the case of Sal Sodano, who was chairman and CEO of the American Stock Exchange, AMEX. On March 22, 2007, the SEC charged Sodano with failing to enforce compliance with the Exchange Act during his term as the AMEX chairman and CEO; however, the SEC's filing occurred after Sodano left the AMEX in 2005. So his lawyers pointed to this loophole in the Federal law that the SEC could only sanction individuals while they were still associated with the organization.

The SEC's administrative law judge noted that the current law does not provide for sanctioning of a former officer or director. The judge specifically noted that Congress has drafted many statutes that allow the ability to sanction individuals formerly associated with any number of entities, but not in this case. By passing H.R. 2623, Congress can close this loophole and ensure accountability for individuals working at regulated or supervised entities.

I urge my colleagues to support this legislation, which will provide more accountability, transparency, and efficiency in securities regulation.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, first I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on this bill and the preceding bill, H.R. 3139.

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

There was no objection.

Mr. FRANK of Massachusetts. I congratulate the gentleman from California on his work.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 2623.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1130

PROVIDING FOR CONSIDERATION OF H.R. 3326, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 685 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 685

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 147, line 4. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, which may be offered only in the order printed in the report, 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, and shall not be subject to a demand for division of the question; (2) not to exceed eight of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Flake of Arizona or his

designee, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; (3) an en bloc amendment, if offered by Rep. Flake of Arizona or his designee, consisting of all of the amendments printed in part B of the report of the Committee on Rules, which shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) not to exceed two of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Campbell of California or his designee, which may be offered only in the order printed in the report, shall be considered as read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3326, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 685 because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden the under the rule and the gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I'm not sure that there are unfunded mandates in this bill. There probably are, but that isn't the reason I raise a point of order. I raise it because it's about the only opportunity those of us in the minority have to talk about this process. It has been extremely restrictive.

The rule reported for the Defense bill marks the 12th time during the appropriation season that the majority has shut down what has traditionally been an open process. It isn't coincidental that the Defense appropriations bill is being considered last and we'll have just about a day to consider it. In recent years, this bill has been rife with earmarks going to for-profit companies, and the measure before us today is no different.

There are 1,102 earmarks stuffed into this bill, and nearly 550 of them, worth at least $1.3 billion, are going to private, for-profit companies. The corrupting nature of this practice, which the President himself has publicly noted, has been, itself, evident with the PMA scandal that has centered around campaign contributions and earmarks.

It is for this reason and this reason alone that I chose to offer 552 amendments to the Rules Committee, each one targeting an earmark that the sponsors listed on their Web site as going to a for-profit company.

These amendments have been derided as an abuse of the process. I would like to address this criticism, which I think is wholly unfair. It's unfair because the Office of Legislative Counsel is not in any way inconvenienced by the drafting of these amendments.

My staff wrote them and wrote them individually. My amendments were delivered to the Rules Committee on Friday of last week, well in advance of a 3 p.m. Monday deadline, giving the staff of the Rules Committee more than enough time to process these amendments accordingly. In fact, I'm told that the Rules Committee closed up shop around 8 p.m. on Friday night. The Rules Committee met yesterday, and the 12th rule of this appropriations process was passed, which restricted amendments again. That meeting lasted just 1 hour.

One hour the Rules Committee met and, in 1 hour, dealt, apparently, with more than 600 amendments that were submitted. That is almost equivalent to the Appropriations Committee meeting for 18 minutes to pass this bill out of committee, a bill with more than 1,000 earmarks, more than 500 earmarks that are no-bid contracts to private companies, passed by the Appropriations Committee in 18 minutes.

Now, the majority talks a lot about making sure that we do this all in a timely process. I would suggest there is something to being a bit more thorough. You cannot vet more than 1,000 earmarks, more than 550 of which are no-bid contracts to private companies, in 18 minutes. And you can't restrict it in this way coming to the floor and expect this to be a thorough process. It is a quick process. Maybe the trains are running on time, but we're not doing our job here.

The flawed process by which the Rules Committee reported this rule does not appear to have been delayed or inconvenienced in any way by the submission of these amendments. Referring to these amendment submissions as an abuse of the process is far-fetched considering the severe restrictions the Rules Committee has placed on our ability to offer amendments to appropriations bills. This is a process, again, that has been traditionally open.

Excluding the Defense bill, more than 800 amendments were submitted to the Rules Committee for the 10 appropriations bills the House has already considered this summer. At the start of the process, the chairman of the Appropriations Committee said, ''There are a limited number of hours between now and the time we recess. If we want to get our work done, we have to limit the debate time that we spend on these bills.''

The majority leader echoed this sentiment as an explanation for clamping down on the appropriations process: ''So I tell my friend that the reason for rising was to give us the opportunity to go to the Rules Committee and provide for, as I said, time constraints in which we can effectively complete this bill.''

This has been the excuse that's been used so far, an excuse to only make in order 18 percent of the amendments submitted for appropriations bills we've seen so far.

I realize amongst my colleagues I have been the most fortunate. I have been permitted to offer more than 40 amendments, 26 percent of all the amendments ruled in order, in total, for these bills. I suppose I should be grateful for any crumbs that fall from the Appropriations Committee or the Rules Committee.

But my amendments were ruled in order at the expense of other perhaps more substantive amendments in many ways as a way for the majority to deflect blame for a virtually closed process and to prevent their Members from making tough votes on some of the other amendments that were submitted.

When I was on the House floor with a couple of bills, time and time again, in fact, 16 times, I asked for unanimous consent to substitute some of my colleagues' amendments for my own. We already had the time constraints for the bill, so the notion that we had to make the trains run on time, we had to get this debate done was not the point. But I was rejected 16 times in a row, not because the amendments offered by my colleagues weren't germane. They were. They simply weren't ruled in order by the majority because they didn't want to face those amendments.

And if we're going to talk about abuse of process, there it is. It's not offering 550 amendments because we are doing more than 550 no-bid contracts to private companies. That's not where the abuse lies. The abuse lies in the majority's saying we are only going to

entertain those amendments that we know we can beat or that we want to entertain or that are entertaining, apparently, not the ones that may be difficult for us.

Now, when Republicans were in the majority, I have often said that we did a few things that we shouldn't have. Holding a vote open for 3 hours wasn't a good thing. But I have never seen any of the abuse of the process like this. No matter how the Republicans, when they were in power, didn't want to see amendments, like some of mine, they allowed them. We spent, I think, 3 days on the Interior appropriations bill because Members kept coming forward offering amendments that our own majority did not want to see, but they knew that they shouldn't shut down this process, which has been traditionally open.

But the new majority has decided to completely close it and did not have one appropriation bill this year come to the floor under an open rule. In particular, when some will make the argument that, well, hey, back in the 1970s there were occasions when these appropriation bills were not brought to the floor under an open rule, the situation we have today is a situation in which bills are brought to the floor that have been stuffed to the gills with earmarks like this bill that we're considering today. More than 1,000 earmarks, more than 500 of which are no-bid contracts to private companies for which the Appropriations Committee took a paltry 18 minutes to vet and to send on to the House floor, and then we're told, ah, but you can only offer eight of the 552 amendments you submitted. Only eight of them. You can choose them, but only eight, because we don't have time to vet any more at that time.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I rise to claim time in opposition to the point of order.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 10 minutes.

Mr. POLIS. Mr. Speaker, as my colleagues know, we've been here before. This very same point of order has been raised against nearly every appropriations bill, and each time it's used to discuss something other than its intended purpose, which is supposed to be about unfunded mandates. Once again, it's about delaying consideration of this bill and, ultimately, stopping it altogether.

I hope my colleagues will again vote ''yes'' so we can consider this legislation on its merits and fund the important defense needs of our Nation and not stop it on a procedural motion. Those who oppose the bill are welcomed to vote against this bill on final passage. We must consider this rule and we must pass this legislation today to continue to fund the defense and protection of our country.

□ 1145

I have the right to close, but in the end, I will urge my colleagues to vote ''yes'' to consider the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Arizona has 2 minutes remaining. The gentleman from Colorado has 9 minutes remaining.

Mr. FLAKE. It was said again that I'm just trying to delay this process. If I were trying to delay this process, I could stand up here with a privileged resolution and read every one of the amendments that I wasn't allowed into the RECORD. It would take hours to do that.

I'm not trying to delay this process unnecessarily. This isn't a dilatory tactic. It's just about the only way we can stand and actually register objection to this closed process. I suppose I could, and this would be chilling reading, read the transcript of yesterday's court trial of an individual who, I believe, is pleading guilty in some fashion, a contractor who received earmarks and passed them on to other contractors who weren't doing any work at all. That was under a previous Defense bill that wasn't vetted, as it should have been, that came to the floor probably last year under a closed process; no amendments could have been offered.

And so here we have investigations, particularly with the PMA scandal, swirling around this institution because we aren't doing our work. We aren't vetting these bills. I wish that the Appropriations Committee would, but they're not. And then when you come to the floor and say, we'd like to challenge a few of these earmarks, you say, you can challenge eight of them; 8 of the more than 550 no-bid contracts to private companies. You can only question eight of them. That's all we have time for because we have to pass this bill today for some reason.

The fiscal year doesn't run out until the end of September. This is not a bill that has to be passed today or tomorrow. We can spend the time that we need, or we should have taken time earlier this year instead of doing suspension bills or last Friday, instead of passing a wild horse welfare act or whatever we did.

The appropriations bills are the most important work this Congress does. And to say that we have to move through them quickly so nobody sees what we're doing, so nobody sees that we're doing no-bid contracts for private companies is simply wrong. That is the abuse of power in this institution, not bringing 553 amendments to the floor.

With that, I urge opposition to the rule and yield back my time.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume. I would encourage my colleague from Arizona to stick around, assuming that this motion passes, for the discussion of the rule. He will find in the proposed rule there is the opportunity that we will be giving the House of Representatives as a whole to vote on a block of amendments that the gentleman has identified, as well as several individual ones that the gentleman has identified.

I urge my colleagues to vote ''yes'' on this motion to consider, so that we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. POLIS) is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California, my colleague on the Rules Committee, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 685.

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

There was no objection.

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

House Resolution 685 provides for consideration of H.R. 3326, the Department of Defense Appropriations Act of 2010, under a structured rule. I'd like to thank Chairman OBEY, Ranking Member LEWIS, Chairman MURTHA and Ranking Member YOUNG for their tireless and bipartisan work on this important bill to fund the defense needs of our Nation. Their job is not easy. The needs of this country are endless, our security challenges are daunting. Threats to our security are numerous and always changing. And the resources that we can devote to these problems are precious and limited, as our Nation faces a severe recession.

So each year we must prioritize, reevaluate and invest in strategies that will keep our country and our people safe. We will invest in the equipment that will protect our troops and in programs that will care for the men and women who defend us, who serve our country so bravely and capably every day.

H.R. 3326 fulfills these responsibilities by providing first-class equipment for our troops that are in harm's way, by increasing fiscal responsibility and oversight within the Department of Defense, and by investing in adequate health care and increased compensation for our soldiers and their families.

To help protect our troops, the bill provides increased funding for the mine-resistant ambush protective vehicle fund and the procurement of new Humvees and new heavy and medium

tactical vehicles to meet the needs of our military. The bill also invests in weapons systems that meet our current and future needs, instead of plunging money into weapons systems that do not meet timelines, budgets or realistic threats or are based on threats that are antiquated that we no longer face.

We need to transform our military to make sure that we can keep the American people safe. We cannot fulfill our responsibilities to the troops, to taxpayers, or to the Nation if we can't meet our fiscal responsibilities.

H.R. 3326 reduces advisory and assistant service contracts by saving $51 million while providing $5.11 billion for Department of Defense personnel to perform DOD functions. The bill also provides funding for the Inspector General to increase oversight over the acquisition and contracting process to ensure the taxpayers' funds are spent wisely. By reducing funds for wasteful weapons and bloated contracts, we can provide better care and a better quality of life for the men and women of the Armed Forces and their families.

H.R. 3326 increases pay for all servicemembers by 3.4 percent, and fully funds the requested end-strength levels for active Reserve and selected Reserve personnel. The bill continues efforts to end the practice of stop-loss, so difficult for the families of our troops who are deployed overseas, and includes $8.33 million to pay servicemembers $500 for every month of involuntary service.

The bill provides $29.9 billion for top-of-the-line medical care, including $500 million for traumatic brain injuries and psychological health and increased funding for the wounded, ill and injured warrior programs. We can make no greater investment than in the health and welfare of those who have sacrificed and given so much to protect our freedoms.

It's also important to keep in mind that for every soldier who is dutifully serving on the battlefield, in Iraq or Afghanistan, sailing on a ship in the Pacific of the Atlantic or stationed on a military base in Germany, Japan or elsewhere, there is also a military family in our neighborhoods, in our districts, in our cities, and those families too are serving our country. To honor their commitment to this country, and to acknowledge their sacrifice, this year has been called the Year of the Military Family, and this bill adds substance to those words and that title.

H.R. 3326 includes over $472 million for family advocacy programs and fully funds the Family Support and Yellow Ribbon programs. The bill also includes $20 million for the Army National Guard Family Assistance Centers and Reintegration programs. I strongly believe that this bill is a positive step forward in the way that Congress prioritizes our military spending and provides for the men and women who serve our Nation and their families.

I support H.R. 3326 and House Resolution 685.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

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

Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation to my very distinguished Rules Committee colleague for yielding me the customary 30 minutes. I was just thinking as I was sitting here listening to his very thoughtful remarks. And he is a diligent and hardworking new member of the committee. He's now, this month completed 6 months, halfway through the first session of the 111th Congress. And my friend on the Rules Committee has, along with 70-some-odd other Members, not once, not once seen something that, when I'd been here 6 months I'd seen on countless occasions, and that is an open rule, an open amendment process.

And I will say, Mr. Speaker, that I hope very much that my friend on the Rules Committee, the other new members of the Rules Committee, and the Members of this institution and, most importantly, the American people, will, sometime in the 111th Congress, have the opportunity to see an open debate under the 5-minute rule in the House of Representatives.

Mr. Speaker, last week we marked a very significant anniversary in this institution. It was the formal consideration of James Madison's proposal to amend the Constitution to add a Bill of Rights. That debate, Mr. Speaker, began 220 years ago, just this last week. It was July 21 of 1789 that the House of Representatives began the process of debating whether or not to proceed with the Bill of Rights. In that first summer of the very first Congress, Congressman Madison proposed his amendments, which were considered by the House Rules Committee, and then moved to the House floor for a 10-day debate.

And I underscore that again, Mr. Speaker, the debate that took place on the floor of the House of Representatives lasted 10 days for consideration of the Bill of Rights. Now, I believe, Mr. Speaker, that that took place that summer and it was very, very instructive. It was instructive, the debate that we saw 220 years ago this summer, not just for its substance, but in many ways for the nature of that debate that was managed by Congressman Madison who, incidentally, represented the seat that is now held by our distinguished Republican whip, Mr. CANTOR.

Throughout the course of that debate, summer of 1789, it was very clear that Mr. Madison had great respect for the views of the Members who disagreed with him. He had a great deal of respect for those with whom he vigorously disagreed. He argued with civility, comity, and respect. He never impugned his adversaries' motives. In fact, Mr. Speaker, he not only didn't impugn his adversaries' motives, he actually defended them himself during debate. He passionately sought consensus on the fundamental issues and placed it above his own ambivalence that existed on lesser concerns.

And it was ambivalence, because, if you recall your history, Mr. Speaker, he was not, at the outset, a believer in the necessity for a Bill of Rights. He urged his colleagues to act on, and I quote from a June 1789 speech when he actually introduced the Bill of Rights, what he called the principles of amity and moderation to proceed with caution, but that ultimately they must act resolutely to satisfy the public mind. Again, Congressman Madison's words.

He clearly did not believe that decisive action and a full, open debate were mutually exclusive. He believed that clearly that ultimate decision would be a better one with a full, rigorous, and open debate. He saw them as being fully intertwined, that elevating the debate above reproach would give this body the moral authority to act decisively and appropriately as a truly representative body, which it has been.

I believe in this Madisonian model, Mr. Speaker, very, very fervently. I believe in that model of intellectually rigorous, open, and civil debate. So it's with great dismay that I have seen the tenor of our debate deteriorate and the legislative process grow even more closed in recent years. The closing down of the traditionally open appropriations process has, for me, personally, been the most troubling thing to observe.

□ 1200

We have the very serious responsibility of spending the taxpayers' hard-earned money. That responsibility deserves a completely open and transparent process. Unfortunately, this year, for the first time in the 220-year history, we have had a restrictive appropriations process from the beginning to what today is now the end. As was pointed out by Mr. FLAKE earlier, this is the last of the now 12 appropriations bills. Today, we consider that final appropriations bill under the exact same, restrictive process with which we've considered every single appropriations bill for the upcoming fiscal year.

Now, Mr. Speaker, as we mark this 220th anniversary of that very historic debate on the Bill of Rights, we, unfortunately, are making history of our own. It's not history of which we can be very proud. It's not history that will judge this institution kindly. Today, we mark the final death knell for the open process with which we have historically handled our constitutionally mandated power of the purse.

The abandonment of this tradition began just over a month ago, on June 17, when the Democratic majority announced at the very outset of the process that it would not be granting the customary open rule for spending bills. Since that day, June 17, we have been on a steady march toward an ever more

restrictive process, barring the full transparency that the taxpayers deserve and prohibiting the full participation of rank-and-file members of both parties.

I will say that we regularly hear that this is characterized as Republicans complaining or whining. We are fighting for the rights of Democrats and Republicans. The reason is the Democrats and Republicans represent the American people, and it's the American people who are being undermined by this very unfortunate process.

With today's consideration of our final appropriations bill, the full pivot to what I am describing as the ''new normal'' becomes complete. Having cast aside one of our longest-held traditions, we now have a process where the chairman of the Appropriations Committee alone is the sole arbiter of what spending amendments may be offered, who can speak on them and for how long. They have done this in the name of expediency, citing a strict schedule that must be adhered to.

If they were only concerned with time limits, Mr. Speaker, as Mr. FLAKE pointed out earlier, why didn't they simply impose an overall time limit debate on each bill? If it simply were this schedule that Mr. OBEY has repeatedly held up, just put an outside time limit on the debate. I would not have been a proponent of that, but it certainly would have been preferable to this kind of restriction imposed on the American people by way of preventing their Democratic and Republican Members of the House from being able to offer their amendments.

A popular justification has been to claim that the process took too long back in 2007, so it had to be controlled from the beginning this time, but that argument completely overlooks the fact that 2007 was a very unique year. It was the transition year from a Republican majority to a Democratic majority here in the House. One of the hallmarks of transition years is a lengthier appropriations process, and yet the new Republican minority took less floor time in 2007, almost 26 hours less, than the new Democratic majority did back in 1995. Again, let me underscore that.

When we heard that the 2007 appropriations process was so out of hand, we needed to realize that, in its being a transition year, there were actually fewer amendments that were proposed by Members of the new minority. That had been the case when Democrats were in the minority back in 1995. When we compare these 2 years, it is very clear that, while there was an increase in time spent on our spending bills in 2007, it was very modest to what the Democrats engaged in when they entered into the minority, as I said, following the 1994 election.

The Democratic majority's excuses just don't stand up to scrutiny. The real motivation, Mr. Speaker, for this restrictive process has been to cherry-pick amendments and to shield their profligate spending practices from any real transparency or accountability. It's very obvious.

I and my Republican colleagues on the Rules Committee—Messrs. DIAZ-BALART and SESSIONS and Ms. FOXX—have just completed, through a great deal of effort by members of the Rules Committee staff, this report entitled ''Opportunities Lost: The End of the Appropriations Process.'' I'm glad that my friend on the other side of the aisle has it, and I look forward to his comments and thoughts on it, as well as I do of those of our other colleagues. I encourage anyone who is interested in this to read it. I have this report which we're just issuing today, Mr. Speaker. In the not too distant future—I hope later today or tomorrow—we will actually have this report available online for our colleagues who would want to gain access to it. They just need to go to rules-republicans.house.gov, and a copy of this report will be made available.

The greater irony, Mr. Speaker, of all of this is that the Democratic majority campaigned on the need for full, open and transparent debate. That was the plank of the platform back when the majority was won and, in fact, in the last election as well. I think it's extraordinarily ironic, while we heard this argument made about a ''culture of corruption''—those are the terms that Ms. PELOSI used repeatedly—that we just had the gentleman from Arizona offer over 500 amendments to deal with this challenge. I mean there are former Members of this institution who are in jail today because of abuse of the earmark process. Yet those who campaigned on this issue of ending the culture of corruption are denying an opportunity for a full vetting of the amendments that have been proposed by our friend Mr. FLAKE.

Regardless of what you think on a particular issue, it would seem that denying him the opportunity to offer these amendments, of which he only has an opportunity to offer 8 amendments out of the 500 that he filed—and he can only pick very few of those—is, to me, really playing the role of exacerbating what Ms. PELOSI described as the culture of corruption rather than working to bring it to an end.

I will say that, as we proceed here—and we've gone for 2½ years. It actually has been exactly 2 years since we've had an open rule considered here in the House of Representatives. I've got to say, as to the notion of saying that we were going to have, as the American people were promised, a full, open, rigorous, transparent debate, they were empty words. They were clearly empty words. They have taken us precisely in the opposite direction, Mr. Speaker, culminating in this dubious honor of being the first majority in the 220-year history of the United States of America to shut down the appropriations process from start to finish.

Now, I believe it's no accident that this abandonment of open debate on our appropriations bills has coincided with the most excessive spending in our Nation's history. It's no coincidence that our deficit has exceeded the $1 trillion mark just halfway through the year at the same time that the Democratic majority has shut out meaningful debate on their spending practices. Looking back over the better part of the last two decades, as this detailed report of ours shows, it's clear just how much damage has been done to our deliberative imperative as an institution under this new majority.

Mr. Speaker, this resorting to restrictive debate is made even starker when we look back to exactly where we began 220 years ago this summer with that great debate launched by the author, the Father of the U.S. Constitution, James Madison, when he decided to proceed with the Bill of Rights. If James Madison were around today, he would be absolutely horrified. In fact, I think this is the closing line that we have in this report.

It reads, ''This summer marks the 220th anniversary of the introduction of the Bill of Rights by James Madison in the First Congress. It is a good thing that he is no longer alive to see what the House has become. If he were, he would wonder where we went wrong.''

Mr. Speaker, I want us to have an opportunity to engage in rigorous, open, civil debate. Unfortunately, we are denied that opportunity under this restrictive rule, so I urge my colleagues to oppose this rule. This is our last opportunity in this appropriations process. We can prove wrong the statement that I just made that we've had a closed process from start to finish if we can reject this rule.

I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman for this report. I look forward to reading it, to discussing it and, hopefully, to imposing some best practices for future processes.

I would point out that there are, of course, distinctions in the type of work that we do here; between the critical, philosophical, democratic bases of our country and the discussion and debate around the Bill of Rights, and the work of the House that we need to conduct in a bipartisan way.

The gentleman will recall that, yesterday, Ranking Member YOUNG and Chairman MURTHA appeared before our Rules Committee and discussed how there was a strong bipartisan consensus on the bill. In fact, I believe that Ranking Member YOUNG indicated that the bill would look substantially the same regardless of which party were in the majority, which shows the dedication of both parties in our country to protect our people.

I have to admit that, as somebody who was against the Iraq War and as somebody who is very skeptical of our ongoing operations of Afghanistan and, indeed, as to what our exit strategy is, it was actually disconcerting to me that the bill would look the same with regard to whichever party were in the

majority. I would like to address some of the issues relating to the exit strategy in Afghanistan and where we see that going.

I would like to yield 3 minutes to my colleague, the vice chairman of the Rules Committee, the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the rule and in support of the fiscal year 2010 Defense appropriations bill, which the House will take up shortly. With the passage of this bill, we will have completed all of our appropriations bills, and we will have successfully overcome Republican obstructionism and attempts to undermine the legislative process. So I think this is good news for the people of the country that we are actually getting our work done, which is something that they were not able to do very successfully.

Mr. Speaker, H.R. 3326, by and large, is a good bill. It provides support for our military families, and it provides our troops with the funding and the equipment they need to successfully perform their duties and to carry out their assigned missions.

I want to congratulate Chairman MURTHA and Ranking Member YOUNG for their bipartisan work on this bill, but, Mr. Speaker, I do not support this bill without significant reservations.

I believe that this Congress has not yet come to grips with what our policy is in Afghanistan. This House recently passed an emergency supplemental appropriations bill that provides billions and billions of dollars for the war in Afghanistan, a measure that I opposed, but I believed then, as I do now, that it is a mistake to spend billions and billions of dollars more for a war that has no clearly defined mission.

My concern deepened when I recently read reports that indicated that General McChrystal believes we will have to expand our forces and, thereby, expand our mission in Afghanistan, meaning more money and more troops right now just to get the job started. I still have this sinking feeling in the pit of my stomach that we're getting sucked into something where the mission and goals are vague and where it is unclear how it will end.

Mr. Speaker, that's why we need an exit strategy. We need a clear definition of when this policy comes to an end and when our troops can come home, not a date certain but an explanation as to when the military part of this operation comes to a close. I remain skeptical about our policy in Afghanistan. I think this administration needs to provide Congress, this Nation and our military families with more clarity on this issue. If they don't, I believe Congress needs to demand it.

Like all of my colleagues, I have had many conversations with the men and women who serve in Iraq and Afghanistan—sometimes when they are about to deploy, sometimes when they have just come home, sometimes when they come to my district office, and often because we just run into one another at a coffee shop, at a diner, at a community center or on the street. I believe that we owe them a great deal for their service. We owe them the respect of looking them in the eye and of telling them that we know exactly what we are doing when we vote for money and missions that will send them directly into harm's way—someplace from where they may not return safe and sound to their families and to their loved ones.

□ 1215

I'm not asking for a protest vote on this bill. On this day, I intend to support the bill.

The SPEAKER pro tempore (Mr. ALTMIRE). The time of the gentleman has expired.

Mr. POLIS. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. MCGOVERN. Mr. Speaker, on this day I intend to support the bill, but I raise these concerns because I firmly believe they need and deserve more discussion and more debate. Congress has been too quiet on the issue of Afghanistan, and that needs to change.

I thank the gentleman for yielding.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

I would like to say in response again to my hardworking Rules Committee colleague, Mr. POLIS, who earlier was talking about the great hearing that we had upstairs with the chairman and ranking minority member of the Defense Appropriations Subcommittee, he was talking about the fact that Mr. YOUNG had indicated that this bill would look very similar if he had been in the top position as chairman—which he's been chairman of the Appropriations Committee, chairman of the Defense Appropriations Subcommittee, and now, of course, serves with great distinction as the ranking minority member.

But I would argue, Mr. Speaker, that this does not in any way mean that because the Appropriations Committee members continue to work together that we should deny the rest of the American people who don't have representatives, like the gentleman from Colorado and I, who serve on the Appropriations Committee the opportunity to participate in this process which was always the case when Mr. YOUNG was chairman, with a very, very brief exception when there was a bipartisan consensus and concern back in 1997, I guess. I don't think he was chairman in 1997 on that one occasion. But I've got to say, I suspect, under his chairmanship, we always had an open amendment process here on the House floor.

And I would yield to my good friend from Indian Shores, the distinguished ranking member of the subcommittee and former chairman of the subcommittee and the full committee, Mr. YOUNG. I would like to engage in a colloquy with him.

Mr. YOUNG of Florida. It's a good bill. And both spokesmen from the Rules Committee are correct. We did testify that this bill was written, created with tremendous bipartisan support, bipartisan cooperation, and it's basically the same bill that we would have presented if I were chairman still to this day.

But the point that Mr. DREIER makes is this: When we were the majority, we brought this bill to the floor under an open rule. We allowed all of the Members, not just the members of the subcommittee, not just the members of the Appropriations Committee, but we allowed all of the Members, as long as the amendment was germane—we did have to meet the germaneness issues, but we allowed Members to offer whatever amendments they felt that they should offer and to have the debate.

So I'm a strong supporter of this bill because it's a good package. It provides for adequate training. It provides for adequate equipment to perform the mission, and it provides force protection information and equipment to protect the soldiers while they're fighting. So it's a good bill.

We think that the rest of the Members should have an opportunity to be involved in the debate. This is a great, great national security issue.

Mr. DREIER. I thank my friend for his very thoughtful contribution and having served as many years—how many years has my friend served in the House?

Mr. YOUNG of Florida. Thirty-nine.

Mr. DREIER. So nearly four decades in this House. And, Mr. Speaker, during those four decades of very distinguished service, Mr. YOUNG has been in the minority and the majority and virtually always had an open amendment process. And he understood very well, as the chairman of the Appropriations Committee, that to deny Members the opportunity to participate in this is just plain wrong.

And with that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on the rule.

This is serious business, one of the most important bills that we will be examining.

I wanted to call attention to two items that I had hoped to be able to be debating here on the floor dealing with restoring the environmental restoration funding for the Army, Navy, Air Force and defensewide accounts for fiscal year 2009 levels to increase the much overlooked, formerly-used defense sites by $49 million.

Environmental restoration, formerly used defense sites, are areas that simply get overlooked. The committee, in its wisdom, accepted levels that were recommended by the administration, but that doesn't make them right. We are in a situation now where we are

looking at not just decades, but far into the future to be able to clean up the toxic legacy of unexploded ordnances and military toxics.

I am concerned that we are going to be losing money in the long run. It is my intention to work diligently with the committee in conference to see if we can make the adjustments, if we can work with the administration that they make this a higher priority because every State in the Union is burdened with this toxic legacy of unexploded ordnances and environmentally dangerous items. The military wants to clean it up. We need to give them the resources to do so.

I have been listening to the colloquy here about process with my good friends on both sides of the aisle. I am hopeful that we will be able in the months ahead to be able to roll up our sleeves and work together. There is never really a good time to fix this, but I hope that we will be able to return to a more regular order in the next cycle. I will look forward to working with friends on both sides of the aisle to make sure that this is smooth, everybody has their voice, and that we are working to respect one another.

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

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

Mr. BLUMENAUER. I listened to things yesterday that were deeply disturbing on the floor of the House as, ironically, I was in the Chair, and I heard things that I thought were, frankly, over the line. But I understand frustrations build on both sides.

Mr. DREIER. Will the gentleman be happy to yield?

Mr. BLUMENAUER. I would like to finish.

Mr. DREIER. I would like to yield my friend an additional minute, Mr. Speaker.

Mr. BLUMENAUER. With due respect, I would like to finish my thought and then I will yield to you on your time.

Mr. DREIER. I just yielded you a minute.

Mr. BLUMENAUER. What I wanted to say was that I am hopeful that we can sort of take a little air out of the balloon.

One of the first things I did when I came here right after the government shutdown in a special election was to be part of an effort to have——

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

Mr. DREIER. Mr. Speaker, I would like to yield the gentleman a minute.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

It was a part of an effort where we had sort of a bipartisan civility caucus where we had conferences and we worked to try and lower the temperature here. I don't think it's something that's going to happen today or tomorrow, but I want to say that I am hopeful that we can pull out of this nosedive that we're hearing with some of the heated rhetoric on some of the health care issues.

I heard the gentleman talk about open rules as it relates to appropriations. I think it's part of a great big package. I think we all need to be working together to cooperate on this. And it's something that I care deeply about and look forward, after we get out of here and get back home, to be grounded at home, as we come back in the fall, that there are things that we can work on to make progress.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding.

Let me simply say that what has led us to this point has been, for the first time in the 220-year history of the United States of America, the shutting down of the appropriations process.

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

Mr. DREIER. I would yield to myself 30 seconds.

I will say to my friend, if I could engage in a colloquy with my friend, I will say to him that very, very clearly the argument that he has just propounded about the desire to get back on track with an open—I assume the gentleman meant an open amendment process, which is what we have had for 220 years. I will say it is my hope we will do that. But frankly, today is our last opportunity if we in fact have all 12—as has been the case—all 12 of the appropriations rules closed down as this has been.

Mr. BLUMENAUER. Does the gentleman want a colloquy?

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

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend.

Mr. BLUMENAUER. I understand the gentleman's frustration, but I sat on the other side and listened and had things that our people——

Mr. DREIER. Mr. Speaker, if I could reclaim my time, let me say, Mr. Speaker, as I reclaim my time and say the following:

My friend, Mr. BLUMENAUER, Mr. Speaker, my friend, Mr. BLUMENAUER, has never sat on the side as a member of the minority having been denied the opportunity that he has just said that he has denied today in the appropriations process because never before has he or any Member of this institution have all of the appropriations rules handled under a closed process such as this.

Mr. Speaker, at this time I am happy to yield 3 minutes to my very, very hardworking colleague from Morristown, New Jersey (Mr. FRELINGHUYSEN) the distinguished ranking member of the Subcommittee on Energy and Water.

Mr. FRELINGHUYSEN. I thank the gentleman.

I rise in opposition to the rule but in support of the underlying Defense appropriations bill.

There is nothing more important than the safety and security of our Nation and our people. This underlying bill will provide our troops—volunteers—the resources and tools they need that will allow them to continue their heroic work to protect us and our interests around the world. Even though I oppose this restrictive rule—and it's a restrictive rule—I will support the bill. But I wish we could have found some way to meet and improve on the President's request for the Department of Defense.

This bill falls $3.5 billion short of even President Obama's treading water budget. The world did not become a safer place in January. The signs are everywhere. North Korea is threatening conventional and nuclear war. Russia is becoming more belligerent. China is rapidly expanding its naval forces, cybercapabilities, and its space ambitions. Iran is working overtime on missile and nuclear capabilities, and yes, there are disturbing signs occurring in Africa, horrendous acts of violence in the name of religion. And yet we're cutting missile defense, halting the Army's modernization program, known as the Future Combat Systems, and refiguring it, and failing to provide enough money for more Navy ships and fifth-generation Air Force fighters.

This treading water approach to national security is very shortsighted. Mr. Speaker, I support reform of our military acquisition process. I support Secretary Gates' program to reexamine our national security priorities in light of new irregular challenges and the threats that are proliferating well beyond Iraq and Afghanistan.

But I'm worried about our apparent obsession with this war-ism. Yes, we must focus our attention and resources and energy on Iraq and Afghanistan, but I urge my colleagues to make sure that we make enough investments today to ensure that we will be prepared to defend our interests against all threats in the years to come.

Mr. Speaker, our Defense Subcommittee once again has been a model for bipartisan compromise and cooperation in the interest of national security. I want to thank Mr. MURTHA and my ranking member, Mr. YOUNG, who spoke earlier, for their hard work and that of staff.

But I urge defeat of this restrictive rule.

Mr. POLIS. Mr. Speaker, I want to ensure, with regard to the excellent colloquy between my colleague from California and colleague from Oregon, I share the concerns addressed by my colleague from Oregon. And again, that was not a call with regard to this particular rule on this particular bill, but it is a discussion of process, which is a healthy discussion.

I look forward to reading the report that was put together by our colleagues in the Rules Committee. We

are all in agreement that we should work to improve the process together. We want a process that we can all stand before the American people and say that this was a good process, a constructive process, one that values expediency, participation, input; and I feel that we can build upon the best practices and precedents of the past to work together with our colleagues on the other side of the aisle to have improved processes in future years.

I would like to yield 2 minutes to the gentleman from Washington, a member of the Committee on Appropriations, Mr. DICKS.

Mr. DICKS. I appreciate the gentleman yielding me time.

I want to congratulate Chairman Murtha and Mr. YOUNG, who has been our chairmen in the past, for the excellent work they have done in crafting this Defense Appropriations bill.

I have been on this committee for 31 years, and I am Vice Chairman, and I think we have a great staff that works collaboratively on this bill.

□ 1230

In discussing this process issue, I think the one thing that we do want the American people to understand is that in every one of our 12 subcommittees, the ranking member, the Republican, and the Democratic chairman are working together very effectively. They are involved in the entire process. I feel that this is an indication that there is a bipartisan collaboration on these bills.

At the full committee, there is no limit on amendments. The minority was able to offer as many amendments as they wished on each of these twelve bills.

Mr. DREIER. Will the gentleman yield for just one brief second? I am happy to yield additional time.

Mr. DICKS. Yes, if you will yield me an additional minute.

Mr. POLIS. I yield an additional minute to the gentleman from Washington.

Mr. DREIER. I would just like to say to my friend I think he makes a great point, Mr. Speaker, about the working together of subcommittee chairmen and ranking members.

We have been regularly arguing, and I know my friend understands very well in his distinguished leadership position that on the floor when we have an open amendment process, the subcommittee chairman and the ranking member, not anyone in the leadership, worked this out on the floor, just as they have in committee. And it was my hope that we were going to be able to do that through this appropriations process.

I thank my friend for yielding.

Mr. DICKS. We got through these 12 bills, and what I am saying here today is the American people want us to get our work done.

Now, when you are faced with the reality of the minority offering 600 amendments—600 amendments—that would take us days to go through 600 amendments, we have got other issues that have to be dealt with.

I am not going to yield at this point until I finish.

The first year that I was chairman of the Interior and Environment Appropriations Subcommittee, we went back and looked at it. The year before, when we were in the minority, it took about 8 hours to finish the bill, to go through the entire bill. The first year we were in the majority, it was 22 hours, and there was no limit to the amount of amendments that could be offered.

So I think we had to do this. This was the responsible thing to do, was to limit the number of amendments, let the people like Mr. FLAKE, Mr. CAMPBELL, who want to pick out some of the earmarks that they are against, let them have their moment to address those issues and deal with any other major substantive matters. But in order to get our work done, we could not let this thing be open-ended when one side just wants to abuse the process, unfortunately.

Now, if we could have gotten an agreement, and I am told our leadership went over and met with Mr. BOEHNER, Mr. HOYER, Mr. OBEY and Mr. LEWIS and tried to work out something. The way you would work this out—and the gentleman from California and I are good friends and we worked together on many important trade issues over the years and I have great respect for him—well, the way to work this thing out is for the two sides to get together before we go to the floor and limit the number of amendments, limit the number of amendments, and then have a unanimous consent agreement, if both sides can control their Members.

Mr. DREIER. If the gentleman will yield on that point?

Mr. DICKS. I will yield on that point.

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

Mr. POLIS. I yield one additional minute to the gentleman.

Mr. DREIER. If the gentleman would further yield, let me just say that I disagree, with all due respect to my friend, about this notion of doing it before the process has even begun. Let me go back to where we were.

Mr. DICKS. But there is a lack of trust here, because if we can't get an agreement which the leadership on both sides embrace, then there is no reason, not to restrict the number of amendments, because there is an element within the gentleman's party that wants to offer unlimited amendments.

Mr. DREIER. As happened in 1997, we can go upstairs in the Rules Committee if we have recalcitrant Members on either side of the aisle and we can shut down the process, and there would not be the kind of resistance, if we had at least tried the open amendment process.

I thank my friend for yielding.

Mr. DICKS. Again, all I am saying is we got our work done. All 12 of these bills will have been enacted before the August recess. This hasn't happened in years. I wish that we could have had an open process, but when the minority is talking about 600 amendments, on the defense bill there is no choice but to limit the number of amendments. We had to limit it in order to get our work done.

Mr. DREIER. Mr. Speaker, I would like to inquire of my Rules Committee colleague if he has any further speakers.

Mr. POLIS. Not at this point, no.

Mr. DREIER. Is the gentleman then prepared to close if I were to close?

Mr. POLIS. Yes.

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Let me just say that it is very sad that we are at this point now, the completion of the appropriations process. My friend just referred to the term as we talked about best practices and working together, ''precedents.'' Well, the sad thing, with the 12th appropriation bill, if we pass this rule, we have set the precedent for the entire appropriations process. All 12 appropriations bills have been considered under restrictive rule, if we in fact proceed with this.

In fact, I have just been given an amendment to this rule, Mr. Speaker, that will even shut the process down even further, denying Members an opportunity to divide the question on the very few amendments that have been made in order.

So, this notion that we somehow have this outside time limit, and my very good friend from Seattle, Mr. DICKS, with whom I have been privileged to work on a wide range of issues in the past, talked about the fact that all these amendments have been filed, in 1995 when my colleagues on the other side went into the minority, there was an additional 26 hours, 26 additional hours spent on the debate on the appropriations bills than was the case when my party went into the minority in 2007.

So this notion that somehow all of these amendments would be offered is just plain wrong. Why? Because if you are going to close down the process or have a modified open rule, the notion of having every amendment possible considered is the only option that we have.

Mr. Speaker, I am standing here in the name of my Oregon colleague, Mr. BLUMENAUER. He had two amendments that he sought to have made in order. If we had had an open amendment process, my colleague, Mr. BLUMENAUER, with whom I was able to engage in this colloquy a little, would have had his amendments made in order.

He talked about the tension being high. Well, the tension is high, Mr. Speaker, and it is not just around the issue of health care. It is around the fact that 220 years ago this very summer, James Madison, a member of the

House Rules Committee, moved at the encouragement of his constituents the Bill of Rights with 10 days of debate through the House of Representatives. And through the 220-year history of the United States of America, Democrats and Republicans alike, representing what now is about 650,000 to 700,000 American, have had the right to stand up on the House floor and offer germane amendments to appropriations bill.

I use the term ''sacrosanct'' to describe the appropriations process on the House floor. I never believed, and I have not been here as long as the 39 years of my good friend, Mr. YOUNG, but I never believed, Mr. Speaker, that I would see us get to the point where Republicans and Democrats alike would be shut out of the process, which is exactly what has happened here.

In ''A New Direction for America'' that was penned by Ms. PELOSI when they were seeking the majority, they had a very, very interesting line. It said: ''Democrats believe that America needs and Americans deserve a new direction that provides opportunity for all.''

''Opportunity for all'' is what they said was going to be the hallmark. Apparently it is opportunity for all, except for rank-and-file Members of the United States House of Representatives, because the elected Representatives of both parties are being denied an opportunity to put forward their great ideas.

And since we have crossed this $1 trillion spending mark for the deficit in the first 6 months, and it is projected to go to $1.8 trillion by the end of this year, it is obvious that this process has been used to cherry-pick amendments and deny Democrats and Republicans who would like to engage in fiscally responsible policies from being able to do that.

So, Mr. Speaker, I am going to move to defeat the previous question; and if the previous question is defeated, I will offer an amendment to the rule providing for the traditional open rule for appropriations bills, again giving us this one last opportunity to do that, and we will have the opportunity to return to our traditions, to honor the vision of the Framers of our Constitution.

Mr. Speaker, I ask unanimous consent that the text of the amendment, along with the explanatory material, be placed in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

Mr. DREIER. Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question, and if by chance the previous question does prevail, to oppose this rule so we can get back to the Madisonian vision of representative democracy.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from California's time has expired.

The gentleman from Colorado has 13½ minutes remaining.

Mr. POLIS. Mr. Speaker, I would like to thank Chairman MURTHA and Ranking Member YOUNG for their and their staff's hard work on bringing this bill to the floor, as well as for offering an amendment to strike the funding for continued procurement of F–22 aircraft.

I particularly would like to thank President Obama and Secretary Gates for their leadership on this important issue, for targeting the elimination of unnecessary weapons systems and aircraft. It is not in the American people's best interests to pay Lockheed Martin $369 million of taxpayer money to add dozens of aircraft when we already have a fully functioning fleet of 187 F–22s currently operated by the Armed Forces.

This victory is an important first step in eliminating cold war-era weapons systems and questioning the relevance of aircraft and security systems that are an inadequate defense against the 21st-century national security threats we face and an important step in moving towards balancing the budget and fiscal responsibility.

I also strongly support provisions in the legislation that prohibit the establishment of permanent bases in Iraq and Afghanistan, require the Secretary of Defense to provide goals and a timeline for withdrawing our troops from Iraq, and restate the United States commitment to prohibiting torture of detainees currently held in U.S. custody.

This is just the beginning of President Obama's efforts to bring our troops home safely, and I look forward to the time when stop-loss and troop surges are a thing of the past.

Although I strongly support withdrawing our troops from both Iraq and Afghanistan as soon as possible, until we do so I believe it is crucial to provide support to our servicemen and servicewomen in harm's way and those returning home to their families.

This legislation also provides $29.9 billion to guarantee that our troops have the best medical care made available to them. Included in the Defense appropriation is over $2 billion for funding of medical research and developing treatment for diseases, including breast cancer research, prostate cancer, ovarian cancer and spinal cord injuries, research for applications that have much wider applications outside of defense.

The Defense appropriation also funds important technology research, providing funding for research that keeps the United States on the cusp of innovation for important civilian applications. Funding for this legislation will advance lithium ion battery technology, energy storage that is a linchpin of making renewable energy like wind and solar viable and cost-effective.

Installing photovoltaic panels on military installations saves our military money and ensures that no matter where in the world our troops stand in harm's way, they can quickly access the infrastructure of the modern world. This technology also has the effect of reducing costs for Americans to use these technologies in their homes by driving scale.

This legislation also funds a robust, small business innovation program. Small businesses receive capital to develop technologies to keep our country safe, while providing high-wage employment and bolstering local economies.

These innovations also have direct civilian applications. Many of the technologies we enjoy in our daily lives, like global positioning systems to microwave ovens, we often take for granted; but they have been developed and researched as part of a DOD effort.

Mr. Speaker, this bill provides critical funding for our national defense, as well as funding for civilian activities. Among these activities are those in support of small business and workforce development.

In Colorado, many small businesses rely on the SBIR program of the Department of Defense, such as TechX, which provides critical software innovations to the Department of Defense while providing high-paying jobs to my constituents.

This bill also provides funds for programs such as the Center for Space Entrepreneurship, a program that is a collaboration between the educational institutions, the Colorado Office of Economic Development, and the leadership efforts of our Lieutenant Governor, Barbara O'Brien. This program incubates aerospace industry's small businesses. It also helps individuals transition into careers in this industry.

Among their most important work is the outreach they do in schools to ensure that the next generation has an interest in and the skills to ensure that our Nation remains a world leader in space industry.

The satellites and spacecraft developed and manufactured by Colorado's thriving aerospace industry are not only of tremendous economic benefit to our State, which is one of several reasons we have an unemployment rate below the national average; but also this equipment keeps our Nation safe, and many of the satellites provide civilian applications, such as the DISH television, GPS service for our cars, and reception for our cellular phones.

While H.R. 3326 provides top-of-the-line equipment and technologies for our troops, these dollars would be hollow without the bravery, dedication, and skill of the men and women who serve us every day in our Armed Forces.

□ 1245

Their service wouldn't be possible if it weren't for the support, dedication and sacrifice of military families that receive support from this bill.

Mr. Speaker, in a moment I will be offering an amendment to the rule. I want to briefly explain the amendment. This amendment will add to the rule a technical provision that's included as boilerplate language in virtually all of our rules for both appropriating and authorizing legislation but was inadvertently dropped from this rule. This language simply protects amendments from a division of the question.

I urge all Members to vote ''yes'' on the amendment, the rule and the previous question.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Speaker, I have an amendment to the rule at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. POLIS:

At the end of the resolution, add the following:

''SEC. 5. The amendments specified in the first section of this resolution shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.''

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 685

OFFERED BY MR. DREIER OF CALIFORNIA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2). Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the amendment and on the resolution and, under clause 8 of rule XX, on suspending the rules and passing S. 1513.

The vote was taken by electronic device, and there were—yeas 245, nays 176, not voting 12, as follows:

[Roll No. 654]

YEAS—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
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
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—176

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
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 (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Aderholt
Boehner
Bonner
Bright
Davis (AL)
Gerlach
Lance
McCarthy (NY)
Meeks (NY)
Rogers (AL)
Towns
Walz

□ 1309

Messrs. COFFMAN of Colorado, BRADY of Texas, MITCHELL and KRATOVIL and Mrs. BONO MACK changed their vote from ''yea'' to ''nay.''

Mr. HOEKSTRA changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. LANCE. Mr. Speaker, on rollcall No. 654, had I been present, I would have voted "nay."

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 185, not voting 7, as follows:

[Roll No. 655]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Boyd
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
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
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)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
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
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stark
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Barrett (SC)
Bonner
Gerlach
McCarthy (NY)
Pence
Towns
Walz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1318

Mr. BOEHNER changed his vote from ''yea'' to ''nay.''

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.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 690

Whereas page 5 of the ''Regulations on the Use of the CONGRESSIONAL FRANK By

Members of the House of Representatives'' states, ''It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities and duties of the Congress of the United States. It is the intent of the Congress that such official business, activities and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.'';

Whereas clause 5 of rule XXIV of the Rules of the House of Representatives provides, ''Before making a mass mailing, a Member, Delegate, or Resident Commissioner shall submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with applicable provisions of law, rule, or regulation.'';

Whereas the House Commission on Congressional Mailing Standards, authorized in Public Law 91–191, is commonly referred to as the ''Franking Commission'';

Whereas the Democratic staff director and Republican staff director of the Franking Commission have served in their respective positions for more than a decade and report to the Democratic and Republican members of the Franking Commission, respectively;

Whereas during the 111th Congress the members of the Franking Commission are Representatives Susan Davis (D–CA), chairwoman; Rep. Dan Lungren (R–CA), ranking Republican member; Rep. Donna Edwards (D–MD), Rep. Kevin McCarthy (R–CA), Rep. Brad Sherman (D–CA) and Rep. Tom Price (R–GA);

Whereas the aforementioned Franking Commission advisory opinions required for Members seeking approval to send mass mailings, or their electronic equivalents, are routinely signed on behalf of the Commission by its Democratic and Republican staff directors or their designees;

Whereas no Member may receive Franking Commission approval without signatures from both majority and minority staff;

Whereas the Commission's Democratic staff director has been permitted by the Commission's Democratic Members to abuse her position during the current Congress by willfully and knowingly applying different standards to material submitted for Franking Commission approval by Republican Members than she applies to material submitted by Democratic Members;

Whereas on July 27, 2009 the Commission's Democratic staff director refused to approve a mailing proposed by Representative Joe Barton of Texas which included the words ''Democrat majority'', but indicated she would approve the mailing if Representative Barton instead substituted the words ''congressional majority'', yet on August 3, 2006 the same Democratic staff director signed a Franking Commission approval document for a mailing issued by then-Minority Leader Nancy Pelosi that included the following sentence, ''But too many here and across our nation are paying the price for the Republican Congressional majority's special interest agenda . . .''

Whereas the Democratic staff director has refused to grant permission to Republican Members wishing to provide their constituents with copies of a chart intended to illustrate in graphic form many of the provisions of the Democrats' proposed health care legislation;

Whereas charts similar in form and general purpose have for many years been approved routinely by the Commission's Democratic staff director in mailings produced by Members on both sides of the aisle;

Whereas on December 12, 1993, the Franking Commission granted approval to Rep. David Levy of New York to disseminate a similar chart, intended to illustrate graphically the provisions of comprehensive health care legislation proposed by the Clinton Administration;

Whereas the Commission's Democratic staff director has refused to approve requests by Republican Members to informally characterize certain features of the Democrats' pending health care proposal as ''government run health care'' but has approved requests by Democratic Members to informally characterize the same aspects of the bill as ''the public option'';

Whereas the Commission's Democratic staff director has refused to approve more than twenty requests by Republican Members to use the phrase ''cap and tax'' to describe a Democratic proposal to reduce carbon emissions by imposing new fees, taxes and higher costs on American consumers and businesses;

Whereas a search for the term ''cap and tax'' on the Google internet search engine yielded at least 4,478,000 appearances of this commonly used phrase;

Whereas an article in the April 27, 2009 edition of ''Politico'' newspaper quoted the most senior Member of the House, Democratic Representative John Dingell of Michigan, the former chairman of the House Committee on Energy and Commerce, as saying, ''Nobody in this country realizes that cap and trade is a tax, and it's a great big one.'';

Whereas the Commission's Democratic staff director has dismissed the proposed descriptive term, ''cap and tax'' as an informal and inappropriate characterization of the legislation, while at the same time granting approval to Democratic Members seeking to use the phrase ''cap and trade'' to informally and inappropriately characterize the same bill;

Whereas the Commission's Democratic staff director has refused to approve material submitted by Republican Members seeking to convey to the public those Members' concern about substantial job losses expected to result if the Democrats' proposed national energy tax is enacted, while at the same time approving mailings submitted by Democratic Members informing the public about large numbers of new jobs the Democrats claim will be created by the same legislation;

Whereas the Democratic staff director's actions have prompted a steady stream of media reports describing a climate of partisan censorship imposed on the House by the Democratic majority;

Whereas an article in the July 23, 2009 edition of Roll Call newspaper stated, ''A dispute over the right of House Republicans to use the chamber's official franking service to send a mailer critical of Democratic health care plans has escalated beyond the Franking Commission to 'high levels on the Democratic side,' Franking Commission member Rep. Dan Lungren (R–CA) said at a Thursday press conference. Asked whether he believed the matter had been referred to Rep. Pelosis (D–CA) office, Lungren, the ranking member of the House Administration Committee, said, 'All I've been told is that its above the Franking Commission and that it appears to be above our committee, so I don't know where you go after that'.'';

Whereas by permitting the Commission's Democratic staff director to carry out her duties in a partisan and unfair manner, the Democratic Members of the Franking Commission have brought discredit on the House; and,

Whereas clause 1 of rule XXIII of the Rules of the House of Representatives, also known as the Code of Official Conduct, provides ''A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House'': Now, therefore, be it

Resolved, That the House views with disapproval the failure of the Democratic Members of the Franking Commission to ensure that the Commission's Democratic staff carries out its important responsibilities in a professional, fair, and impartial manner.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE

Mr. HOYER. Mr. Speaker, I move that the resolution be laid on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. BOEHNER. 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 the motion to table will be followed by a 5-minute vote on the motion to suspend the rules on S. 1513.

The vote was taken by electronic device, and there were—yeas 244, nays 173, answered ''present'' 11, not voting 5, as follows:

[Roll No. 656]

YEAS—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján

Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—173

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

ANSWERED ''PRESENT''—11

Butterfield
Castor (FL)
Chandler
Conaway
Davis (CA)
Dent
Edwards (MD)
Harper
Lofgren, Zoe
Sherman
Welch

NOT VOTING—5

Barrett (SC)
Bonner
Gerlach
McCarthy (NY)
Watson

□ 1347

Mr. KUCINICH changed his vote from ''yea'' to ''nay.''

Mr. BRIGHT changed his vote from ''nay'' to ''yea.''

Mr. CHANDLER, Ms. CASTOR of Florida and Mr. WELCH changed their vote from ''yea'' to ''present.''

Mr. HARPER changed his vote from ''nay'' to ''present.''

Mr. LATHAM changed his vote from ''present'' to ''nay.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS ADMINISTRATION EXTENSION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, S. 1513.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 1513.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CONGRATULATING CONTINENTAL AIRLINES ON ITS 75TH ANNIVERSARY

Mr. GENE GREEN of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 631) congratulating Continental Airlines on its 75th Anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

5H. RES. 631

Whereas Continental Airlines was founded 75 years ago by Walter T. Varney and his partner Louis Mueller as Varney Speed Lines in West Texas primarily as a mail service;

Whereas, on July 15, 1934, Continental's first flight was flown by its precursor Varney Speed Lines on a 530-mile route from Pueblo, Colorado to El Paso, Texas with stops in Las Vegas, Santa Fe and Albuquerque, New Mexico;

Whereas during World War II, Continental Airlines built the Denver Modification Center where it modified B–17 Flying Fortresses and B–29 Super Fortresses for the United States war effort;

Whereas during the Vietnam War, Continental transported United States troops across the Pacific and as a result of this experience, in 1968 Continental formed Air Micronesia—the first step towards global airlines;

Whereas in 1999, Continental named the first woman in the Nation to head a major commercial airline pilot group;

Whereas, on October 11, 2000, Continental Airlines and Northwest Airlines launched the world's largest interline eTicket network;

Whereas in 2001, Continental Airlines was again named ''Airline of the Year'' by the aviation industry's monthly trade publication, Air Transport World. As recipient of the same honor in 1996, Continental became the first airline to receive the coveted ''Airline of the Year'' distinction twice in five years;

Whereas following the terrorist attacks on September 11, 2001, Continental offered special compassion fares to and from the New York area to assist family members of the 9/11 victims, relief organizations and volunteers;

Whereas, on April 26, 2002, Continental was recognized for offering the best Elite Level Program, OnePass, of any United States airline, according to Inside Flyer's 14th Annual Freddie Awards Competition;

Whereas, on September 29, 2003, Continental became the first airline to offer three of the most popular business applications, two-way e-mail, instant messaging and text messaging, on its fleet of 737, 757, and MD 80 aircraft;

Whereas, on February 7, 2005, Continental was named for the eighth consecutive year to HISPANIC Magazine's ''Hispanic Corporate 100: One Hundred Companies Providing the Most Opportunities for Hispanics'';

Whereas, on April 28, 2005, Continental received honors for companywide excellence in Aviation Maintenance Training from the Federal Aviation Administration. Continental earned the FAA Diamond Certificate of Excellence for Aviation Maintenance Training, the highest award offered as part of the organization's Aviation Maintenance Technician Award Program;

Whereas, on June 29, 2006, Continental ranked the highest in Customer Satisfaction among Traditional Network Carriers in North America in the J.D. Power and Associates 2006 Airline Satisfaction Index Study marking Continental's sixth customer satisfaction award by J.D. Power and Associates since 1996;

Whereas for the 10th consecutive year, Continental outranked all of its United States competitors in international business class and domestic first class service, according to the results of a survey of Conde Nast Traveler readers published in the magazine's October 2007 edition;

Whereas in 2007, Continental Airlines teamed with the Transportation Security Administration to be the first United States carrier to launch a paperless boarding pass pilot program that allows passengers to receive boarding passes electronically on their cell phones or PDAs;

Whereas in April 2008, Continental Airlines received an award from the United States

Environmental Protection Agency's Design for the Environment Program in recognition of the airline's use of an environmentally friendly, nonchromium surface pretreatment for its aircraft. Continental was the first commercial air carrier to use this technology on its aircraft;

Whereas for the fifth consecutive year, Continental was named the ''Best Airline in North America'' at the 2008 OAG Airline of the Year Awards;

Whereas for the sixth consecutive year, Continental was rated the top airline on FORTUNE magazine's annual airline industry list of World's Most Admired Companies in March 2009; and

Whereas Continental Airlines currently services five continents with more than 2750 daily flights and more than 260 destinations today, employing more than 43,000 men and women: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 75th anniversary of operations by Continental Airlines; and

(2) congratulates the employees of Continental Airlines for the numerous awards and accolades they have earned for the company over the years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GENE GREEN).

GENERAL LEAVE

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. GENE GREEN of Texas. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of House Resolution 631, which congratulates Continental Airlines for their 75th anniversary.

Once known as the ''proud bird with the golden tail,'' Continental Airlines was founded 75 years ago this July by Walter T. Varney and his partner, Louis Mueller, as Varney Speed Lines in West Texas. While Varney Speed Lines was primarily a mail service, their first flight on July 15, 1934, was a 530-mile route from Pueblo, Colorado, to El Paso, Texas, with stops in Las Vegas, Santa Fe and Albuquerque, New Mexico.

In 1937, the company's name changed to Continental Airlines, and they moved their headquarters to Denver, Colorado, where, just a few years later, during World War II, they built the Denver Modification Center where they modified B–17 Flying Fortresses and B–29 Super Fortresses for the U.S. war effort. Continental also assisted our military during the Vietnam War by transporting American troops across the Pacific Ocean.

The company's dedication to our country was again illustrated when, following the terrorist attacks on September 11, Continental offered special compassion fares to and from the New York area to assist family members of the 9/11 victims, relief organizations and volunteers.

Throughout all of this, Continental Airlines experienced tremendous success, and it has emerged from extreme difficulties during its 75-year history to become the fifth-largest carrier in the United States and the 11th-largest in the world. With more than 43,000 employees, Continental has hubs in New York, Houston, Cleveland, and Guam. Together with its regional partners, it carries approximately 67 million passengers each year.

Flying the newest, most fuel-efficient jet fleet of all the major U.S. network carriers, Continental Airlines received an award in April 2008 from the U.S. Environmental Protection Agency's Design For the Environment program in recognition of the airline's pioneering and environmentally friendly aircraft equipment. But this is just one of several accolades that has been bestowed upon Continental during its 75 years.

Other awards include being rated the top airline for 6 consecutive years in Fortune magazine's annual airline industry list of the World's Most Admired Companies, outranking for 10 consecutive years all of the U.S. competitors in international business class and domestic first-class service, according to the results of a survey of Conde Nast Traveler readers. And for six times since 1996, it has ranked the highest in customer satisfaction among the traditional network carriers in North America, according to J.D. Power and Associates. These are just a few of the awards out of several.

The resolution recognizes the 75th anniversary of Continental Airlines, and it congratulates its employees for the numerous awards and accolades they've earned over the years. I am honored to represent many Continental employees in Houston, their home office, and I strongly encourage my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise in support of H.R. 631, which congratulates Continental Airlines on its 75th anniversary.

I want to commend Congressman GREEN for introducing the resolution. I am proud to be a Republican supporter of that. As one of three Texas-based airlines, with Continental in Houston, Texas, with Southwest in Dallas, Texas, and with American Airlines in Fort Worth, Texas, we're very proud of the airline industry in our State. We're very proud that Continental is celebrating its 75th anniversary. It is the embodiment of the American Dream.

As Congressman GREEN pointed out, it was established back in 1934 in West Texas, in El Paso. Over the last 75 years, it has evolved into one of the largest commercial airlines in the world. It serves 260 destinations with more than 2,700 flights on 5 continents. It has been named the best airline in North America. They employ over 43,000 men and women, some of whom work and live in my congressional district. I would like to recognize them for their accomplishment. I look forward to Continental's celebrating their 100th, their 125th and maybe even their 150th anniversary in the years ahead.

Again, I want to thank Mr. GREEN for bringing this resolution forward, and I would ask all of the Republicans on this side of the aisle to join me in supporting the resolution.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I would yield 2 minutes to the gentleman from Houston, Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, I want to thank my friend Mr. BARTON and also Mr. GREEN from Houston. We, all of us, in Texas take great pride in representing Continental Airlines. It's an extraordinary group of people, dynamic individuals who have created one of the best airlines in the Nation.

Even though they have been through bankruptcy twice, Mr. Speaker, they have shown what is one of the greatest attributes of what it means to be an American, which is how you conduct yourself when you pick yourself up, get back on your feet and get back to work. The people at Continental have emerged from bankruptcy as one of, again, the best airlines in the Nation. Their consumer satisfaction rating has always been among the very best in the Nation as well as their on-time status. They have, I think, set a gold standard for the Nation.

It's a source of great pride for me to represent the headquarters of Continental, and all of those fine people deserve the thanks of the Nation. Air travel is such an essential part of our Nation's economic vitality, and Continental Airlines has, time and again, shown that they are among the world's best airlines. Again, as I say, they have set the gold standard for the United States.

So I join with my colleagues. This is another example of how the whole Texas delegation works together, arm in arm. What's good for Texas, of course we understand, is good for America. We are immensely proud to be here to congratulate Continental because they represent all that's great about Texas, which means they represent all that's great about America.

Mr. GENE GREEN of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BARTON of Texas. May I inquire as to how much time I have remaining, Mr. Speaker? How much time do I have left?

The SPEAKER pro tempore. The gentleman has 17 minutes remaining.

Mr. BARTON of Texas. Whoa, a lot of time. Okay.

I want to yield 3 minutes to the gentleman from Woodland, Texas (Mr. BRADY).

□ 1400

Mr. BRADY of Texas. I thank Ranking Member BARTON.

Mr. Speaker, I rise today in support of House Resolution 631, which I sponsored with my good friend Congressman GENE GREEN of Texas, to congratulate Continental Airlines and its exceptional employees on the company's 75th anniversary this year.

Continental got started in 1934 in El Paso, Texas, going on to aid in the war efforts by working to expand its services domestically. Now headquartered in Houston, Texas, with hubs in Cleveland, Ohio, and Newark, New Jersey, Continental has grown to become the fifth largest carrier in the world, and in my mind, the best.

This followed one of the most successful business turnarounds in history after it restructured in the 1990s. Continental's impressive climb is a tribute to the outstanding leadership, dedicated employees, and excellent service to travelers.

Today, Continental remains a major employer in the Houston area and a valued airline. I hear often from satisfied travelers about the quality of the company's service and commonsense approach to operation. As a Million Mile traveler, I can personally attest to the quality and professionalism of the crew and staff of Continental Airlines, and I may add, a number of my neighbors are proud employees—pilots, attendants, managers—within the Continental system.

I ask my colleagues to join me today in congratulating Continental for its remarkable achievement and contributions to America.

Mr. BARTON of Texas. I yield 3 minutes to another gentleman from Houston, Texas (Mr. POE).

Mr. POE of Texas. Mr. Speaker, I, too, rise in support of this resolution. Along with my friends who have already spoken, we fly Continental every week. Sometimes there are up to 10 Members of Congress on the same flight either going back to Texas or coming from Houston to Reagan National. And I represent probably most of the Continental employees in the Houston area, since my district circles the airport; although, it doesn't include the airport. Something about redistricting, I believe, Mr. GREEN.

But be that as it may, great people, great airline. As my friend, Mr. BRADY, has mentioned, the employees are top-notch, from the flight attendants to the pilots, in the way they treat not only people who fly but the way they treat other people. And I commend Continental Airlines for their success over the years. It is the best airline.

Many years ago, they merged with a little bitty airline called Trans-Texas Airways, and I was one of those that wanted them to adopt the name Trans-Texas Airways after Continental merged with Trans-Texas. But they eliminated the ''Trans-Texas'' phrase and adopted the phrase ''Continental,'' which has served them much better because it is an intercontinental flying community and do a super job.

And I, too, commend the good work they've done and the tenacious employees that work, not only in the planes but on the ground, the mechanics, and the ramp crews. And so I congratulate them, and I appreciate my friend from Texas offering this resolution.

Mr. GENE GREEN of Texas. Mr. Speaker, I will continue to reserve.

Mr. BARTON of Texas. Mr. Speaker, let me simply say that I fly American more than I fly Continental, but I wish I could—having heard the glowing accolades, I do fly Continental some, and I wish they would serve the D/FW area more so I could fly them. I'm very proud of my American Airlines employees and my Southwest employees, but I'm also proud of the Continental employees that we have, and we do sincerely commend Continental and their workers and management for being the great airline that it is, and we wish them 75 years of future success in addition to congratulating them on 75 years of their past success.

With that, I yield back the balance of our time.

Mr. GENE GREEN of Texas. Mr. Speaker, I will be brief, and I want to thank my colleagues on the Republican side for coming to speak for the resolution.

Continental is like all of our airlines. It has problems, but they survived and they're going to grow, and we want to make sure they continue to do it, and that's why we recognize 75 years of success. And like my colleague said, the ranking member of Energy and Commerce, another 75 would be 150. It will be someone else here recognizing them for 150 years. I want to thank the employees of Continental for making it a great airline.

Mr. AL GREEN of Texas. Mr. Speaker, It is with great pleasure that I commend Continental Airlines on its 75th anniversary. I would also like to thank my colleague the Honorable GENE GREEN for introducing this resolution and I am honored to be a cosponsor. Continental Airlines is an outstanding company that has grown internationally without losing sight of the people they serve.

Since the founding of Continental Airlines, the company has consistently served the community. In July of 1934 the company Varney Speed Lines was created in West Texas by Walter T. Varney and Louis Mueller primarily as a mail service. During World War II, they built the Denver Modification Center in Houston, where workers modified B–17 Flying Fortresses and B–29 Super Fortresses to assist in the war effort. Today, Continental Airlines' main headquarters are in Houston and their main hub is located there as well at George Bush Intercontinental Airport.

Continental Airlines has also been a pacesetter in diversity among airlines. The company named Deborah McCoy the first woman in the Nation to head a major commercial airline pilot group in 1999. In 2005, Continental was ranked among HISPANIC Magazine's ''Hispanic Corporate 100: One Hundred Companies Providing the Most Opportunities for Hispanics'' for the eighth year in a row. Continental Airlines has also been named to the Corporate Diversity Honor Roll in Latin Business magazine

Continental has exemplified a dedication to customer service. Following the September 11th attacks, Continental offered special compassion fares to and from the New York area to assist family members of the September 11th victims, relief organizations and volunteers. Continental was the first airline to offer three of the most popular business applications on its fleet of 737, 757, and MD 80 aircraft: two-way e-mail, instant messaging and text messaging. The airline has also been awarded six Customer Satisfaction awards by J.D. Power and Associates since 1996.

Despite its global presence, Continental Airlines has maintained a personal relationship with its customers that is rivaled by many and surpassed by none. I would again like to congratulate Continental Airlines on 75 years of service and wish them many more years to come.

Mr. GENE GREEN of Texas. I yield back my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and agree to the resolution, H. Res. 631.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FOOD SAFETY ENHANCEMENT ACT OF 2009

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2749

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 ''Food Safety Enhancement Act of 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Rules of construction.
Sec. 5. USDA exemptions.
Sec. 6. Alcohol-related facilities.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

Sec. 101. Changes in registration of food facilities.
Sec. 102. Hazard analysis, risk-based preventive controls, food safety plan, finished product test results from category 1 facilities.

Sec. 103. Performance standards.
Sec. 104. Safety standards for produce and certain other raw agricultural commodities.
Sec. 105. Risk-based inspection schedule.
Sec. 106. Access to records.
Sec. 107. Traceability of food.
Sec. 108. Reinspection and food recall fees applicable to facilities.
Sec. 109. Certification and accreditation.
Sec. 110. Testing by accredited laboratories.
Sec. 111. Notification, nondistribution, and recall of adulterated or misbranded food.
Sec. 112. Reportable food registry; exchange of information.
Sec. 113. Safe and secure food importation program.
Sec. 114. Infant formula.

Subtitle B—Intervention

Sec. 121. Surveillance.
Sec. 122. Public education and advisory system.
Sec. 123. Research.

Subtitle C—Response

Sec. 131. Procedures for seizure.
Sec. 132. Administrative detention.
Sec. 133. Authority to prohibit or restrict the movement of food.
Sec. 134. Criminal penalties.
Sec. 135. Civil penalties for violations relating to food.
Sec. 136. Improper import entry filings.

TITLE II—MISCELLANEOUS

Sec. 201. Food substances generally recognized as safe.
Sec. 202. Country of origin labeling.
Sec. 203. Exportation certificate program.
Sec. 204. Registration for commercial importers of food; fee.
Sec. 205. Registration for customs brokers.
Sec. 206. Unique identification number for food facilities, importers, and custom brokers.
Sec. 207. Prohibition against delaying, limiting, or refusing inspection.
Sec. 208. Dedicated foreign inspectorate.
Sec. 209. Plan and review of continued operation of field laboratories.
Sec. 210. False or misleading reporting to FDA.
Sec. 211. Subpoena authority.
Sec. 212. Whistleblower protections.
Sec. 213. Extraterritorial jurisdiction.
Sec. 214. Support for training institutes.
Sec. 215. Bisphenol A in food and beverage containers.
Sec. 216. Lead content labeling requirement for ceramic tableware and cookware.

SEC. 3. REFERENCES.

Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 4. RULES OF CONSTRUCTION.

(a) Nothing in this Act or the amendments made by this Act shall be construed to prohibit or limit—

(1) any cause of action under State law; or

(2) the introduction of evidence of compliance or noncompliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) Nothing in this Act or any amendment made by this Act shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;

(2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 5. USDA EXEMPTIONS.

(a) USDA-REGULATED PRODUCTS.—Food is exempt from the requirements of this Act to the extent that such food is regulated by the Secretary of Agriculture under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(b) LIVESTOCK AND POULTRY.—Livestock and poultry that are intended to be presented for slaughter pursuant to the regulations by the Secretary of Agriculture under the Federal Meat Inspection Act or the Poultry Products Inspection Act are exempt from the requirements of this Act. A cow, sheep, or goat that is used for the production of milk is exempt from the requirements of this Act.

(c) USDA-REGULATED FACILITIES.—A facility is exempt from the requirements of this Act to the extent such facility is regulated as an official establishment by the Secretary of Agriculture under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act or under a program recognized by the Secretary of Agriculture as at least equal to Federal regulation under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

(d) FARMS.—A farm is exempt from the requirements of this Act to the extent such farm raises animals from which food is derived that is regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

SEC. 6. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—With the exception of the amendments made by section 101(a) and (b) and section 113 of this Act, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5291 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the distributing of any non-alcohol food, except that subsection (a) shall apply to a facility described in paragraphs (1) and (2) of subsection (a) that receives and distributes non-alcohol food provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to exempt any food, apart from distilled spirits, wine, and malt beverages, as defined in section 211 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act and the amendments made by this Act.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

SEC. 101. CHANGES IN REGISTRATION OF FOOD FACILITIES.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

''(z) If it was manufactured, processed, packed, or held in a facility that is not duly registered under section 415, including a facility whose registration is canceled or suspended under such section.''.

(b) ANNUAL REGISTRATION.—

(1) DEFINITION OF FACILITY.—Paragraph (1) of section 415(b) (21 U.S.C. 350d(b)) is amended to read as follows:

''(1)(A) The term 'facility' means any factory, warehouse, or establishment (including a factory, warehouse, or establishment of an importer) that manufactures, processes, packs, or holds food.

''(B) Such term does not include farms; private residences of individuals; restaurants; other retail food establishments; nonprofit food establishments in which food is prepared for or served directly to the consumer; or fishing vessels (except such vessels engaged in processing as defined in section 123.3(k) of title 21, Code of Federal Regulations, or any successor regulations).

''(C)(i) The term 'retail food establishment' means an establishment that, as its primary function, sells food products (including those food products that it manufactures, processes, packs, or holds) directly to consumers (including by Internet or mail order).

''(ii) Such term includes—

''(I) grocery stores;

''(II) convenience stores;

''(III) vending machine locations; and

''(IV) stores that sell bagged feed, pet food, and feed ingredients or additives over-the-counter directly to consumers and final purchasers for their own personal animals.

''(iii) A retail food establishment's primary function is to sell food directly to consumers if the annual monetary value of sales of food products directly to consumers exceeds the annual monetary value of sales of food products to all other buyers.

''(D)(i) The term 'farm' means an operation in one general physical location devoted to the growing and harvesting of crops, the raising of animals (including seafood), or both.

''(ii) Such term includes—

''(I) such an operation that packs or holds food, provided that all food used in such activities is grown, raised, or consumed on such farm or another farm under the same ownership;

''(II) such an operation that manufactures or processes food, provided that all food used in such activities is consumed on such farm or another farm under the same ownership;

''(III) such an operation that sells food directly to consumers if the annual monetary value of sales of the food products from the farm or by an agent of the farm to consumers exceeds the annual monetary value of sales of the food products to all other buyers;

''(IV) such an operation that manufactures grains or other feed stuffs that are grown and harvested on such farm or another farm

under the same ownership and are distributed directly to 1 or more farms for consumption as food by humans or animals on such farm; and

''(V) a fishery, including a wild fishery, an aquaculture operation or bed, a fresh water fishery, and a saltwater fishery.

''(iii) Such term does not include such an operation that receives manufactured feed from another farm as described in clause (ii)(IV) if the receiving farm releases the feed to another farm or facility under different ownership.

''(iv) The term 'harvesting' includes washing, trimming of outer leaves of, and cooling produce.

''(E) The term 'consumer' does not include a business.''.

(2) REGISTRATION.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(A) in the first sentence of paragraph (1)—

(i) by striking ''require that'' and inserting ''require that, on or before December 31 of each year,''; and

(ii) by striking ''food for consumption in the United States'' and inserting ''food for consumption in the United States or for export from the United States'';

(B) in subparagraphs (A) and (B) of paragraph (1), by inserting ''and pay the registration fee required under section 743'' after ''submit a registration to the Secretary'' each place it appears;

(C) in the first sentence of paragraph (2), by inserting ''in electronic format'' after ''submit''; and

(D) in paragraph (4), by inserting after the first sentence the following: ''The Secretary shall remove from such list the name of any facility that fails to reregister in accordance with this section, that fails to pay the registration fee required under section 743, or whose registration is canceled by the registrant, canceled by the Secretary in accordance with this section, or suspended by the Secretary in accordance with this section.''.

(3) CONTENTS OF REGISTRATION.—Paragraph (2) of section 415(a) (21 U.S.C. 350d(a)), as amended by paragraph (1), is amended by striking ''containing information'' and all that follows and inserting the following: ''containing information that identifies the following:

''(A) The name, address, and emergency contact information of the facility being registered.

''(B) The primary purpose and business activity of the facility, including the dates of operation if the facility is seasonal.

''(C) The general food category (as defined by the Secretary by guidance) of each food manufactured, processed, packed, or held at the facility.

''(D) All trade names under which the facility conducts business related to food.

''(E) The name, address, and 24-hour emergency contact information of the United States distribution agent for the facility, which agent shall have access to the information required to be maintained under section 414(d) for food that is manufactured, processed, packed, or held at the facility.

''(F) If the facility is located outside of the United States, the name, address, and emergency contact information for a United States agent.

''(G) The unique facility identifier of the facility, as specified under section 1011.

''(H) Such additional information pertaining to the facility as the Secretary may require by regulation.

The registrant shall notify the Secretary of any change in the submitted information not later than 30 days after the date of such change, unless otherwise specified by the Secretary.''.

(4) SUSPENSION AND CANCELLATION AUTHORITY.—Section 415(a) (21 U.S.C. 350d(a)), as amended by paragraphs (1) and (2), is further amended by adding at the end the following:

''(5) SUSPENSION OF REGISTRATION.—

''(A) IN GENERAL.—The Secretary may suspend the registration of any facility registered under this section for a violation of this Act that could result in serious adverse health consequences or death to humans or animals.

''(B) NOTICE OF SUSPENSION.—Suspension of a registration shall be preceded by—

''(i) notice to the facility of the intent to suspend the registration; and

''(ii) an opportunity for an informal hearing, as defined in guidance or regulations issued by the Secretary, concerning the suspension of such registration for such facility.

''(C) REQUEST.—The owner, operator, or agent in charge of a facility whose registration is suspended may request that the Secretary vacate the suspension of registration when such owner, operator, or agent has corrected the violation that is the basis for such suspension.

''(D) VACATING OF SUSPENSION.—If, based on an inspection of the facility or other information, the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

''(6) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration if the Secretary determines that—

''(i) the registration was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information; or

''(ii) the required registration fee has not been paid within 30 days after the date due.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the facility of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the facility is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(7) REPORT TO CONGRESS.—Not later than March 30th of each year, the Secretary shall submit to the Congress a report, based on the registrations on or before December 31 of the previous year, on the following:

''(A) The number of facilities registered under this section.

''(B) The number of such facilities that are domestic.

''(C) The number of such facilities that are foreign.

''(D) The number of such facilities that are high-risk.

''(E) The number of such facilities that are low-risk.

''(F) The number of such facilities that hold food.

''(8) LIMITATION ON DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or cancel a registration shall not be delegated to any officer or employee other than the Commissioner of Food and Drugs, the Principal Deputy Commissioner, the Associate Commissioner for Regulatory Affairs, or the Director for the Center for Food Safety and Applied Nutrition, of the Food and Drug Administration.''.

(c) REGISTRATION FEE.—Chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end of subchapter C the following:

''PART 6—FEES RELATING TO FOOD

''SEC. 743. FACILITY REGISTRATION FEE.

''(a) IN GENERAL.—

''(1) ASSESSMENT AND COLLECTION.—Beginning in fiscal year 2010, the Secretary shall assess and collect an annual fee for the registration of a facility under section 415.

''(2) PAYABLE DATE.—A fee under this section shall be payable—

''(A) for a facility that was not registered under section 415 for the preceding fiscal year, on the date of registration; and

''(B) for any other facility—

''(i) for fiscal year 2010, not later than the sooner of 90 days after the date of the enactment of this part or December 31, 2009; and

''(ii) for a subsequent fiscal year, not later than December 31 of such fiscal year.

''(b) FEE AMOUNTS.—

''(1) IN GENERAL.—The registration fee under subsection (a) shall be—

''(A) for fiscal year 2010, $500; and

''(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under subsection (c).

''(2) ANNUAL FEE SETTING.—The Secretary shall, not later than 60 days before the start of fiscal year 2011 and each subsequent fiscal year, establish, for the next fiscal year, registration fees under subsection (a), as described in paragraph (1).

''(3) MAXIMUM AMOUNT.—Notwithstanding paragraph (1), a person who owns or operates multiple facilities for which a fee must be paid under this section for a fiscal year shall be liable for not more than $175,000 in aggregate fees under this section for such fiscal year.

''(c) INFLATION ADJUSTMENT.—For fiscal year 2011 and each subsequent fiscal year, the fee amount under subsection (b)(1) shall be adjusted by the Secretary by notice, published in the Federal Register, to reflect the greater of—

''(1) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

''(2) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

''(3) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

The adjustment made each fiscal year under this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

''(d) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for fiscal year 2010 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for registration under section 415 at any time in such fiscal year.

''(3) ADJUSTMENT FACTOR.—In this subsection, the term 'adjustment factor' applicable to a fiscal year is the Consumer Price

Index for all urban consumers (all items; United States city average) for October of the preceding fiscal year divided by such Index for October 2009.

''(e) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to defray the costs of food safety activities.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

''(4) PUBLIC MEETINGS.—For each fiscal year, the Secretary shall hold a public meeting on how fees collected under this section will be used to defray the costs of food safety activities in order to solicit the views of the regulated industry, consumers, and other interested stakeholders.

''(f) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(g) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in food safety activities, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(h) ANNUAL FISCAL REPORTS.—Beginning with fiscal year 2011, not later than 120 days after the end of each fiscal year for which fees are collected under this section, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

''(i) DEFINITIONS.—In this section:

''(1) The term 'costs of food safety activities' means the expenses incurred in connection with food safety activities for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;

''(B) laboratory capacity;

''(C) management of information, and the acquisition, maintenance, and repair of technology resources;

''(D) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and

''(E) collecting fees under this section and accounting for resources allocated for food safety activities.

''(2) The term 'food safety activities' means activities related to compliance by facilities registered under section 415 with the requirements of this Act relating to food (including research related to and the development of standards (such as performance standards and preventive controls), risk assessments, hazard analyses, inspection planning and inspections, third-party inspections, compliance review and enforcement, import review, information technology support, test development, product sampling, risk communication, and administrative detention).''.

(d) TRANSITIONAL PROVISIONS.—

(1) FEES.—The Secretary of Health and Human Services shall first impose the fee established under section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), for fiscal years beginning with fiscal year 2010.

(2) MODIFICATION OF REGISTRATION FORM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall modify the registration form under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) to comply with the amendments made by this section.

(3) APPLICATION.—The amendments made by this section, other than subsections (b)(2) and (c), shall take effect on the date that is 30 days after the date on which such modified registration form takes effect, but not later than 210 days after the date of the enactment of this Act.

(4) SUNSET DATE.—Section 743 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (c), does not authorize the assessment or collection of a fee for registration under section 415 of such Act (21 U.S.C. 360) occurring after fiscal year 2014.

SEC. 102. HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN, FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

(a) HAZARD ANALYSIS, RISK-BASED PREVENTIVE CONTROLS, FOOD SAFETY PLAN.—

(1) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342) is amended by adding at the end the following:

''(j) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the requirements of sections 418 and 418A.''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—The owner, operator, or agent of a facility shall, in accordance with this section—

''(1) conduct a hazard analysis (or more than one if appropriate);

''(2) identify and implement effective preventive controls;

''(3) monitor preventive controls;

''(4) institute corrective actions when—

''(A) monitoring shows that preventive controls have not been properly implemented; or

''(B) monitoring and verification show that such controls were ineffective;

''(5) conduct verification activities;

''(6) maintain records of monitoring, corrective action, and verification; and

''(7) reanalyze for hazards.

''(b) IDENTIFICATION OF HAZARDS.—

''(1) IN GENERAL.—The owner, operator, or agent of a facility shall evaluate whether there are any hazards, including hazards due to the source of the ingredients, that are reasonably likely to occur in the absence of preventive controls that may affect the safety, wholesomeness, or sanitation of the food manufactured, processed, packed, transported, or held by the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, filth, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally or that may be unintentionally introduced.

''(2) IDENTIFIED BY THE SECRETARY.—The Secretary may, by regulation or guidance, identify hazards that are reasonably likely to occur in the absence of preventive controls.

''(3) HAZARD ANALYSIS.—The owner, operator, or agent of a facility shall identify and describe the hazards evaluated under paragraph (1) or identified under paragraph (2), to the extent applicable to the facility, in a hazard analysis.

''(c) PREVENTIVE CONTROLS.—

''(1) IN GENERAL.—The owner, operator, or agent of a facility shall identify and implement effective preventive controls to prevent, eliminate, or reduce to acceptable levels the occurrence of any hazards identified in the hazard analysis under subsection (b)(3).

''(2) IDENTIFIED BY THE SECRETARY.—

''(A) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive controls for specific product types to prevent unintentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive controls identified by the Secretary under this paragraph.

''(B) ALTERNATIVE CONTROLS.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive control to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative control effectively addresses the hazard, including meeting any applicable performance standard.

''(C) LIMITATION.—Subparagraph (B) shall not apply to any preventive control described in subparagraph (A), (B), or (E) of subsection (i)(2).

''(d) MONITORING.—The owner, operator, or agent of a facility shall monitor the implementation of preventive controls under subsection (c) to identify any circumstances in which the preventive controls are not fully implemented or verification shows that such controls were ineffective.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent of a facility shall establish and implement procedures to ensure that, if the preventive controls under subsection (c) are not fully implemented or are not found effective—

''(1) no affected product from such facility enters commerce; and

''(2) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure.

''(f) VERIFICATION.—The owner, operator, or agent of a facility shall ensure that—

''(1) the system of preventive controls identified under subsection (c) has been validated as scientifically and technically sound so that, if such system is implemented, the hazards identified in the hazard analysis under subsection (b)(3) will be prevented, eliminated, or reduced to an acceptable level;

''(2) the facility is conducting monitoring in accordance with subsection (d);

''(3) the facility is taking effective corrective actions under subsection (e); and

''(4) the preventive controls are effectively preventing, eliminating, or reducing to an

acceptable level the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means.

''(g) REQUIREMENT TO REANALYZE AND REVISE.—

''(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

''(A) review the evaluation under subsection (b) for the facility and, as necessary, revise the hazard analysis under subsection (b)(3) for the facility—

''(i) not less than every 2 years;

''(ii) if there is a change in the process or product that could affect the hazard analysis; and

''(iii) if the Secretary determines that it is appropriate to protect public health; and

''(B) whenever there is a change in the hazard analysis, revise the preventive controls under subsection (c) for the facility as necessary to ensure that all hazards that are reasonably likely to occur are prevented, eliminated, or reduced to an acceptable level, or document the basis for the conclusion that no such revision is needed.

''(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

''(h) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (a) through (g).

''(i) DEFINITIONS.—For purposes of this section:

''(1) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to be registered under section 415.

''(2) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, transporting, or holding of food would employ to prevent, eliminate, or reduce to an acceptable level the hazards identified in the hazard analysis under subsection (b)(3) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, transporting, or holding at the time of the analysis. Those procedures, practices, and processes shall include the following, as appropriate to the type of facility or food:

''(A) Sanitation procedures and practices.

''(B) Supervisor, manager, and employee hygiene training.

''(C) Process controls.

''(D) An allergen control program to minimize potential allergic reactions in humans from ingestion of, or contact with, human and animal food.

''(E) Good manufacturing practices.

''(F) Verification procedures, practices, and processes for suppliers and incoming ingredients, which may include onsite auditing of suppliers and testing of incoming ingredients.

''(G) Other procedures, practices, and processes established by the Secretary under subsection (c)(2).

''(3) HAZARD THAT IS REASONABLY LIKELY TO OCCUR.—A food safety hazard that is reasonably likely to occur is one for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish controls because experience, illness data, scientific reports, or other information provides a basis to conclude that there is a reasonable possibility that the hazard will occur in the type of food being manufactured, processed, packed, transported, or held in the absence of those controls.

''SEC. 418A. FOOD SAFETY PLAN.

''(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food safety plan (in this section referred to as a 'food safety plan').

''(b) CONTENTS.—The food safety plan shall include each of the following elements:

''(1) The hazard analysis and any reanalysis conducted under section 418.

''(2) A description of the preventive controls being implemented under subsection 418(c), including those to address hazards identified by the Secretary under subsection 418(b)(2).

''(3) A description of the procedures for monitoring preventive controls.

''(4) A description of the procedures for taking corrective actions.

''(5) A description of verification activities for the preventive controls, including validation that the system of controls, if implemented, will prevent, eliminate, or reduce to an acceptable level the identified hazards, review of monitoring and corrective action records, and procedures for determining whether the system of controls as implemented is effectively preventing, eliminating, or reducing to an acceptable level the occurrence of identified hazards, including the use of environmental and product testing programs.

''(6) A description of the facility's recordkeeping procedures.

''(7) A description of the facility's procedures for the recall of articles of food, whether voluntarily or when required under section 422.

''(8) A description of the facility's procedures for tracing the distribution history of articles of food, whether voluntarily or when required under section 414.

''(9) A description of the facility's procedures to ensure a safe and secure supply chain for the ingredients or components used in making the food manufactured, processed, packed, transported, or held by such facility.

''(10) A description of the facility's procedures to implement the science-based performance standards issued under section 419.''.

(3) GUIDANCE OR REGULATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall issue guidance or promulgate regulations to establish science-based standards for conducting a hazard analysis, documenting hazards, identifying and implementing preventive controls, and documenting the implementation of the preventive controls, including verification and corrective actions under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2)).

(B) INTERNATIONAL STANDARDS.—In issuing guidance or regulations under subparagraph (A), the Secretary shall review international hazard analysis and preventive control standards that are in existence on the date of the enactment of this Act and relevant to such guidelines or regulations to ensure that the programs under sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act (as added by paragraph (2) are consistent, to the extent the Secretary determines practicable and appropriate, with such standards.

(C) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section and the amendments made by this section with respect to facilities that are solely engaged in—

(i) the production of food for animals other than man or the storage of packaged foods that are not exposed to the environment; or

(ii) the storage of raw agricultural commodities for further distribution or processing.

(D) SMALL BUSINESSES.—The Secretary—

(i) shall consider the impact of any guidance or regulations under this section on small businesses; and

(ii) shall issue guidance to assist small businesses in complying with the requirements of this section and the amendments made by this section.

(4) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(5) CONSIDERATION.—When implementing sections 418 and 418A of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2), the Secretary may take into account differences between food intended for human consumption and food intended for consumption by animals other than man.

(6) EFFECTIVE DATE.—

(A) GENERAL RULE.—The amendments made by subsection (a) and this subsection shall take effect 18 months after the date of the enactment of this Act.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A)—

(i) the amendments made by subsection (a) and this subsection shall apply to a small business (as defined by the Secretary) after the date that is 2 years after the date of the enactment of this Act; and

(ii) the amendments made by subsection (a) and this subsection shall apply to a very small business (as defined by the Secretary) after the date that is 3 years after the date of the enactment of this Act.

(b) FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.—

(1) ADULTERATION.—Section 402 (21 U.S.C. 342), as amended by subsection (a), is amended by adding at the end the following:

''(k) If it is manufactured or processed in a facility that is in violation of section 418B.''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

''SEC. 418B. FINISHED PRODUCT TEST RESULTS FROM CATEGORY 1 FACILITIES.

''(a) AUTHORITY.—Beginning on the date specified in subsection (c), the Secretary shall require, after public notice and an opportunity for comment, the submission to the Secretary of finished product test results by the owner, operator, or agent of each category 1 facility subject to good manufacturing practices regulations documenting the presence of contaminants in food in the possession or control of such facility posing a risk of severe adverse health consequences or death.

''(b) CONSIDERATIONS.—The Secretary shall require submissions under subsection (a)—

''(1) as the Secretary determines feasible and appropriate; and

''(2) taking into consideration available data and information on the potential risks posed by the facility.

''(c) BEGINNING DATE.—The date specified in this subsection is the sooner of—

''(1) the date of completion of the pilot projects and feasibility study under subsections (d) and (e); and

''(2) the date that is 2 years after the date of the enactment of this section.

''(d) PILOT PROJECTS.—The Secretary shall conduct 2 or more pilot projects to evaluate the feasibility of collecting positive finished product testing results from category 1 facilities, including the value and feasibility of reporting corrective actions taken when positive finished product test results are reported to the Secretary.

''(e) FEASIBILITY STUDY.—The Secretary shall assess the feasibility and benefits of the reporting by facilities subject to good manufacturing practices regulations of appropriate finished product testing results from category 1 facilities to the Secretary, including the extent to which the collection of such finished product testing results will help the Secretary assess the risk presented by a facility or product category.

''(f) LIMITATIONS.—Nothing in this section shall be construed—

''(1) to require the Secretary to mandate testing or submission of test results that the Secretary determines would not provide useful information in assessing the potential risk presented by a facility or product category; or

''(2) to limit the Secretary's authority under any other provisions of law to require any person to provide access, or to submit information or test results, to the Secretary, including the ability of the Secretary to require field or other testing and to obtain test results in the course of an investigation of a potential food-borne illness or contamination incident.

''(g) DEFINITION.—In this section, the term 'category 1 facility' means a category 1 facility within the meaning of section 704(h).''.

(c) FOOD DEFENSE.—

(1) ADULTERATION.—Section 402(j), as added by subsection (a), is amended by striking ''and 418A'' and inserting '', 418A, or 418C''.

(2) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended, is further amended by adding at the end the following:

''SEC. 418C. FOOD DEFENSE.

''(a) IN GENERAL.—Before a facility (as defined in section 418(i)) introduces or delivers for introduction into interstate commerce any shipment of food, the owner, operator, or agent of the facility shall develop and implement a written food defense plan (in this section referred to as a 'food defense plan').

''(b) CONTENTS.—The food defense plan shall include each of the following elements:

''(1) A food defense assessment to identify conditions and practices that may permit a hazard that may be intentionally introduced, including by an act of terrorism. This assessment shall evaluate processing security, cybersecurity, material security (including ingredients, finished product, and packaging), personnel security, storage security, shipping and receiving security, and utility security.

''(2) A description of the preventive measures being implemented as a result of such assessment to minimize the risk of intentional contamination.

''(3) A description of the procedures to check for and identify any circumstances in which the preventive measures are not fully implemented or were ineffective.

''(4) A description of the procedures for taking corrective actions to ensure that when preventive measures have not been properly implemented or have been ineffective, appropriate action is taken—

''(A) to reduce the likelihood of recurrence of the failure; and

''(B) to assess the consequences of the failure.

''(5) A description of evaluation activities for the preventive measures, including a review of records provided for under paragraph (6) and procedures to periodically test the effectiveness of the plan.

''(6) A description of the facility's recordkeeping procedures, including records documenting implementation of the procedures under paragraphs (3), (4), and (5).

''(c) HAZARD.—For purposes of this section, the term 'hazard that may be intentionally introduced, including by an act of terrorism' means a hazard for which a prudent person who, as applicable, manufactures, processes, packs, transports, or holds food, would establish preventive measures because the hazard has been identified by a food defense assessment by application of—

''(1) a targeting assessment tool recommended by the Secretary by guidance; or

''(2) a comparable targeting assessment tool.

''(d) FOOD DEFENSE HAZARDS IDENTIFIED BY THE SECRETARY.—

''(1) ESTABLISHMENT.—The Secretary may establish by regulation or guidance preventive measures for specific product types to prevent intentional contamination throughout the supply chain. The owner, operator, or agent of a facility shall implement any preventive measures identified by the Secretary under this paragraph.

''(2) ALTERNATIVE MEASURES.—Such regulation or guidance shall allow the owner, operator, or agent of a facility to implement an alternative preventive measure to one established by the Secretary, provided that, in response to a request by the Secretary, the owner, operator, or agent can present to the Secretary data or other information sufficient to demonstrate that the alternative measure effectively addresses the hazard.

''(e) REQUIREMENT TO REASSESS AND REVISE.—

''(1) REQUIREMENT.—The owner, operator, or agent of a facility shall—

''(A) review the food defense assessment under subsection (b)(1) for the facility and, as necessary, revise the food defense assessment under subsection (b)(1) for the facility—

''(i) not less than every 2 years;

''(ii) if there is a change in the process or product that could affect the food defense assessment; and

''(iii) if the Secretary determines that it is appropriate to protect public health; and

''(B) whenever there is a change in the food defense assessment, revise the preventive measures under subsection (b)(2) for the facility as necessary to ensure that for all hazards identified, the risk is minimized, or document the basis for the conclusion that no such revision is needed.

''(2) NONDELEGATION.—Any revisions ordered by the Secretary under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the facility involved is located, or is an official senior to such director.

''(f) RECORDKEEPING.—The owner, operator, or agent of a facility shall maintain, for not less than 2 years, records documenting the activities described in subsections (b) and (e).

''(g) ACCESS TO PLAN.—

''(1) ON INSPECTION.—An officer or employee of the Secretary shall have access to the food defense plan of a facility under section 414(a) only if the Secretary, through an official who is the director of the district under this Act in which the facility is located or an official who is senior to such a director, provides notice under section 414(a)(1)(C).

''(2) NONDISCLOSURE.—A food defense plan, and any information derived from such a plan, shall be exempt from disclosure under section 552 of title 5, United States Code.''.

(3) PROHIBITION.—Section 301(j) (21 U.S.C. 331(j)) is amended by inserting after ''entitled to protection'' the following: ''or a food defense plan, or any information derived from such a plan, under section 418C''.

SEC. 103. PERFORMANCE STANDARDS.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by section 102, is amended by adding at the end the following:

''(l) If it has been manufactured, processed, packed, transported, or held under conditions that do not meet the standards issued under section 419.''.

(b) REQUIREMENTS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 102(b), is further amended by adding at the end the following:

''SEC. 419. PERFORMANCE STANDARDS.

''(a) PERFORMANCE STANDARDS.—The Secretary shall, not less frequently than every 2 years, review and evaluate epidemiological data and other appropriate sources of information, including research under section 123 of the Food Safety Enhancement Act of 2009, to identify the most significant food-borne contaminants and the most significant resulting hazards. The Secretary shall issue, as soon as practicable, through guidance or by regulation, science-based performance standards (which may include action levels) applicable to foods or food classes, as appropriate, to minimize to an acceptable level, prevent, or eliminate the occurrence of such hazards. Such standards shall be applicable to foods and food classes. Notwithstanding the timelines set forth in this paragraph, the Secretary shall as appropriate establish such science-based performance standards for identified contaminants as necessary to protect the public health.

''(b) LIST OF CONTAMINANTS.—Following each review under subsection (a), the Secretary shall publish in the Federal Register a list of food-borne contaminants that have the greatest adverse impact on public health. In determining whether a particular food-borne contaminant should be added to such list, the Secretary shall consider the number and severity of illnesses and the number of deaths associated with the foods associated with such contaminants.

''(c) SAMPLING PROGRAM.—In conjunction with the establishment of a performance standard under this section, the Secretary may make recommendations to industry for conducting product sampling.

''(d) REVOCATION BY SECRETARY.—All performance standards of the Food and Drug Administration applicable to foods or food classes in effect on the date of the enactment of this section, or issued under this section, shall remain in effect until revised or revoked by the Secretary.''.

(c) REPORT TO CONGRESS.—The Secretary of Health and Human Services shall submit to the Congress by March 30th of the year following each review under section 419 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b), a report on the results of such review and the Secretary's plans to address the significant food-borne hazards identified, or the basis for not addressing any significant food-borne hazards identified, including any resource limitations or limitations in data that preclude further action at that time.

SEC. 104. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

(a) ADULTERATED FOOD.—Section 402 (21 U.S.C. 342), as amended by sections 102 and 103(a), is amended by adding at the end the following:

''(m) If it has been grown, harvested, processed, packed, sorted, transported, or held under conditions that do not meet the standards established under section 419A.''.

(b) STANDARDS.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102(b) and 103(b), is amended by adding at the end the following:

''SEC. 419A. SAFETY STANDARDS FOR PRODUCE AND CERTAIN OTHER RAW AGRICULTURAL COMMODITIES.

''(a) STANDARDS.—The Secretary, in coordination with the Secretary of Agriculture, shall establish by regulation scientific and risk-based food safety standards for the growing, harvesting, processing, packing, sorting, transporting, and holding of those types of raw agricultural commodities—

''(1) that are a fruit, vegetable, nut, or fungus; and

''(2) for which the Secretary has determined that such standards are reasonably necessary to minimize the risk of serious adverse health consequences or death to humans or animals.

''(b) CONTENTS.—The regulations under subsection (a)—

''(1) may set forth such procedures, processes, and practices as the Secretary determines to be reasonably necessary—

''(A) to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into raw agricultural commodities that are a fruit, vegetable, nut, or fungus; and

''(B) to provide reasonable assurances that such commodity is not adulterated under section 402;

''(2) may include, with respect to growing, harvesting, processing, packing, sorting, transporting, and storage operations, standards for safety as the Secretary determines to be reasonably necessary;

''(3) may include standards addressing manure use, water quality, employee hygiene, sanitation and animal control, and temperature controls, as the Secretary determines to be reasonably necessary;

''(4) may include standards for such other elements as the Secretary determines necessary to carry out subsection (a);

''(5) shall provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

''(6) may provide for coordination of education and enforcement activities;

''(7) shall take into consideration, consistent with ensuring enforceable public health protection, the impact on small-scale and diversified farms, and on wildlife habitat, conservation practices, watershed-protection efforts, and organic production methods;

''(8) may provide for coordination of education and training with other government agencies, universities, private entities, and others with experience working directly with farmers; and

''(9) may provide for recognition through guidance of other existing publicly available procedures, processes, and practices that the Secretary determines to be equivalent to those established under paragraph (1).

''(c) EDUCATION AND COMPLIANCE.—The Secretary shall coordinate with the Secretary of Agriculture to provide for effective implementation of education and compliance activities. The Secretary may contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.''.

(c) TIMING.—

(1) PROPOSED RULE.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a proposed rule to carry out section 419A of the Federal Food, Drug, and Cosmetic Act, as added by subsection (b).

(2) FINAL RULE.—Not later than 3 years after such date, the Secretary of Health and Human Services shall issue a final rule under such section.

(d) NO EFFECT ON EXISTING HACCP AUTHORITIES.—Nothing in this section or the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.), as in effect on the day before the date of the enactment of this Act, to revise, issue, or enforce product- and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(e) UPDATE EXISTING GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall update the guidance document entitled ''Guidance For Industry: Guide To Minimize Microbial Food Safety Hazards For Fresh Fruits And Vegetables'' (issued on October 26, 1998) in accordance with this section and the amendments made by this section.

SEC. 105. RISK-BASED INSPECTION SCHEDULE.

(a) IN GENERAL.—Section 704 (21 U.S.C. 374) is amended by adding at the end the following:

''(h)(1) Each facility registered under section 415 shall be inspected—

''(A)(i) by one or more officers duly designated under section 702 or other statutory authority by the Secretary;

''(ii) for domestic facilities, by a Federal, State, or local official recognized by the Secretary under paragraph (2); or

''(iii) for foreign facilities, by an agency or a representative of a country that is recognized by the Secretary under paragraph (2); and

''(B) at a frequency determined pursuant to a risk-based schedule.

''(2) For purposes of paragraph (1)(A), the Secretary—

''(A) may recognize Federal, State, and local officials and agencies and representatives of foreign countries as meeting standards established by the Secretary for conducting inspections under this Act; and

''(B) may limit such recognition to inspections of specific commodities or food types.

''(3) The risk-based schedule under paragraph (1)(B) shall be implemented beginning not later than 18 months after the date of the enactment of this subsection.

''(4) Such risk-based schedule shall provide for a frequency of inspections commensurate with the risk presented by the facility and shall be based on the following categories and inspection frequencies:

''(A) CATEGORY 1.—A category 1 food facility is a high-risk facility that manufactures or processes food. The Secretary shall randomly inspect a category 1 food facility at least every 6 to 12 months.

''(B) CATEGORY 2.—A category 2 food facility is a low-risk facility that manufactures or processes food or a facility that packs or labels food. The Secretary shall randomly inspect a category 2 facility at least every 18 months to 3 years.

''(C) CATEGORY 3.—A category 3 food facility is a facility that holds food. The Secretary shall randomly inspect a category 3 facility at least every 5 years.

''(5) The Secretary—

''(A) may, by guidance, modify the types of food facilities within a category under paragraph (4);

''(B) may alter the inspection frequencies specified in paragraph (4) based on the need to respond to food-borne illness outbreaks and food recalls; and

''(C) may inspect a facility more frequently than the inspection frequency provided by paragraph (4);

''(D) beginning 6 months after submitting the report required by section 105(b)(2) of the Food Safety Enhancement Act of 2009, may—

''(i) publish in the Federal Register adjustments to the inspection frequencies specified in subparagraphs (B) and (C) of paragraph (4) for category 2 and category 3 food facilities, which adjustments shall be in accordance with the Secretary's recommendations in such report; and

''(ii) after such publication, implement the adjustments; and

''(E) except as provided in subparagraphs (B) and (C), may not alter the inspection frequency specified in paragraph (4)(A) for category 1 food facilities.

''(6) In determining the appropriate frequency of inspection, the Secretary shall consider—

''(A) the type of food manufactured, processed, packed, or held at the facility;

''(B) the compliance history of the facility;

''(C) whether the facility importing or offering for import into the United States food is certified by a qualified certifying entity in accordance with section 801(q); and

''(D) such other factors as the Secretary determines by guidance to be relevant to assessing the risk presented by the facility.

''(7) Before establishing or modifying the categorization under paragraph (4) of any food facility or type of food facility, the Secretary shall publish a notice of the proposed categorization in the Federal Register and provide a period of not less than 60 days for public comment on the proposed categorization.''.

(b) REPORTS ON RISK-BASED INSPECTIONS OF FOOD FACILITIES.—

(1) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing—

(A) the number of foreign and domestic facilities, by risk category, inspected under the risk-based inspection schedule established under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), in the preceding fiscal year; and

(B) the costs of implementing the risk-based inspection schedule for the preceding 12 months.

(2) THIRD-YEAR REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate describing recommendations on the risk-based inspection schedule under section 704(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), including recommendations for adjustments to the timing of the schedule and other ways to improve the risk-based allocation of resources by the Food and Drug Administration. In making such recommendations, the Secretary shall consider—

(A) the nature of the food products being processed, stored, or transported;

(B) the manner in which food products are processed, stored, or transported;

(C) the inherent likelihood that the products will contribute to the risk of food-borne illness;

(D) the best available evidence concerning reported illnesses associated with the foods processed, stored, held, or transported in the category of facilities; and

(E) the overall record of compliance with food safety law among facilities in the category, including compliance with applicable performance standards and the frequency of recalls.

SEC. 106. ACCESS TO RECORDS.

(a) RECORDS ACCESS.—Subsection (a) of section 414 (21 U.S.C. 350c) is amended to read as follows:

''(a) RECORDS ACCESS.—

''(1) RECORDS ACCESS DURING AN INSPECTION.—

''(A) IN GENERAL.—Except as provided in paragraph (3), each person who manufactures, processes, packs, transports, distributes, receives, or holds an article of food in the United States or for import into the United States shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article bearing on whether the food may be adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A.

''(B) SCOPE OF RECORDS.—The requirement under subparagraph (A) applies to all records relating to the manufacture, processing, packing, transporting, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.

''(C) IMMEDIATE AVAILABILITY WITH NOTICE.—Records not required to be made available immediately on commencement of an inspection under subparagraph (A) shall nonetheless be made available immediately on commencement of such an inspection if, by a reasonable time before such inspection, the Secretary by letter to the person identifies the records to be made available during such inspection. Nothing in this subparagraph shall be construed as permitting a person to refuse to produce records required under and in accordance with subparagraph (A) due to failure of the Secretary to provide notice under this paragraph.

''(2) ADDITIONAL AUTHORITIES TO ACCESS RECORDS REMOTELY; SUBMISSION OF RECORDS TO THE SECRETARY.—

''(A) REMOTE ACCESS IN EMERGENCIES.—If the Secretary has a reasonable belief that an article of food presents a threat of serious adverse health consequences or death to humans or animals, the Secretary may require each person who manufactures, processes, packs, transports, distributes, receives, holds, or imports such article of food, or any article of food that the Secretary determines may be affected in a similar manner, to submit to the Secretary all records reasonably related to such article of food as soon as is reasonably practicable, after receiving written notice (including by notice served personally and outside normal business hours to an agent identified under subparagraph (E) or (F) of section 415(a)(2)) of such requirement.

''(B) REMOTE ACCESS TO RECORDS RELATED TO FOOD SAFETY PLANS.—With respect to a facility subject to section 418 and 418A, the Secretary may require the owner, operator, or agent of such facility to submit to the Secretary, as soon as reasonably practicable after receiving written notice of such requirement, the food safety plan, supporting information relied on by the facility to select the preventive controls to include in its food safety plan, and documentation of corrective actions, if any, taken under section 418(e) within the preceding 2 years.

''(C) ELECTRONIC SUBMISSION.—If the records required to be submitted to the Secretary under subparagraph (A) or (B) are available in electronic format, such records shall be submitted electronically unless the Secretary specifies otherwise in the notice under such subparagraph.

''(3) LIMITED RECORDS ACCESS ON FARMS.—

''(A) APPLICATION.—Paragraphs (1) and (2) do not apply with respect to farms, except as provided in this paragraph.

''(B) IN GENERAL.—A person who is the owner, operator, or agent of a farm (as defined in section 415) shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to an article of food produced, manufactured, processed, packed, or held on such farm as specified in paragraphs (1) and (2) if—

''(i) such article of food is a fruit, vegetable, nut, or fungus that is the subject of a standard issued under section 419A; or

''(ii) such article of food is the subject of an active investigation by the Secretary of a food borne illness outbreak and is not a grain or similarly handled commodity as defined in subsection (c)(4)(C)(ii).

''(C) RECORDS ACCESS ON FARMS PRIOR TO RULEMAKING.—

''(i) IN GENERAL.—As soon as practicable after the enactment of this paragraph, the Secretary shall, in coordination with the Secretary of Agriculture, identify 1 or more fruits, vegetables, nuts, or fungi for which the Secretary shall have access to records on farms. Such identification shall be made by guidance, following notice and public comment.

''(ii) IDENTIFICATION OF RAW AGRICULTURAL COMMODITIES.—The Secretary, in coordination with the Secretary of Agriculture, shall make the identification in clause (i), based on any past food borne illness outbreak attributed to the fruit, vegetable, nut, or fungus—

''(I) in the United States and the risk that a similar outbreak could occur again in the United States; or

''(II) in a foreign country and the risk that a similar outbreak could occur in the United States.

''(iii) DURATION OF AUTHORITY.—The authority to have access to records for a fruit, vegetable, nut, or fungus under this subparagraph shall begin on the date on which the Secretary identifies such fruit, vegetable, nut, or fungus under clause (i) and shall terminate on the effective date of a final rule issued by the Secretary under section 419A.

''(iv) SCOPE OF RECORDS ACCESS.—In the guidance under clause (i), and for the period specified in clause (iii), the Secretary, in coordination with the Secretary of Agriculture, shall determine the scope of the records to which the Secretary shall have access under this subparagraph.

''(D) RULE OF CONSTRUCTION.—This paragraph shall not be construed as limiting access to any records authorized under—

''(i) this Act or the Public Health Service Act, as in effect on the day before the date of the enactment of this paragraph; or

''(ii) regulations issued under such Acts on any date before the date of the enactment of this paragraph.''.

(b) REGULATIONS CONCERNING RECORDKEEPING.—

(1) AMENDMENT.—Subsection (b) of section 414 (21 U.S.C. 350c) is amended to read as follows:

''(b) REGULATIONS CONCERNING RECORDKEEPING.—The Secretary, in consultation and coordination, as appropriate, with other Federal departments and agencies with responsibilities for regulating food safety, shall by regulation establish requirements regarding the establishment and maintenance, for not longer than 3 years, of records by persons who manufacture, process, pack, transport, distribute, receive, or hold food in the United States or for import into the United States. The Secretary shall take into account the size of a business in promulgating regulations under this subsection. The Secretary shall consult with the Secretary of Agriculture in promulgating regulations with respect to farms under this subsection and shall take into account the nature of and impact on farms in promulgating such regulations. The only distribution records which may be required of restaurants under this subsection are those showing the restaurant's suppliers and subsequent distribution other than to consumers.''.

(2) APPLICATION.—The Secretary of Health and Human Services shall promulgate revised regulations to implement section 414(b) of the Federal Food, Drug, and Cosmetic Act, as amended by this subsection. Section 414(b) of the Federal Food, Drug, and Cosmetic Act and regulations thereunder, as in effect on the day before the date of the enactment of this Act, shall apply to acts and omissions occurring before the effective date of such revised regulations.

(c) CONFORMING AMENDMENTS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)) is amended—

(1) in the second sentence—

(A) by striking ''(excluding farms or restaurants)'' and inserting ''(excluding farms, except as provided in section 414(a)(3))'';

(B) by inserting ''receives,'' before ''holds'';

(C) by striking ''described in section 414'' and inserting ''described in or required under section 414''; and

(D) by striking ''when the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''bearing on whether such food is adulterated, misbranded, or otherwise in violation of this Act, including all records collected or developed to comply with section 418 or 418A''; and

(2) in the fourth sentence—

(A) by striking ''the preceding sentence'' and inserting ''either of the preceding two sentences''; and

(B) by inserting ''recipes for food,'' before ''financial data,''.

SEC. 107. TRACEABILITY OF FOOD.

(a) PROHIBITED ACT.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting '', the violation of any requirement of the food tracing system under section 414(c);'' before ''or the refusal to permit access to or verification or copying of any such required record''.

(b) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting ''or (4) the requirements of section 414 have not been complied with regarding such article,'' before ''then such article shall be refused admission''.

(c) PRODUCT TRACING FOR FOOD.—Section 414 (21 U.S.C. 350c), as amended by section 106, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) TRACING SYSTEM FOR FOOD.—

''(1) IN GENERAL.—The Secretary shall by regulation establish a tracing system for food that is located in the United States or is for import into the United States.

''(2) INFORMATION GATHERING.—

''(A) TRACING TECHNOLOGIES.—Before issuing a proposed regulation under this subsection, the Secretary shall—

''(i) identify technologies and methodologies for tracing the distribution history of a food that are, or may be, used by members of different sectors of the food industry, including technologies and methodologies to enable each person who produces, manufactures, processes, pack, transports, or holds a food to—

''(I) maintain the full pedigree of the origin and previous distribution history of the food;

''(II) link that history with the subsequent distribution of the food;

''(III) establish and maintain a system for tracing the food that is interoperable with the systems established and maintained by other such persons; and

''(IV) use a unique identifier for each facility owned or operated by such person for such purpose, as specified under section 1011; and

''(ii) to the extent practicable, assess—

''(I) the costs and benefits associated with the adoption and use of such technologies;

''(II) the feasibility of such technologies for different sectors of the food industry; and

''(III) whether such technologies are compatible with the requirements of this subsection.

''(B) PUBLIC MEETINGS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct not less than 2 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to provide input and information to the Secretary.

''(C) PILOT PROJECTS.—Before issuing a proposed regulation under this subsection, the Secretary shall conduct 1 or more pilot projects in coordination with 1 or more sectors of the food industry to explore and evaluate tracing systems for food. The Secretary shall coordinate with the Secretary of Agriculture in conducting pilot projects with respect to farms under this subsection.

''(3) REGULATION.—

''(A) IN GENERAL.—Taking into account information obtained through information gathering under paragraph (2), the Secretary shall issue regulations establishing a tracing system that enables the Secretary to identify each person who grows, produces, manufactures, processes, packs, transports, holds, or sells such food in as short a timeframe as practicable but no longer than 2 business days.

''(B) SCOPE OF REGULATION.—The Secretary may include in the regulations establishing a tracing system—

''(i) the establishment and maintenance of lot numbers;

''(ii) a standardized format for pedigree information; and

''(iii) the use of a common nomenclature for food.

''(C) COORDINATION REGARDING FARM IMPACT.—In issuing regulations under this paragraph that will impact farms, the Secretary—

''(i) shall coordinate with the Secretary of Agriculture; and

''(ii) take into account the nature of the impact of the regulations on farms.

''(4) EXEMPTIONS AND LIMITATIONS.—

''(A) DIRECT SALES BY FARMS.—Food is exempt from the requirements of this subsection if such food is—

''(i) produced on a farm; and

''(ii) sold by the owner, operator, or agent in charge of such farm directly to a consumer or to a restaurant or grocery store.

''(B) FISHING VESSELS.—Food is exempt from the requirements of this subsection if such food is produced through the use of a fishing vessel as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

''(C) GRAINS AND SIMILARLY HANDLED COMMODITIES.—

''(i) LIMITATION ON EXTENT OF TRACING.—In addition to the exemption under subparagraph (A), any tracing system established under this subsection with regard to any grain or similarly handled commodity shall be limited to enabling the Secretary to identify persons who received, processed, packed, transported, distributed, held, or sold the grain or similarly handled commodity from the initial warehouse operator that held the grain or similarly handled commodity for any period of time to the ultimate consumer.

''(ii) DEFINITIONS.—In this subparagraph:

''(I) The term 'grain or similarly handled commodity' means wheat, corn, grain sorghum, barley, oats, rice, wild rice, rye, soybeans, legumes, sugar cane, sugar beets, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, camelina, cottonseed, cocoa beans, grass hay, and honey. The term may include any other commodity as determined by the Secretary in coordination with the Secretary of Agriculture.

''(II) The term 'warehouse operator' has the meaning given that term in section 2 of the United States Warehouse Act (7 U.S.C. 241), except that the term also includes any person or entity that handles or stores agricultural products for other persons or entities or, in the case of a cooperative, handles or stores agricultural products for its members, as determined by the Secretary in coordination with the Secretary of Agriculture.

''(D) EXEMPTION OF OTHER FOODS.—The Secretary may by notice in the Federal Register exempt a food or a type of facility, farm, or restaurant from, or modify the requirements with respect to, the requirements of this subsection if the Secretary determines that a tracing system for such food or type of facility, farm, or restaurant is not necessary to protect the public health.

''(E) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—For a food or person covered by a limitation or exemption under subparagraph (B), (C), or (D), the Secretary shall require each person who produces, receives, manufactures, processes, packs, transports, distributes, or holds such food to maintain records to identify the immediate previous sources of such food and its ingredients and the immediate subsequent recipients of such food.

''(F) RECORDKEEPING BY RESTAURANTS AND GROCERY STORES.—For a food covered by an exemption under subparagraph (A), restaurants and grocery stores shall keep records documenting the farm that was the source of the food.

''(G) RECORDKEEPING BY FARMS.—For a food covered by an exemption under subparagraph (A), farms shall keep records, in electronic or non-electronic format, for at least 6 months documenting the restaurant or grocery store to which the food was sold.''.

SEC. 108. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

(a) IN GENERAL.—Part 6 of subchapter C of chapter VII (21 U.S.C. 371 et seq.), as added by section 101(c), is amended by adding at the end the following:

''SEC. 743A. REINSPECTION AND FOOD RECALL FEES APPLICABLE TO FACILITIES.

''(a) IN GENERAL.—The Secretary shall assess and collect fees from each entity in a fiscal year—

''(1) that—

''(A) during such fiscal year commits a violation of any requirement of this Act relating to food, including any such requirement relating to good manufacturing practices; and

''(B) because of such violation, undergoes additional inspection by the Food and Drug Administration; or

''(2) during such fiscal year is subject to a food recall.

''(b) AMOUNT OF FEES.—The Secretary shall set the amount of the fees under this section to fully cover the costs of—

''(1) in the case of fees collected under subsection (a)(1), conducting the additional inspections referred to in such subsection; and

''(2) in the case of fees collected under subsection (a)(2), conducting food recall activities, including technical assistance, follow-up effectiveness checks, and public notifications, during the fiscal year involved.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to defray the costs referred to in subsection (b).

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.

''(d) WAIVER.—The Secretary shall waive and, if applicable, refund the amount of any fee collected under this section from an entity as a result of a food recall that the Secretary determines was inappropriately ordered.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to additional inspections and food recall activities occurring after the date of the enactment of this Act.

SEC. 109. CERTIFICATION AND ACCREDITATION.

(a) MISBRANDING.—

(1) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by section 101(a), is amended by adding at the end the following:

''(aa) If it is part of a shipment offered for import into the United States and such shipment is in violation of section 801(q) (requiring a certification of compliance for certain food shipments).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to shipments offered for import on or after the date that is 3 years after the date of the enactment of this Act.

(b) CERTIFICATION OF COMPLIANCE FOR IMPORTS.—Chapter VIII (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(a), as amended by section 107(b), by inserting after the third sentence the following: ''If such article is food being imported or offered for import into the United States and is not in compliance with the requirement of subsection (q) (relating to certifications of compliance with this Act), then such article shall be refused admission.'';

(2) in the second sentence of section 801(b), by striking ''the fourth sentence'' and inserting ''the fifth sentence''; and

(3) by adding at the end of section 801 the following:

''(q) CERTIFICATIONS CONCERNING IMPORTED ARTICLES.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—The Secretary may require, as an additional condition of granting admission to an article of food being imported or offered for import into the United States, that a qualified certifying entity provide a certification that the article complies with requirements of this Act as specified by the Secretary if—

''(i) for food imported from a particular country, territory, or region, the Secretary finds, based on scientific, risk-based evidence, that the government controls in such country, territory, or region are inadequate to ensure that the article is safe and that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a);

''(ii) for a type of food for which there is scientific evidence that there is a particular risk associated with the food that presents a threat of serious adverse health consequences or death, the Secretary finds that certification would assist the Secretary in determining whether to refuse to admit such article under subsection (a); or

''(iii) for an article imported from a particular country or territory, there is an agreement between the Secretary and the government of such country or territory providing for such certification.

''(B) FORM OF CERTIFICATION.—A certification under subparagraph (A) may take the form of a statement that the article or the facility or farm that manufactured, processed, packed, held, grew, harvested, sorted, or transported the article, as the case may be, complies with requirements of this Act as specified by the Secretary, or any other form as the Secretary may specify, including a listing of certified facilities or other entities. The Secretary may require that the certification include additional information regarding compliance.

''(C) ADEQUATE GOVERNMENT CONTROLS.—

''(i) PROCESS.—Before requiring a certification under clause (ii) of subparagraph (A) with respect to a food, the Secretary shall establish a process by which a country or territory may demonstrate that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

''(ii) DEMONSTRATION.—The Secretary shall not require a certification under clause (ii) of subparagraph (A) for a food exported from a country or territory, if that country or territory has demonstrated, pursuant to the process established by the Secretary under clause (i), that its government controls are adequate to ensure that such food exported from its territory to the United States is safe.

''(D) NOTICE OF CANCELLATION OR SUSPENSION OF CERTIFICATION.—As a condition on acceptance of certifications from a qualified certifying entity, the Secretary shall require the qualified certifying entity to notify the Secretary whenever the qualified certifying entity cancels or suspends the certification of any facility or other entity included in a listing under subparagraph (B).

''(E) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—The Secretary shall apply this paragraph consistently with United States obligations under international agreements.

''(2) QUALIFIED CERTIFYING ENTITY.—For purposes of this subsection, the term 'qualified certifying entity' means—

''(A) an agency or a representative of the government of the country from which the article originated, as designated by such government or the Secretary; or

''(B) an individual or entity determined by the Secretary or an accredited body recognized by the Secretary to be qualified to provide a certification under paragraph (1).

''(3) NO CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—The Secretary shall issue regulations to ensure that any qualified certifying entity and its auditors are free from conflicts of interest. In issuing these regulations, the Secretary may rely on or incorporate international certification standards.

''(B) REGULATIONS.—Such regulations shall require that—

''(i) the qualified certifying entity shall have a committee or management structure for safeguarding impartiality;

''(ii) conflict of interest policies for a qualified certifying entity and auditors acting for the qualified certifying entity shall be written;

''(iii) the qualified certifying entity shall not be owned, operated, or controlled by a producer, manufacturer, processor, packer, holder, supplier, or vendor of any article of the type it certifies;

''(iv) the qualified certifying entity shall not have any ownership or financial interest in any product, producer, manufacturer, processor, packer, holder, supplier or vendor of the type it certifies;

''(v) no auditor acting for the qualified certifying entity (or spouse or minor children) shall have any significant ownership or other financial interest regarding any product of the type it certifies;

''(vi) the qualified certifying entity shall—

''(I) obtain and maintain annual declarations from all personnel who may be directly involved in the performance of audits as to whether they do or do not have direct financial interests in any producer, manufacturer, processor, packer, holder, supplier, or vendor of foods, and a list of any such companies in which they do have financial interests or by which they were employed in the past year; and

''(II) when an auditor is assigned to audit a facility, require that individual to affirm that he or she has no financial interest in the company that owns or operates that facility and was not employed by that facility in the previous year;

''(vii) neither the qualified certifying entity nor any of its auditors acting for the qualified certifying entity shall participate in the production, manufacture, processing, packing, holding, promotion, or sale of any product of the type it certifies;

''(viii) neither the qualified certifying entity nor any of its auditors shall provide consultative services to any facility certified by the qualified certifying entity, or the owner, operator, or agent in charge of such a facility, unless the qualified certifying entity has procedures in place, approved by the Secretary, to ensure separation of functions between auditors providing consultative services and auditors providing certification services under this subsection;

''(ix) no auditors acting for the qualified certifying entity shall participate in an audit of a facility they were employed by within the last 12 months;

''(x) fees charged or accepted shall not be contingent or based upon the report made by the qualified certifying entity or any personnel involved in the audit process;

''(xi) neither the qualified certifying entity nor any of its auditors shall accept anything of value from anyone in connection with the facility being audited other than the audit fee;

''(xii) the qualified certifying entity shall not be owned, operated, or controlled by a trade association whose member companies operate facilities that it certifies;

''(xiii) the qualified certifying entity and its auditors shall be free from any other conflicts of interest that threaten impartiality;

''(xiv) the qualified certifying entity and its auditors shall sign a statement attesting to compliance with the conflict of interests requirements under this paragraph; and

''(xv) the qualified certifying entity shall ensure that any subcontractors that might be used (such as laboratories and sampling services) provide similar assurances, except that it shall not be a violation of this subsection to the extent such subcontractors perform additional nutritional testing services unrelated to the testing under this subsection.

''(C) DEFINITIONS.—In this paragraph:

''(i) The term 'anything of value' includes gifts, gratuities, reimbursement of non-audit-related expenses, entertainment, loans, or any other form of compensation in cash or in kind.

''(ii) The term 'direct financial interest' does not include any ownership of mutual funds that have a financial interest in a company.

''(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary shall—

''(A) require that, to the extent applicable, any certification provided by a qualified certifying entity be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification if the Secretary determines that such certification is no longer valid or reliable.

''(5) ON-SITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under this subsection, or whether to accept certifications from a qualified certifying entity, the Secretary may—

''(A) observe on-site audits of qualified certifying entities by such accreditation body; or

''(B) for any facility that is certified by a qualified certifying entity, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an on-site audit of the facility, which shall include access to, and copying and verification of, any related records.

''(6) ELECTRONIC SUBMISSION.—The Secretary shall provide, in coordination with the Commissioner responsible for Customs and Border Protection, for the electronic submission of certifications under this subsection.

''(7) NO LIMIT ON AUTHORITY.—This subsection shall not be construed to limit the authority of the Secretary to conduct random inspections of imported articles or facilities of importers, issue import alerts for detention without physical examination, require submission to the Secretary of documentation or other information about an article imported or offered for import, or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported articles.''.

SEC. 110. TESTING BY ACCREDITED LABORATORIES.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(uu) The violation of any requirement of section 714 (relating to testing by accredited laboratories).''.

(b) LABORATORY ACCREDITATION.—Subchapter A of chapter VII (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

''SEC. 714. TESTING BY ACCREDITED LABORATORIES.

''(a) IN GENERAL.—

''(1) REQUIREMENT.—Whenever analytical testing of an article of food is conducted as part of testimony for the purposes of section 801(a), or for such other purposes as the Secretary deems appropriate through regulation or guidance, such testing shall be conducted by a laboratory that—

''(A) is accredited, for the analytical method used, by a laboratory accreditation body that has been recognized by the Secretary; and

''(B) samples such article with adequate controls for ensuring the integrity of the samples analyzed.

''(2) INDEPENDENCE OF LABORATORY.—

''(A) CERTAIN TESTS.—Tests required for purposes of section 801(a) or in response to a finding of noncompliance by the Secretary shall be conducted by a laboratory independent of the person on whose behalf such testing is conducted and analyzed.

''(B) CERTAIN PRODUCTS.—The Secretary may require that testing for certain products under paragraph (1) be conducted by a laboratory independent of the person on whose behalf such testing is conducted.

''(b) RECOGNITION OF LABORATORY ACCREDITATION BODIES.—The Secretary shall establish and implement a program for the recognition, based on standards the Secretary deems appropriate, of laboratory accreditation bodies that accredit laboratories to perform analytical testing for the purposes of this section. The Secretary shall issue regulations or guidance to implement this program.

''(c) ONSITE AUDITS.—In evaluating whether an accreditation body meets, or continues to meet, the standards for recognition under subsection (b), the Secretary may—

''(1) observe onsite audits of laboratories by such accreditation bodies; or

''(2) for any laboratory that is accredited by such accreditation body under this section, upon request of an officer or employee designated by the Secretary and upon presentation of appropriate credentials, at reasonable times and within reasonable limits and in a reasonable manner, conduct an onsite audit of the laboratory, which shall include access to, and copying and verification of, any related records.

''(d) PUBLICATION OF LIST OF RECOGNIZED ACCREDITATION BODIES.—The Secretary shall publish and maintain on the public Web site of the Food and Drug Administration a list of accreditation bodies recognized by the Secretary under subsection (b).

''(e) NOTIFICATION OF ACCREDITATION OF LABORATORY.—An accreditation body that has been recognized pursuant to this section shall promptly notify the Secretary whenever it accredits a laboratory for the purposes of this section and whenever it withdraws or suspends such accreditation.

''(f) ADVANCE NOTICE.—Whenever analytical testing is conducted pursuant to subsection (a), the person on whose behalf the testing is conducted shall notify the Secretary before any sample of the article is collected. Such notice shall contain information the Secretary determines is appropriate to identify the article, the location of the article, and each laboratory that will analyze the sample on the person's behalf.

''(g) CONTENTS OF LABORATORY PACKAGES.—Whenever analytical testing is conducted pursuant to subsection (a), the laboratory conducting such testing shall submit, directly to the Secretary—

''(1) the results of all analyses conducted by the laboratory on each sample of such article; and

''(2) all information the Secretary deems appropriate to—

''(A) determine whether the laboratory is accredited by a recognized laboratory accreditation body;

''(B) identify the article tested;

''(C) evaluate the analytical results; and

''(D) determine whether the requirements of this section have been met.

''(h) EXIGENT CIRCUMSTANCES.—The Secretary may waive the requirement of subsection (a)(1)(A) (relating to analytical methods) on a laboratory or method basis due to exigent or other circumstances.

''(i) FEDERAL LABORATORY TESTING.—If Customs and Border Protection laboratory testing concludes that an article of food is adulterated or misbranded, the Secretary shall consider and utilize as appropriate the testing results issued by the Customs and Border Protection laboratories in making a decision about the admissibility of the product.

''(j) NO LIMIT ON AUTHORITY.—Nothing in this section shall be construed to limit—

''(1) the ability of the Secretary to review and act upon information from the analytical testing of food (including under this section), including determining the sufficiency of such information and testing; or

''(2) the authority of the Secretary to conduct, require, or consider the results of analytical testing pursuant to any other provision of law.''.

SEC. 111. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 110, is amended by adding at the end the following:

''(vv)(1) The failure to notify the Secretary in violation of section 420(a).

''(2) The failure to comply with any order issued under section 420.''.

(b) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, and 104, is amended by adding at the end the following:

''SEC. 420. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.

''(a) NOTIFICATION, NONDISTRIBUTION, AND RECALL OF ADULTERATED OR MISBRANDED FOOD.—

''(1) IN GENERAL.—A responsible party as that term is defined in section 417(a)(1) or a person required to register under section 801(s) that has reason to believe that an article of food when introduced into or while in interstate commerce, or while held for sale (regardless of whether the first sale) after shipment in interstate commerce, is adulterated or misbranded in a manner that presents a reasonable probability that the use or consumption of, or exposure to, the article (or an ingredient or component used in any such article) will cause a threat of serious adverse health consequences or death to humans or animals shall, as soon as practicable, notify the Secretary of the identity and location of the article.

''(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation or guidance.

''(b) VOLUNTARY RECALL.—The Secretary may request that any person who distributes an article of food that the Secretary has reason to believe is adulterated, misbranded, or otherwise in violation of this Act voluntarily—

''(1) recall such article; and

''(2) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

''(c) ORDER TO CEASE DISTRIBUTION.—If the Secretary has reason to believe that the use or consumption of, or exposure to, an article of food may cause serious adverse health consequences or death to humans or animals, the Secretary shall have the authority to issue an order requiring any person who distributes such article to immediately cease distribution of such article.

''(d) ACTION FOLLOWING ORDER.—Any person who is subject to an order under subsection (c) shall immediately cease distribution of such article and provide notification as required by such order, and may appeal within 24 hours of issuance such order to the Secretary. Such appeal may include a request for an informal hearing and a description of any efforts to recall such article undertaken voluntarily by the person, including after a request under subsection (b). Except as provided in subsection (f), an informal hearing shall be held as soon as practicable, but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for an informal hearing, the Secretary shall determine whether the order should be amended to require a recall of such article. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(e) ORDER TO RECALL.—

''(1) AMENDMENT.—Except as provided under subsection (f), if after providing an opportunity for an informal hearing under subsection (d), the Secretary determines that the order should be amended to include a recall of the article with respect to which the order was issued, the Secretary shall amend the order to require a recall.

''(2) CONTENTS.—An amended order under paragraph (1) shall—

''(A) specify a timetable in which the recall will occur;

''(B) require periodic reports to the Secretary describing the progress of the recall; and

''(C) provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

In providing for such notice, the Secretary may allow for the assistance of health professionals, State or local officials, or other individuals designated by the Secretary.

''(3) NONDELEGATION.—An amended order under this subsection shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

''(f) EMERGENCY RECALL ORDER.—

''(1) IN GENERAL.—If the Secretary has credible evidence or information that an article of food subject to an order under subsection (c) presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may issue an order requiring any person who distributes such article—

''(A) to immediately recall such article; and

''(B) to provide for notice, including to individuals as appropriate, to persons who may be affected by the recall.

''(2) ACTION FOLLOWING ORDER.—Any person who is subject to an emergency recall order under this subsection shall immediately recall such article and provide notification as required by such order, and may appeal within 24 hours after issuance such order to the Secretary. An informal hearing shall be held within as soon as practicable but not later than 5 calendar days, or less as determined by the Secretary, after such an appeal is filed, unless the parties jointly agree to an extension. After affording an opportunity for

an informal hearing, the Secretary shall determine whether the order should be amended pursuant to subsection (e)(1). If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(3) NONDELEGATION.—An order under this subsection shall be issued by the Commissioner of Food and Drugs, the Principal Deputy Commissioner, or the Associate Commissioner for Regulatory Affairs of the Food and Drug Administration.

''(g) NOTICE TO CONSUMERS AND HEALTH OFFICIALS.—The Secretary shall, as the Secretary determines to be necessary, provide notice of a recall order under this section to consumers to whom the article was, or may have been, distributed and to appropriate State and local health officials.

''(h) SAVINGS CLAUSE.—Nothing contained in this section shall be construed as limiting—

''(1) the authority of the Secretary to issue an order to cease distribution of, or to recall, an article under any other provision of this Act or the Public Health Service Act; or

''(2) the ability of the Secretary to request any person to perform a voluntary activity related to any article subject to this Act or the Public Health Service Act.''.

(c) ARTICLES SUBJECT TO REFUSAL.—The third sentence of subsection (a) of section 801 (21 U.S.C. 381), as amended by section 107(b), is amended by inserting ''or (5) such article is subject to an order under section 420 to cease distribution of or recall the article,'' before ''then such article shall be refused admission''.

(d) EFFECTIVE DATE.—Sections 301(vv)(1) and 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsections (a) and (b), shall apply with respect to articles of food as of such date, not later than 1 year after the date of the enactment of this Act, as the Secretary of Health and Human Services shall specify.

SEC. 112. REPORTABLE FOOD REGISTRY; EXCHANGE OF INFORMATION.

(a) REPORTABLE FOOD REGISTRY.—Section 417 (21 U.S.C. 350f) is amended—

(1) in subsection (a)(1), by striking ''means a person'' and all that follows through the end of paragraph (1) and inserting the following: ''means—

''(A) a person who submits the registration under section 415(a) for a food facility that is required to be registered under section 415(a), at which such food is manufactured, processed, packed, or held;

''(B) a person who owns, operates, is an agent of, or is otherwise responsible for such food on a farm (as such term is defined in section 1.227(b)(3) of title 21, Code of Federal Regulations, or successor regulations) at which such food is produced for sale or distribution in interstate commerce;

''(C) a person who owns, operates, or is an agent of a restaurant or other retail food establishment (as such terms are defined in section 1.227(b)(11) and (12), respectively, of title 21, Code of Federal Regulations, or successor regulations) at which such food is offered for sale; or

''(D) a person that is required to register pursuant to section 801(s) with respect to importation of such food.'';

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

''(3) REPORTING BY FARMS, RESTAURANTS, AND RETAIL FOOD ESTABLISHMENTS.—In addition to the electronic portal described in paragraph (1), the Secretary shall make available alternative means of reporting under this section with respect to farms, restaurants, and other retail food establishments with limited ability for such reporting.'';

(3) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''following a timely review of any reasonably available data and information,'' after ''reportable food,'';

(B) in subparagraph (A), by striking ''and'' at the end;

(C) by redesignating subparagraph (B) as subparagraph (C); and

(D) by inserting after subparagraph (A) the following:

''(B) submit, with such report, through the electronic portal, documentation of results from any sampling and testing of such article, including—

''(i) analytical results from testing of such article conducted by or on behalf of the responsible party under section 418, 418A, 419, 419A, or 714;

''(ii) analytical results from testing conducted by or on behalf of such responsible party of a component of such article;

''(iii) analytical results of environmental testing of any facility at which such article, or a component of such article, is manufactured, processed, packed, or held; and

''(iv) any other information the Secretary determines is necessary to evaluate the adulteration of such article, any component of such article, any other article of food manufactured, processed, packed or held in the same manner as, or at the same facility as, such article, or any other article containing a component from the same source as a component of such article; and''; and

(4) in subsection (e)—

(A) in paragraph (1), by inserting ''if the responsible party is required to register'' after ''415(a)(3)''; and

(B) by adding at the end the following:

''(12) Such additional information as the Secretary deems appropriate.''.

(b) EXCHANGE OF INFORMATION.—Section 708 (21 U.S.C. 379) is amended—

(1) by striking ''The Secretary'' and inserting ''(a) The Secretary''; and

(2) by adding at the end the following:

''(b)(1)(A) The Secretary may provide to any Federal agency acting within the scope of its jurisdiction any information relating to food that is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

''(B) Any such information provided to another Federal agency shall not be disclosed by such agency except in any action or proceeding under the laws of the United States to which the receiving agency or the United States is a party.

''(2)(A) In carrying out this Act, the Secretary may provide to a State or local government agency any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j) or 415(a)(4).

''(B) Any such information provided to a State or local government agency shall not be disclosed by such agency.

''(3) In carrying out this Act, the Secretary may provide to any person any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that providing the information to the person is appropriate under the circumstances and the recipient provides adequate assurances to the Secretary that the recipient will preserve the confidentiality of the information.

''(4) In carrying out this Act, the Secretary may provide any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, or that is referred to in section 301(j)—

''(A) to any foreign government agency; or

''(B) any international organization established by law, treaty, or other governmental action and having responsibility—

''(i) to facilitate global or regional harmonization of standards and requirements in an area of responsibility of the Food and Drug Administration; or

''(ii) to promote and coordinate public health efforts,

if the agency or organization provides adequate assurances to the Secretary that the agency or organization will preserve the confidentiality of the information.

''(c) Except where specifically prohibited by statute, the Secretary may disclose to the public any information relating to food that is exempt from disclosure pursuant to section 552(a) of title 5, United States Code, by reason of subsection (b)(4) of such section, if the Secretary determines that such disclosure is necessary to protect the public health.

''(d) Except as provided in subsection (e), the Secretary shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law any information relating to food obtained from a Federal, State, or local government agency, or from a foreign government agency, or from an international organization described in subsection (b)(4), if the agency or organization has requested that the information be kept confidential, or has precluded such disclosure under other use limitations, as a condition of providing the information.

''(e) Nothing in subsection (d) authorizes the Secretary to withhold information from the Congress or prevents the Secretary from complying with an order of a court of the United States.

''(f) This section shall not affect the authority of the Secretary to provide or disclose information under any other provision of law.''.

(c) CONFORMING AMENDMENT.—Section 301(j) (21 U.S.C. 331(j)) is amended by striking ''or to the courts when relevant in any judicial proceeding under this Act,'' and inserting ''to the courts when relevant in any judicial proceeding under this Act, or as specified in section 708,''.

SEC. 113. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. SAFE AND SECURE FOOD IMPORTATION PROGRAM.

''(a) IN GENERAL.—The Secretary may establish by regulation or guidance in coordination with the Commissioner responsible for Customs and Border Protection a program that facilitates the movement of food through the importation process under this Act if the importer of such food—

''(1) verifies that each facility involved in the production, manufacture, processing, packaging, and holding of the food is in compliance with the food safety and security guidelines developed under subsection (b) with respect to such food;

''(2) ensures that appropriate safety and security controls are in place throughout the supply chain for such food; and

''(3) provides supporting information to the Secretary.

''(b) GUIDELINES.—

''(1) DEVELOPMENT.—For purposes of the program established under subsection (a), the Secretary shall develop in consultation with the Commissioner responsible for Customs and Border Protection safety and security guidelines applicable to the importation of food taking into account, to the extent appropriate, other relevant Federal programs,

such as the Customs-Trade Partnership Against Terrorism (C-TPAT) programs under section 211 of the Security and Accountability for Every Port Act of 2006.

''(2) FACTORS.—Such guidelines shall take into account the following factors:

''(A) The personnel of the person importing the food.

''(B) The physical and procedural safety and security of such person's food supply chain.

''(C) The sufficiency of preventive controls for food and ingredients purchased by such person.

''(D) Vendor and supplier information.

''(E) Other programs for certification or verification by a qualified certifying entity used by the importer.

''(F) Such other factors as the Secretary determines necessary.''.

SEC. 114. INFANT FORMULA.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a) and 109(a), is amended by adding at the end the following:

''(bb) If it is a new infant formula and—

''(1) it is not the subject of a registration made pursuant to section 412(c)(1)(A);

''(2) it is not the subject of a submission made pursuant to section 412(c)(1)(B), or

''(3) at least 90 days have not passed since the making of such registration or of such submission to the Secretary.''.

(b) REQUIREMENTS.—Section 412 (21 U.S.C. 350a) is amended—

(1) in subsection (c)(1)(B), by striking ''(c)(1)'' at the end and inserting ''(d)(1), subject to subsection (d)(2)(B)'';

(2) in subsection (d)(1)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting '', and''; and

(C) by adding at the end the following:

''(E) information on any new ingredient in accordance with paragraph (2)(A).'';

(3) in subsection (d), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (d) the following:

''(2)(A) The description of any new infant formula required under paragraph (1) shall include, for any new ingredient for use in the formula—

''(i) a citation to a prior approval by the Secretary of the new ingredient for use in infant formula under section 409;

''(ii) a citation to or information showing a prior consideration of the new ingredient for use in infant formula under any program established by the Secretary for the review of ingredients used in food; or

''(iii) for a new ingredient that is not a food additive or a color additive, information equivalent to that provided under any program established by the Secretary for the review of ingredients used in food.

''(B) If the information submitted under subparagraph (A) is the information described in clause (iii) of such subparagraph, the 90 day period provided by subsection (c)(1)(B) shall not commence until the Secretary has completed review of the information submitted under such clause and has provided the submitter notice of the results of such review.''.

Subtitle B—Intervention

SEC. 121. SURVEILLANCE.

(a) DEFINITION OF FOOD-BORNE ILLNESS OUTBREAK.—In this section, the term ''food-borne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOOD-BORNE ILLNESS SURVEILLANCE SYSTEMS.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(1) coordinating Federal, State, and local food-borne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(2) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(3) developing improved epidemiological tools for obtaining quality exposure data, and microbiological methods for classifying cases;

(4) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(5) expanding capacity of such systems, including fingerprinting and other detection strategies for food-borne infectious agents, in order to identify new or rarely documented causes of food-borne illness;

(6) allowing timely public access to aggregated, de-identified surveillance data;

(7) at least annually, publishing current reports on findings from such systems;

(8) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(9) integrating food-borne illness surveillance systems and data with other bio-surveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(10) other activities as determined appropriate by the Secretary.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve food-borne illness outbreak response and containment.

(B) Accelerate food-borne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of food-borne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(2) REVIEW.—In developing the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of this Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

SEC. 122. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—The Secretary, in cooperation with private and public organizations, including the appropriate State entities, shall design and implement a national public education program on food safety. The program shall provide—

(1) information to the public so that individuals can understand the potential impact and risk of food-borne illness, take action to reduce their risk of food-borne illness and injury, and make healthy dietary choices;

(2) information to health professionals so that they may improve diagnosis and treatment of food-related illness and advise individuals whose health conditions place them in particular risk; and

(3) such other information or advice to consumers and other persons as the Secretary determines will promote the purposes of this Act.

(b) HEALTH ADVISORIES.—The Secretary shall work with the States and other appropriate entities to—

(1) develop and distribute regional and national advisories concerning food safety;

(2) develop standardized formats for written and broadcast advisories; and

(3) incorporate State and local advisories into the national public education program required under subsection (a).

SEC. 123. RESEARCH.

The Secretary shall conduct research to assist in the implementation of this Act, including studies to—

(1) improve sanitation and food safety practices in the production, harvesting, and processing of food products;

(2) develop improved techniques for the monitoring of food and inspection of food products;

(3) develop efficient, rapid, and sensitive methods for determining and detecting the presence of contaminants in food products;

(4) determine the sources of contamination of food and food products, including critical points of risk for fresh produce and other raw agricultural commodities;

(5) develop consumption data with respect to food products;

(6) draw upon research and educational programs that exist at the State and local level;

(7) utilize the DNA matching system and other processes to identify and control pathogens;

(8) address common and emerging zoonotic diseases;

(9) develop methods to reduce or destroy pathogens before, during, and after processing;

(10) analyze the incidence of antibiotic resistance as it pertains to the food supply and evaluate methods to reduce the transfer of antibiotic resistance to humans; and

(11) conduct other research that supports the purposes of this Act.

Subtitle C—Response

SEC. 131. PROCEDURES FOR SEIZURE.

Section 304(b) (21 U.S.C. 334(b)) is amended by inserting ''and except that, with respect to proceedings relating to food, Rule G of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions shall not apply in any such case, exigent circumstances shall be deemed to exist for all seizures brought under this section, and the summons and arrest warrant shall be issued by the clerk of the court without court review in any such case'' after ''in any such case shall be tried by jury''.

SEC. 132. ADMINISTRATIVE DETENTION.

(a) AMENDMENTS.—Section 304(h) (21 U.S.C. 334(h)) is amended—

(1) in paragraph (1)(A), by striking ''credible evidence or information indicating'' and inserting ''reason to believe'';

(2) in paragraph (1)(A), by striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated, misbranded, or otherwise in violation of this Act'';

(3) in paragraph (2), by striking ''30'' and inserting ''60'';

(4) in paragraph (3), by striking the third sentence; and

(5) in paragraph (4)(A) by striking the terms ''five'' and ''five-day'' and inserting ''fifteen'' and ''fifteen-day'', respectively.

(b) REGULATIONS.—The Secretary shall issue regulations or guidance to implement the amendments made by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SEC. 133. AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by sections 110 and 111, is amended by adding at the end by adding the following:

''(ww) The violation of a prohibition or restriction under section 304(i).''.

(b) IN GENERAL.—Section 304 (21 U.S.C. 334) is amended by adding at the end the following:

''(i) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD WITHIN A STATE OR PORTION OF A STATE.—

''(1) AUTHORITY TO PROHIBIT OR RESTRICT THE MOVEMENT OF FOOD.—

''(A) IN GENERAL.—

''(i) After consultation with the Governor or other appropriate official of an affected State, if the Secretary determines that there is credible evidence that an article of food presents an imminent threat of serious adverse health consequences or death to humans or animals, the Secretary may prohibit or restrict the movement of an article of food within a State or portion of a State for which the Secretary has credible evidence that such food is located within, or originated from, such State or portion thereof.

''(ii) In carrying out clause (i), the Secretary may prohibit or restrict the movement within a State or portion of a State of any article of food or means of conveyance of such article of food, if the Secretary determines that the prohibition or restriction is a necessary protection from an imminent threat of serious adverse health consequences or death to humans or animals.

''(2) NOTIFICATION PROCEDURES.—Subject to paragraph (3), before any action is taken in a State under this subsection, the Secretary shall—

''(A) notify the Governor or other appropriate official of the State affected by the proposed action;

''(B) issue a public announcement of the proposed action; and

''(C) publish in the Federal Register—

''(i) the findings of the Secretary that support the proposed action;

''(ii) a statement of the reasons for the proposed action; and

''(iii) a description of the proposed action, including—

''(I) the area affected; and

''(II) an estimate of the anticipated duration of the action.

''(3) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under paragraph (2)(C) before taking action under paragraph (1), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

''(4) APPLICATION OF LEAST DRASTIC ACTION.—No action shall be taken under paragraph (1) unless, in the opinion of the Secretary, there is no less drastic action that is feasible and that would be adequate to prevent the imminent threat of serious adverse health consequences or death to humans or animals.

''(5) NONDELEGATION.—An action under paragraph (1) may only be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the Commissioner of Food and Drugs or the Principal Deputy Commissioner.

''(6) DURATION.—Fourteen days after the initiation of an action under paragraph (1), and each 14 days thereafter, if the Secretary determines that it is necessary to continue the action, the Secretary shall—

''(A) notify the Governor or other appropriate official of the State affected of the continuation of the action;

''(B) issue a public announcement of the continuation of the action; and

''(C) publish in the Federal Register the findings of the Secretary that support the continuation of the action, including an estimate of the anticipated duration of the action.

''(7) RULEMAKING.—The Secretary shall, consistent with national security interests and as appropriate for known hazards, establish by regulation standards for conducting actions under paragraph (1), including, as appropriate, sanitation standards and procedures to restore any affected equipment or means of conveyance to its status prior to an action under paragraph (1).''.

SEC. 134. CRIMINAL PENALTIES.

Section 303(a) (21 U.S.C. 333) is amended—

(1) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (2) or (3), any''; and

(2) by adding at the end the following:

''(3) Notwithstanding paragraph (1), any person who knowingly violates paragraph (a), (b), (c), (k), or (v) of section 301 with respect to any food that is misbranded or adulterated shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.''.

SEC. 135. CIVIL PENALTIES FOR VIOLATIONS RELATING TO FOOD.

(a) IN GENERAL.—Paragraph (2) of section 303(f) (21 U.S.C. 331 et seq.) is amended to read as follows:

''(2)(A) Any person who violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

''(i) $20,000 in the case of an individual, not to exceed $50,000 in a single proceeding; and

''(ii) $250,000 in the case of any other person, not to exceed $1,000,000 in a single proceeding.

''(B) Any person who knowingly violates a provision of section 301 relating to food shall be subject to a civil penalty for each such violation of not more than—

''(i) $50,000 in the case of an individual, not to exceed $100,000 in a single proceeding; and

''(ii) $500,000 in the case of any other person, not to exceed $7,500,000 in a single proceeding.

''(C) Each violation described in subparagraph (A) or (B) and each day during which the violation continues shall be considered to be a separate offense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to violations committed on or after the date of the enactment of this Act.

SEC. 136. IMPROPER IMPORT ENTRY FILINGS.

(a) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, and 133, is amended by adding at the end the following:

''(xx) The submission of information relating to food that is required by or under section 801 that is inaccurate or incomplete.

''(yy) The failure to submit information relating to food that is required by or under section 801.''.

(b) DOCUMENTATION FOR IMPORTS.—Section 801 (21 U.S.C. 381), as amended by section 109, is amended by adding at the end the following:

''(r) DOCUMENTATION.—

''(1) SUBMISSION.—The Secretary may require by regulation or guidance the submission of documentation or other information for articles of food that are imported or offered for import into the United States. When developing any regulation or guidance in accordance with this paragraph, to the extent that the collection of documentation or other information involves Customs and Border Protection efforts or resources, the Secretary shall consult with Customs and Border Protection.

''(2) FORMAT.—A regulation or guidance under paragraph (1) may specify the format for submission of the documentation or other information.''.

TITLE II—MISCELLANEOUS

SEC. 201. FOOD SUBSTANCES GENERALLY RECOGNIZED AS SAFE.

Section 409 (21 U.S.C. 348) is amended by adding at the end the following:

''Substances Generally Recognized as Safe

''(k)(1) Not later than 60 days after the date of receipt by the Secretary, after the date of the enactment of this subsection, of a determination that a substance is a GRAS food substance, the Secretary shall post notice of such determination and the supporting scientific justifications on the Food and Drug Administration's public Web site.

''(2) Not later than 60 days after the date of receipt of a request under paragraph (1), the Secretary shall acknowledge receipt of such request by informing the requester in writing of the date on which the request was received.

''(3) In this subsection, the term 'GRAS food substance' means a substance excluded from the definition of the term 'food additive' in section 201(s) because such substance is generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use.''.

SEC. 202. COUNTRY OF ORIGIN LABELING.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), and 114(a), is amended by adding at the end the following:

''(cc) In the case of a processed food, if the labeling of the food fails to identify the country in which the final processing of the food occurs.

''(dd) In the case of nonprocessed food, if the labeling of the food fails to identify the country of origin of the food.''.

(b) REGULATIONS.—

(1) PROMULGATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to carry out paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) RELATION TO OTHER REQUIREMENTS.—Regulations promulgated under paragraph (1) shall provide that labeling meets the requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), if—

(A) in the case of a processed food, the label of the food informs the consumer of the country where the final processing of the food occurred in accordance with country of origin marking requirements of the United States Customs and Border Protection; or

(B) in the case of a nonprocessed food, the label of the food informs the consumer of the country of origin of the food in accordance with labeling requirements of the Department of Agriculture.

(c) EFFECTIVE DATE.—The requirements of paragraphs (cc) and (dd) of section 403 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), take effect on the date that is 2 years after the date of the enactment of this Act.

SEC. 203. EXPORTATION CERTIFICATE PROGRAM.

Section 801(e)(4) (21 U.S.C. 381) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by inserting ''from the United States'' after ''exports''; and

(B) by striking ''a drug, animal drug, or device'' and inserting ''a food (including animal feed), drug, animal drug, or device'';

(2) in subparagraph (A)(i)—

(A) by striking ''in writing''; and

(B) by striking ''exported drug, animal drug, or device'' and inserting ''exported food, drug, animal drug, or device'';

(3) in subparagraph (A)(ii)—

(A) by striking ''in writing'';

(B) by striking ''the drug, animal drug, or device'' and inserting ''the food, drug, animal drug, or device''; and

(C) by striking ''the drug or device'' and inserting ''the food, drug, or device'';

(4) by redesignating subparagraph (B) as subparagraph (C);

(5) by inserting after subparagraph (A) the following:

''(B) For purposes of this paragraph, a certification by the Secretary shall be made on such basis and in such form (such as a publicly available listing) as the Secretary determines appropriate.''; and

(6) by adding at the end the following:

''(D) Notwithstanding subparagraph (C), if the Secretary issues an export certification within the 20 days prescribed by subparagraph (A) with respect to the export of food, a fee for such certification shall not exceed such amount as the Secretary determines is reasonably related to the cost of issuing certificates under subparagraph (A) with respect to the export of food. The Secretary may adjust this fee annually to account for inflation and other cost adjustments. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended, without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration to cover the cost of issuing such certifications. Such sums as necessary may be transferred from such appropriation account for salaries and expenses of the Food and Drug Administration without fiscal year limitation to such appropriation account for salaries and expenses with fiscal year limitation.''.

SEC. 204. REGISTRATION FOR COMMERCIAL IMPORTERS OF FOOD; FEE.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, and 136, is amended by adding at the end the following:

''(zz) The failure to register in accordance with section 801(s).''.

(2) MISBRANDING.—Section 403 (21 U.S.C. 343) as amended by sections 101(a), 109(a), 114(a), and 202, is amended by adding at the end the following:

''(ee) If it is imported or offered for import by an importer not duly registered under section 801(s).''.

(3) REGISTRATION.—Section 801, as amended by sections 109 and 136, is amended by adding at the end the following:

''(s) REGISTRATION OF IMPORTERS.—

''(1) REGISTRATION.—The Secretary shall require an importer of food—

''(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

''(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

''(2) GOOD IMPORTER PRACTICES.—The maintenance of registration under this subsection is conditioned on compliance with good importer practices in accordance with the following:

''(A) The Secretary, in consultation with Customs and Border Protection, shall promulgate regulations to establish good importer practices that specify the measures an importer shall take to ensure imported food is in compliance with the requirements of this Act.

''(B) The measures under subparagraph (A) shall ensure that the importer of a food—

''(i) has adequate information about the food, its hazards, and the requirements of this Act applicable to such food;

''(ii) has adequate information or procedures in place to verify that both the food and each person that produced, manufactured, processed, packed, transported, or held the food, including components of the food, are in compliance with the requirements of this Act; and

''(iii) has adequate procedures in place to take corrective action, such as the ability to appropriately trace, withhold, and recall articles of food, if a food imported by the importer is not in compliance with the requirements of this Act.

''(C) In promulgating good importer practices regulations, the Secretary may, as appropriate—

''(i) incorporate certification of compliance under section 801(q) and participation in the safe and secure food importation program under section 805; and

''(ii) take into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

''(3) SUSPENSION OF REGISTRATION.—

''(A) IN GENERAL.—Registration under this subsection is subject to suspension upon a finding by the Secretary, after notice and an opportunity for an informal hearing, of—

''(i) a violation of this Act; or

''(ii) the knowing or repeated making of an inaccurate or incomplete statement or submission of information relating to the importation of food.

''(B) REQUEST.—The importer whose registration is suspended may request that the Secretary vacate the suspension of registration when such importer has corrected the violation that is the basis for such suspension.

''(C) VACATING OF SUSPENSION.—If the Secretary determines that adequate reasons do not exist to continue the suspension of a registration, the Secretary shall vacate such suspension.

''(4) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the importer of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the importer is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(5) EXEMPTIONS.—The Secretary, by notice published in the Federal Register—

''(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

''(B) may establish other exemptions from the requirements of this subsection.''.

(4) REGULATIONS.—Not later than 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services in consultation with the Commissioner responsible for Customs and Border Protection shall promulgate the regulations required to carry out section 801(s) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (3). In establishing the effective date of a regulation promulgated under section 801(s), the Secretary shall, in consultation with the Commissioner responsible for Customs and Border Protection, as appropriate, provide a reasonable period of time for importers of food to comply with good importer practices, taking into account differences among importers and the types of imports, including based on the level of risk posed by the imported food.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) FEE.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) as added and amended by sections 101 and 108, is amended by adding at the end the following:

''PART 7—IMPORTERS OF FOOD

''SEC. 744. IMPORTERS OF FOOD.

''(a) IMPORTERS.—The Secretary shall assess and collect an annual fee for the registration of an importer of food under section 801(s).

''(b) AMOUNT OF FEE.—

''(1) BASE AMOUNTS.—The registration fee under subsection (a) shall be—

''(A) for fiscal year 2010, $500; and

''(B) for fiscal year 2011 and each subsequent fiscal year, the fee for fiscal year 2010 as adjusted under paragraph (2).

''(2) ADJUSTMENT.—For fiscal year 2011 and subsequent fiscal years, the fees established pursuant to paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

''(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

''(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

''(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.

''(3) COMPOUNDED BASIS.—The adjustment made each fiscal year pursuant this subsection shall be added on a compounded basis

to the sum of all adjustments made each fiscal year after fiscal year 2010 under this subsection.

''(4) WAIVER FOR IMPORTERS REQUIRED TO PAY REGISTRATION FEE.—In the case of a person who is required to pay both a fee under section 743 for registration of one or more facilities under section 415 and a fee under this section for registration as an importer of food under section 801(s), the Secretary shall waive the fees applicable to such person under section 743 or the fee applicable to such person under this section.

''(c) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) COLLECTIONS AND APPROPRIATIONS ACTS.—The fees authorized by this section—

''(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year; and

''(B) shall only be collected and available to cover the costs associated with registering importers under section 801(s) and with ensuring compliance with good importer practices respecting food.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2010 through 2014, there are authorized to be appropriated for fees under this section such sums as may be necessary.''.

(c) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by section 105, is amended by adding at the end the following:

''(i) IMPORTERS.—Every person engaged in the importing of any food shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.''.

SEC. 205. REGISTRATION FOR CUSTOMS BROKERS.

(a) REGISTRATION.—

(1) PROHIBITIONS.—Section 301(zz) (21 U.S.C. 331), as added by section 204, is amended by inserting ''or 801(t)'' after ''801(s)''.

(2) MISBRANDING.—Section 403(ee) (21 U.S.C. 343), as added by section 204, is amended—

(A) by inserting ''or a customs broker'' after ''by an importer''; and

(B) by inserting ''or 801(t)'' after ''801(s)''.

(3) REGISTRATION.—Section 801, as amended by sections 109, 136, and 204, is amended by adding at the end the following:

''(t) REGISTRATION OF CUSTOMS BROKER.—

''(1) REGISTRATION.—The Secretary shall require a customs broker, with respect to the importation of food—

''(A) to be registered with the Secretary in a form and manner specified by the Secretary; and

''(B) consistent with section 1011, to submit appropriate unique facility identifiers as a condition of registration.

''(2) CANCELLATION OF REGISTRATION.—

''(A) IN GENERAL.—Not earlier than 10 days after providing the notice under subparagraph (B), the Secretary may cancel a registration that the Secretary determines was not updated in accordance with this section or otherwise contains false, incomplete, or inaccurate information.

''(B) NOTICE OF CANCELLATION.—Cancellation shall be preceded by notice to the customs broker of the intent to cancel the registration and the basis for such cancellation.

''(C) TIMELY UPDATE OR CORRECTION.—If the registration for the customs broker is updated or corrected no later than 7 days after notice is provided under subparagraph (B), the Secretary shall not cancel such registration.

''(3) NOTIFICATION.—The Secretary shall notify the Commissioner responsible for Customs and Border Protection whenever the Secretary cancels a registration under this subsection.

''(4) EXEMPTIONS.—In consultation with the Commissioner responsible for Customs and Border Protection, the Secretary, by notice published in the Federal Register—

''(A) shall establish an exemption from the requirements of this subsection for importations for personal use; and

''(B) may establish other exemptions from the requirements of this subsection.

''(5) CIVIL PENALTIES.—Notwithstanding any other provision in this Act, a customs broker who violates section 301 because of a violation of section 403(ee), or who violates section 301(xx), 301(yy), or 301(zz), shall not be subject to a civil penalty under section 303(f)(2).''.

(4) REGULATIONS.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner responsible for Customs and Border Protection, shall promulgate the regulations required to carry out section 801(t) of the Federal Food, Drug, and Cosmetic Act, as added by paragraph (2).

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 24 months after the date of enactment of this Act.

(b) INSPECTION.—Section 704 (21 U.S.C. 374), as amended by sections 105 and 204, is amended by adding at the end the following:

''(j) BROKERS.—Every customs broker required to be registered with the Secretary shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to inspect the facilities of such person and have access to, and to copy and verify, any related records.''.

SEC. 206. UNIQUE IDENTIFICATION NUMBER FOR FOOD FACILITIES, IMPORTERS, AND CUSTOM BROKERS.

Chapter X (21 U.S.C. 391 et seq) is amended by adding at the end the following:

''SEC. 1011. UNIQUE FACILITY IDENTIFIER.

''(a) REGISTRATION OF FACILITY OR ESTABLISHMENT.—A person required to register a facility pursuant to section 415 shall submit, at the time of registration, a unique facility identifier for the facility or establishment.

''(b) REGISTRATION OF IMPORTERS AND CUSTOM BROKERS.—A person required to register pursuant to section 801(s) or 801(t) shall submit, at the time of registration, a unique facility identifier for the principal place of business for which such person is required to register under section 801(s) or 801(t).

''(c) GUIDANCE.—The Secretary may, by guidance, and, with respect to importers and customs brokers, in consultation with the Commissioner responsible for Customs and Border Protection, specify the unique numerical identifier system to be used to meet the requirements of subsections (a) and (b) and the form, manner, and timing of a submission under such subsections. Development of such guidelines shall take into account the utilization of existing unique identification schemes and compatibility with customs automated systems, such as integration with the Automated Commercial Environment (ACE) and the International Trade Data System (ITDS), and any successor systems.

''(d) IMPORTATION.—An article of food imported or offered for import shall be refused admission unless the appropriate unique facility identifiers, as specified by the Secretary, are provided for such article.''.

SEC. 207. PROHIBITION AGAINST DELAYING, LIMITING, OR REFUSING INSPECTION.

(a) ADULTERATION.—Section 402 (21 U.S.C. 342), as amended by section 102, 103(a), and 104(a), is amended by adding at the end the following:

''(n) If it has been produced, manufactured, processed, packed, or held in any farm, factory, warehouse, or establishment and the owner, operator, or agent of such farm, factory, warehouse, or establishment, or any agent of a governmental authority in the foreign country within which such farm, factory, warehouse, or establishment is located, delays or limits an inspection, or refuses to permit entry or inspection, under section 414 or 704.''.

(b) FOREIGN INSPECTIONS.—Section 704(a)(1) (21 U.S.C. 374(a)(1)), as amended by section 106(c), is amended—

(1) in the first sentence, by inserting '', including any such food factory, warehouse, or establishment whether foreign or domestic,'' after ''factory, warehouse, or establishment''; and

(2) in the third sentence, by inserting '', including any food factory, warehouse, establishment, or consulting laboratory whether foreign or domestic,'' after ''factory, warehouse, establishment, or consulting laboratory''.

SEC. 208. DEDICATED FOREIGN INSPECTORATE.

Section 704 (21 U.S.C. 374), as amended by sections 105, 204, and 205, is amended by adding at the end the following:

''(k) DEDICATED FOREIGN INSPECTORATE.—The Secretary shall establish and maintain a corps of inspectors dedicated to inspections of foreign food facilities. This corps shall be staffed and funded by the Secretary at a level sufficient to enable it to assist the Secretary in achieving the frequency of inspections for food facilities as described in this Act.''.

SEC. 209. PLAN AND REVIEW OF CONTINUED OPERATION OF FIELD LABORATORIES.

(a) SUBMISSION OF PLAN.—Not later than 90 days before the Secretary terminates or consolidates any laboratory, district office, or the functions (including the inspection and compliance functions) of any such laboratory or district office, specified in subsection (b), the Secretary shall submit a reorganization plan to the Comptroller General of the United States, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(b) SPECIFIED LABORATORIES AND OFFICES.—The laboratories and offices specified in this subsection are the following:

(1) Any of the 13 field laboratories responsible for analyzing food that were operated by the Office of Regulatory Affairs of the Food and Drug Administration as of January 1, 2007.

(2) Any of the 20 district offices of the Food and Drug Administration with responsibility for food safety functioning as of January 1, 2007.

(c) CONGRESSIONAL REVIEW.—A reorganization plan described in subsection (a) is deemed to be a major rule (as defined in section 804(2) of title 5, United States Code) for purposes of chapter 8 of such title.

SEC. 210. FALSE OR MISLEADING REPORTING TO FDA.

(a) IN GENERAL.—Section 301(q)(2) (21 U.S.C. 331(q)(2)) is amended by inserting after ''device'' the following: '', food,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to submissions made on or after the date of the enactment of this Act.

SEC. 211. SUBPOENA AUTHORITY.

(a) PROHIBITED ACT.—Section 301(f) is amended by inserting before the period ''or the failure or refusal to obey a subpoena issued pursuant to section 311''.

(b) AMENDMENT.—Chapter III (21 U.S.C. 331 et seq.) is amended by adding at the end the following:

''SEC. 311. EXERCISE OF SUBPOENA AUTHORITY.

''(a) IN GENERAL.—For the purpose of—

''(1) any hearing, investigation, or other proceeding respecting a violation of a provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food; or

''(2) any hearing, investigation, or other proceeding to determine if a person is in violation of a specific provision of this Act, the Public Health Service Act, or the Federal Anti-Tampering Act, relating to food,

the Commissioner may issue subpoenas requiring the attendance and testimony of witnesses and the production of records and other things.

''(b) TIMING OF COMPLIANCE.—When the Commissioner deems that immediate compliance with a subpoena issued under this section is necessary to address a threat of serious adverse health consequences or death, the subpoena may require immediate production.

''(c) SERVICE OF SUBPOENA.—

''(1) IN GENERAL.—Subpoenas of the Commissioner shall be served by a person authorized by the Commissioner by delivering a copy thereof to the person named therein or by certified mail addressed to such person at such person's last known dwelling place or principal place of business.

''(2) CORPORATIONS AND OTHER ENTITIES.—Service on a domestic or foreign corporation, partnership, unincorporated association, or other entity that is subject to suit under a common name may be made by delivering the subpoena to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process.

''(3) PERSON OUTSIDE U.S. JURISDICTION.—Service on any person not found within the territorial jurisdiction of any court of the United States may be made in any manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation.

''(4) PROOF OF SERVICE.—A verified return by the person so serving the subpoena setting forth the manner of service, or, in the case of service by certified mail, the return post office receipt therefor signed by the person so served, shall be proof of service.

''(d) PAYMENT OF WITNESSES.—Witnesses subpoenaed under subsection (a) shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

''(e) ENFORCEMENT.—In the case of a refusal to obey a subpoena duly served upon any person under subsection (a), any district court of the United States for the judicial district in which such person charged with refusal to obey is found, resides, or transacts business, upon application by the Commissioner, shall have jurisdiction to issue an order compelling compliance with the subpoena and requiring such person to appear and give testimony or to appear and produce records and other things, or both. The failure to obey such order of the court may be punished by the court as contempt thereof. If the person charged with failure or refusal to obey is not found within the territorial jurisdiction of the United States, the United States District Court for the District of Columbia shall have the same jurisdiction, consistent with due process, to take any action respecting compliance with the subpoena by such person that such district court would have if such person were personally within the jurisdiction of such district court.

''(f) NONDISCLOSURE.—A United States district court for the district in which the subpoena is or will be served, upon application of the Commissioner, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney to obtain legal advice) the existence of such subpoena for a period of up to 90 days. Such order may be issued on a showing that the records or things being sought may be relevant to the hearing, investigation, proceeding, or other matter and that there is reason to believe that such disclosure may result in—

''(1) furtherance of a potential violation under investigation;

''(2) endangerment to the life or physical safety of any person;

''(3) flight or other action to avoid prosecution or other enforcement remedies;

''(4) destruction of or tampering with evidence; or

''(5) intimidation of potential witnesses.

An order under this subsection may be renewed for additional periods of up to 90 days upon a showing that any of the circumstances described in paragraphs (1) through (5) continue to exist.

''(g) RELATION TO OTHER PROVISIONS.—The subpoena authority vested in the Commissioner and the district courts of the United States by this section is in addition to any such authority vested in the Commissioner or such courts by other provisions of law, or as is otherwise authorized by law.

''(h) NONDELEGATION.—The authority to issue a subpoena under this section is limited to the Secretary or an official designated by the Secretary. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.''.

SEC. 212. WHISTLEBLOWER PROTECTIONS.

Chapter X (21 U.S.C. 391 et seq.), as amended by section 206, is amended by adding at the end the following:

''SEC. 1012 PROTECTIONS FOR EMPLOYEES WHO REFUSE TO VIOLATE, OR WHO DISCLOSE VIOLATIONS OF, THIS ACT.

''(a) IN GENERAL.—No person who submits or is required under this Act or the Public Health Service Act to submit any information related to a food, or any officer, employee, contractor, subcontractor, or agent of such person may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee, including within the ordinary course of the job duties of such employee—

''(1) to provide information, cause information to be provided, or otherwise assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of this Act, or any other provision of Federal law relating to the safety of a food, if the information or assistance is provided to, or an investigation stemming from the provided information is conducted by—

''(A) a Federal regulatory or law enforcement agency;

''(B) any Member of Congress or any committee of Congress; or

''(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate the misconduct);

''(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed, or about to be filed (with any knowledge of the employer), in any court or administrative forum relating to any such alleged violation; or

''(3) to refuse to commit or assist in any such violation.

''(b) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—An employee who alleges discharge or other discrimination in violation of subsection (a) may seek relief in accordance with the provisions of subsection (c) by—

''(A) filing a complaint with the Secretary of Labor; or

''(B) if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, or within 90 days after receiving a final decision or order from the Secretary, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which court shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Any action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

''(B) EXCEPTION.—Notification in an action under paragraph (1) shall be made in accordance with section 42121(b)(1) of title 49, United States Code, except that such notification shall be made to the person named in the complaint, the employer, and the Commissioner of Food and Drugs.

''(C) BURDENS OF PROOF.—An action brought under paragraph (1)(A) or (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

''(D) STATUTE OF LIMITATIONS.—An action under paragraph (1)(A) shall be commenced not later than 180 days after the date on which the violation occurs.

''(c) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the employee whole.

''(2) ISSUANCE OF ORDER.—If, in response to a complaint filed under paragraph (b)(1), the Secretary of Labor or the district court, as applicable, determines that a violation of subsection (a) has occurred, the Secretary or the court shall order the person who committed such violation—

''(A) to take affirmative action to abate the violation;

''(B) to—

''(i) reinstate the complainant to his or her former position together with compensation (including back pay); and

''(ii) restore the terms, conditions, and privileges associated with his or her employment; and

''(C) to provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary or the court, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(d) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this

section may not be waived by any agreement, policy, form, or condition of employment.''.

SEC. 213. EXTRATERRITORIAL JURISDICTION.

(a) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by sections 110, 111, 133, 136, and 204, is amended by adding at the end the following:

''(aaa) The production, manufacture, processing, preparation, packing, holding, or distribution of an adulterated or misbranded food with the knowledge or intent that such article will be imported into the United States.''.

(b) JURISDICTION.—Chapter III (21 U.S.C. 331 et seq.), as amended by section 211, is amended by adding at the end the following:

''SEC. 312. EXTRATERRITORIAL JURISDICTION.

''There is extraterritorial Federal jurisdiction over any violation of this Act relating to any article of food if such article was intended for import into the United States or if any act in furtherance of the violation was committed in the United States.''.

SEC. 214. SUPPORT FOR TRAINING INSTITUTES.

The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall provide financial and other assistance to appropriate entities to establish and maintain one or more university-affiliated food protection training institutes that—

(1) conduct training related to food protection activities for Federal, State, local, territorial, and tribal officials; and

(2) meet standards developed by the Secretary.

SEC. 215. BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS.

(a) NOTICE OF DETERMINATION.—No later than December 31, 2009, the Secretary of Health and Human Services shall notify the Congress whether the available scientific data support a determination that there is a reasonable certainty of no harm, for infants, young children, pregnant women, and adults, for approved uses of polycarbonate plastic and epoxy resin made with bisphenol A in food and beverage containers, including reusable food and beverage containers, under the conditions of use prescribed in current Food and Drug Administration regulations.

(b) NOTICE OF ACTIONS TO BE TAKEN.—If the Secretary concludes that such a determination cannot be made for any approved use, the Secretary shall notify the Congress of the actions the Secretary intends to take under the Secretary's authority to regulate food additives to protect the public health, which may include—

(1) revoking or modifying any of the approved uses of bisphenol A in food and beverage containers, including reusable food and beverage containers; and

(2) ensuring that the public is sufficiently informed of such determination and the steps the public may take in response to such determination.

(c) RULE OF CONSTRUCTION.—Nothing herein is intended or shall be construed to modify existing Food and Drug Administration authority, procedures, or policies for assessing scientific data, making safety determinations, or regulating the safe use of food additives.

SEC. 216. LEAD CONTENT LABELING REQUIREMENT FOR CERAMIC TABLEWARE AND COOKWARE.

(a) IN GENERAL.—Section 403 (21 U.S.C. 343), as amended by sections 101(a), 109(a), 114(a), 202, and 204, is amended by adding at the end the following:

''(ff) If it is ceramic tableware or cookware and includes a glaze or decorations containing lead for an intended functional purpose, unless—

''(1) the product and its packaging bear the statement: 'This product is made with lead-based glaze consistent with Food and Drug Administration guidelines for such lead.'; or

''(2) the product is in compliance with the requirements applicable to ornamental and decorative ceramicware in section 109.16 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) EFFECTIVE DATE.—Section 403(ff) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall apply only to ceramic tableware or cookware that is manufactured on or after the date that is 1 year after the date of the enactment of this Act.

(c) CONSUMER EDUCATION.—Chapter IV (21 U.S.C. 341 et seq.), as amended by sections 102, 103, 104, and 111, is amended by adding at the end the following:

''SEC. 421. CONSUMER EDUCATION ON THE CONTENT OF LEAD IN CERAMICWARE AND APPLICABLE LABELING REQUIREMENTS.

''(a) IN GENERAL.—The Secretary shall educate consumers on the safety of ceramicware for food use by posting information on the Web site of the Food and Drug Administration with regard to—

''(1) the content of lead in ceramicware and its glaze;

''(2) existing Federal laws and regulations governing lead in ceramicware;

''(3) as appropriate, existing industry practices and guidelines; and

''(4) the labeling requirements applicable under this Act.

''(b) TOPICS.—The education under this section shall address—

''(1) the broad range of ceramicware types, including traditional pottery, ornamental and decorative ceramicware, cookware, and everyday dinnerware;

''(2) the safety of ceramicware that is aged or damaged;

''(3) the use of ceramicware in microwave ovens;

''(4) the storage of foods in ceramicware;

''(5) the use of home lead test kits by consumers;

''(6) the use of ceramicware by children and women of childbearing age; and

''(7) issues that are especially relevant to subpopulations of consumers who may preferentially use certain types of ceramicware made with lead.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair now recognizes the gentleman from Michigan.

Mr. BARTON of Texas. Before we recognize Chairman DINGELL, I would ask unanimous consent that Mr. LUCAS, the ranking member of the Agriculture Committee, control 10 minutes of my time.

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

There was no objection.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous matter into the RECORD.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is a remarkable piece of bipartisan work. I want to pay tribute to my dear friend Mr. BARTON, the ranking minority member of the committee; my good friend, the chairman of the committee, for his outstanding leadership on this, Mr. WAXMAN; and also Mr. PALLONE, as chairman of the subcommittee, for their leadership.

I want to tell the House how important the labors of my dear friend Mr. STUPAK have been in the Oversight Investigations Committee in creating the basis from which this legislation can move forward. This has been a piece of legislation which moved unanimously out of the committee. It is something which we would hope this House would always be able to emulate.

I want to congratulate Representatives SUTTON, NATHAN DEAL, and JOHN SHIMKUS for their labors, and the outstanding staff on both sides of the Commerce Committee.

I want to express my appreciation to COLLIN PETERSON and Mr. CARDOZA of California for their labors, and Representative DELAURO and President Obama and the White House food safety group.

The legislation is supported by the Consumers Union, the Centers for Science and Public Interest, the National Consumers League, and a large number of other organizations, including the Grocery Manufacturers, GMA, and United Fresh Produce. Jeanie Ireland and my good friend Virgil Miller have worked very hard at the staff level, and they deserve thanks.

This is a piece of legislation that will stop Americans being killed by bad foods. It is a piece of legislation that will see to it that the Food and Drug Administration has both the authority and the funds to address not only American foods but foods being imported from places like China. It will stop harmful seafood, E. coli in spinach, tainted peppers from Mexico, and a large number of other things.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 2 minutes to the ranking member of the Health Subcommittee, Mr. DEAL of Georgia.

Mr. DEAL of Georgia. I thank the gentleman for yielding.

I, too, want to thank the sponsor of this legislation and our committee for working in a bipartisan fashion. As many of you will recall, earlier this year, our Nation was rocked with a peanut butter contamination that involved salmonella, and it became very apparent very shortly after the investigation started that a rogue operator, the Peanut Corporation of America, had risked the well-being of thousands of Americans.

In addition, it resulted in millions of dollars of loss to an industry that is very important to my State of Georgia. Peanut sales plummeted. It was in an effort to shore up the company's individual bottom line that PCA had recklessly jeopardized both peanut farmers

and processors and the public in this country.

Now, this is a piece of legislation that is designed to try to correct some of those problems because they are not unique just to the peanut industry. We've seen them in the tomato, jalapeno pepper, the pistachio nuts, the contamination of spinach and many others. This legislation requires the development and implementation of a hazard analysis and food safety plan with regular updating, a requirement which is already in place for USDA-regulated facilities, such as poultry processing that is in my district. These plans have proved to be effective in reducing the hazard of food-borne contamination.

This legislation also implements a risk-based inspection schedule, which improves today's unacceptable status quo and targets our most vulnerable facilities for greater oversight. I know there's been concern about the overlap into USDA activities. There is language in the bill that would exclude the inclusion of farms within the bill. They are excluded. They are not required to register. They're not required to pay a registration fee. Livestock and poultry are also exempt. It does not allow the FDA to regulate what are now USDA-regulated facilities and products.

I commend this legislation and urge my colleagues to adopt it.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Energy and Commerce, Mr. WAXMAN, whose leadership in this matter has been appreciated.

Mr. WAXMAN. Mr. Speaker, a series of food-borne disease outbreaks in spinach, peanuts, and peppers, to name a few, have not only just sickened and killed American consumers, they've laid bare the unacceptable gaps in our food safety laws. And today, the House will act to close those gaps, give FDA new authorities, new tools, and a new source of funding to carry out this vital mission.

This legislation contains policy solutions that come from many Members on both sides of the aisle. It's largely based on legislation introduced by Chairman Emeritus JOHN DINGELL, Subcommittee Chairmen PALLONE and STUPAK. These three Members have played an instrumental role in this legislation, as have Representatives SUTTON and DEGETTE on our committee.

In addition, I want to single out Chairwoman ROSA DELAURO who introduced the landmark legislation which contributed in a substantial way to this bill. I want to thank our full committee Ranking Member BARTON and subcommittee Ranking Members SHIMKUS and DEAL for their contributions to the legislation as well, and Chairman PETERSON and Chairman RANGEL who gave suggestions to make the bill a better bill.

The coalition of food safety groups worked with the Members to develop and maintain the strong, public health protections in this bill. I think that they deserve an enormous amount of recognition, but I want to thank Rachel Sher of my staff for her thoughtful work and countless hours on this bill. Other key staff on the effort include Eric Flamm, Virgil Miller, Elana Leventhal, and Erika Orloff, as well as several individuals from the minority staff, including Ryan Long, Clay Alspach, Blake Fulenwider, and Chris Sarley.

And finally, I want to thank President Obama and his administration for their contributions to this legislation. The safety of the food supply is a critical issue, and this legislation will give the administration the tools they need to keep this food supply safe.

I urge a ''yes'' vote for the bill.

Mr. LUCAS. I yield myself 5 minutes.

Mr. Speaker, I truly regret that I must rise in opposition to this legislation, H.R. 2749, the Food Safety Enhancement Act of 2009.

Let me begin by saying that I believe our Nation has the safest food supply in the world. I also believe that we must continually examine our food production and regulatory system and look for ways to improve food safety. However, the bill before us today does little to accomplish the goal of enhancing food safety. One glaring example is the fact that the authors of the bill did not require the U.S. Food and Drug Administration—''require'' being the operative phrase—to spend one additional penny on the inspection of food.

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The bill before us today is the product of a flawed process. This is just another example of Federal power without the benefit of careful consideration. It is what we have come to expect from the majority leadership of the 111th Congress. We could point to the stimulus package, cap-and-trade, and soon the health care bill as examples of a blatant disregard for the legislative process and for the American people, for whom we work. As of last night, no one had seen a copy of this bill.

It is tragic that despite a clear jurisdictional claim, the chairman of the House Agriculture Committee did not demand that the bill be referred, conduct hearings on its provisions and work at the committee's will to make improvements.

But this is not just a matter of jurisdiction between two committees. The real losers today are farmers, ranchers, and, yes, consumers. During a recent committee hearing on the general topic of food safety, not a single producer witness would support this bill in its current form. This is a stunning failure to fulfill our legislative responsibility.

One provision of particular concern would mandate that the Food and Drug Administration set on-farm production performance standards. For the first time, we would have the Federal Government prescribing how our farmers grow crops. Farming, the growing of crops and the raising of livestock, is one of the first organized activities pursued by man. We have been doing it for a very long time, and we have been doing it without the FDA.

New language to the bill would exclude row crop producers from FDA regulatory authority over growing and harvesting crops. Language was also approved that would relieve livestock producers from some of the burdens of the law. Although these are needed changes, they do not go far enough to make the bill acceptable.

This bill still leaves our Nation's fruit and vegetable producers subject to objectionable regulatory burdens.

There are other problems in the bill as well. New registration authorities for food processing facilities create what amounts to a Federal license to be in the food business. Hundreds of millions of dollars in associated fees represented by a new tax on food production, along with regulatory burdens, will increase the cost of food for consumers, increasingly forcing food production out of this country, unfortunately.

New quarantine authorities for FDA will undermine animal and plant inspection control programs that have been in place at USDA for decades.

The vast majority of these provisions, along with new penalties, recordkeeping requirements, traceability, labeling, country-of-origin labeling, will do absolutely nothing to prevent food-borne disease outbreaks, but will do plenty to keep the Federal bureaucracy busy. These issues can be worked out through the normal legislative process, but only if there is a process.

Mr. Speaker, let me return to where I started. We have the safest food supply in the world. Anyone following current events knows that our food production system faces ongoing food safety challenges, and I stand ready to work with my colleagues to address these challenges. But this is not the way to create law.

We should not suspend the rules to pass this bill. Our Nation's farmers, ranchers and consumers deserve better, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I will have a full rebuttal for the remarks of the gentleman who has just spoken.

I yield 1 minute at this time to my dear friend, the chairman of the subcommittee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank the chairman.

I rise in strong support of H.R. 2749, the Food Safety Enhancement Act of 2009. It is time that we put in place a stronger and more thorough system to prevent food-borne illness rather than continuing to simply react to outbreak after outbreak of contaminated products.

This bill will require that food manufacturers put in place preventive controls to monitor the production lines

and identify, prevent or eliminate hazards, should they arise. It requires them to have food safety plans detailing all the food safety activities that the company is undertaking to ensure the safety of their products.

Under the bill, the FDA will have the authority to set performance standards that companies must incorporate into their food safety plans; it requires the FDA to put in place a traceability system for food products. It requires the FDA to inspect facilities according to a minimum inspection frequency, and it provides the FDA with enhanced enforcement authorities.

Mr. Speaker, this is the strongest bill it can be. It will catapult the FDA into the 21st century, and it will arm the agency with the necessary authorities and enforcement power to protect our Nation's food supply.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Mr. Speaker, I want to thank Chairman Emeritus DINGELL FOR HIS WORK ON THIS BILL. I ALSO WANT TO THANK CHAIRMAN WAXMAN.

Mr. DINGELL. If the gentleman will yield, I want to tell the House how important the labors of the gentleman have been, and also those of Mr. BARTON and Mr. DEAL. We owe a great debt to the gentleman.

Mr. SHIMKUS. Thank you very much. I also want to thank Chairman WAXMAN for mentioning Chris Sarley, who did yeoman's work with the majority staff, and I appreciate their kindness and work effort.

This is a model for what we can do on energy and what we can do on health if we would move in that direction. We can't defend the current system. As a former ranking member on Oversight and Investigations, there are fixes that have to be made.

This bill provides a risk-based inspection regime and gives the FDA flexibility to change the frequency of inspections to lower-risk facilities. It allows FDA access to records. It gives companies flexibility to use different preventative control systems. And where things are working, we let existing authority remain with respect to USDA.

I am an ag Republican, so I understand the concerns of my colleagues on the Ag Committee. But this bill does not require farms to register with the FDA; and as a result, farms do not have to pay a registration fee.

Access to farm records is significantly restricted. Livestock and poultry are exempt from the bill. Grain and related commodities are exempt from produce standards. USDA-regulated farms, facilities and products are not subject to this bill. It allows farms to be exempt from any traceability requirements.

But I will pledge to continue to work with any ag Republican colleagues as this process moves forward to try to address some of the remaining concerns. I do appreciate the majority and their work on this. Again, I think it is a good method for which we can move on energy and health care when we get to a point where we want to do that.

Mr. DINGELL. Mr. Speaker, I am very delighted at this time to yield 1 minute to the distinguished gentleman from Michigan (Mr. STUPAK), chairman of the Subcommittee on Oversight and Investigations, who has done so much to make the investigations which have brought us to the point where people understand the need for this legislation.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 2749, the Food Safety Enhancement Act. As chairman of the Subcommittee on Oversight and Investigations, I, along with Ranking Members WHITFIELD, SHIMKUS and WALDEN, have held 10 hearings over the past 2 years to examine the safety and security of our Nation's food supply.

This investigation takes important steps towards addressing the gaping holes in our Nation's food supply by recognizing that the food industry and the FDA must share responsibility for securing our Nation's food supply. Provisions granting the FDA additional authorities, such as quarantine, recall, subpoena power and access to records, are all addressed in H.R. 2749.

I want to thank my colleagues and friends, Chairman DINGELL, Chairman PALLONE and Chairman WAXMAN, for all their hard work on this issue. I also wish to thank their staffs, who have worked diligently to see this bill come before us today. Plus I want to thank the Obama administration for working with us.

All the dedication of all the individuals have paid off with a piece of legislation that will help protect and ensure all Americans have access to safe food. I am proud to be part of such great legislation. I urge all of my colleagues to support its passage.

Mr. LUCAS. Mr. Speaker, I wish to yield 1¼ minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman for yielding.

Do not vote in favor of H.R. 2749 thinking that today's vote is a throwaway one to demonstrate one's support for food safety.

We are all interested in food safety. It matters. Those of us involved in agriculture care about food safety. It is a matter of life and health for our consumers, and for the farmers and ranchers it is a matter of their livelihood. Even the rumor of unsafe food causes commodity prices to fall and farm incomes to decline.

While I am unable to tell my colleagues the exact details of this bill, I can say with certainty there are significant adverse consequences to farmers, especially our smallest ones, and those consequences include on-farm performance standards, record-keeping requirements, arbitrary record access requirements and registration fees, none of which may actually improve food safety.

The reason I am unable to describe the details of this bill is that those details became available only this morning. The bill before us was amended, striking everything after the enacting clause and inserting a new text. The entire bill as it existed yesterday was deleted and new language put in its place. There have been few hearings on this bill, constant redrafting by a few people outside the committees, and no referral to the Committee on Agriculture.

Do not let the Suspension Calendar fool you. This bill is substantive legislation with uncertain consequences. Vote ''no.''

Mr. DINGELL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of this bill and thank Chairman WAXMAN and Chairman Emeritus DINGELL for their hard work.

The bill begins a long task of rectifying decades of neglect by updating FDA's ancient tools and outdated mandates. It gives the FDA the means to deal with dangers imposed by a global food system and enhances the agency's ability to prevent food contamination.

It incorporates key provisions from legislation I introduced this year and moves the FDA to a risk-based inspection system. It requires the agency to inspect the highest-risk facilities once every 6 months to a year, rather than once a decade.

It enhances reporting requirements for companies and establishes performance standards for fighting food-based pathogens. Performance standards form the backbone for monitoring the effectiveness of process control systems and identifying the foods at greatest risk.

I continue to strongly believe that the best way to protect our food supply is to streamline the FDA into two separate agencies within Health and Human Services so that food and drug safety both get the full and comprehensive attention they deserve.

This bill is a strong, solid first step in creating a comprehensive food safety system that can protect American families from the many dangers of contaminated food. I urge my colleagues to support this bill.

Mr. BARTON of Texas. I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN), the ranking member of the Oversight Subcommittee of the Committee on Energy and Commerce.

Mr. WALDEN. Mr. Speaker, this really ought to be called Jake's Law, after 3-year-old Jake Hurley of Wilsonville, Oregon. In February, before the Oversight and Investigations Subcommittee, Jake's father, Peter, testified about how Jake contracted salmonella from eating peanut butter products from Peanut Corporation of America in Georgia.

In January, Jake became sick. His doctors asked his parents, what does he like to eat? They recommended some food products. As it turned out, those very food products in their home were contaminated with salmonella that came about because of PCA.

So when Stewart Parnell, the PCA president, testified before our Oversight Committee, I asked him, Would you like to sample some of the products that you sent out to little kids like Jake and other Americans to eat? His response? He took the Fifth Amendment.

Thankfully, Jake recovered. But nine people died from the outbreak, and at least 691 people, half of them children, were sickened.

If PCA had to follow a law like this that would require a fully-functioning food safety plan at food production facilities, traceability of the food chain, increased inspection and recall authority from FDA, there is a good chance that the salmonella outbreak could have been avoided and Jake and hundreds of others never would have been poisoned.

Because of Jake's story and others like it we uncovered in bipartisan O&I food safety hearings since 2007, we now have a bipartisan piece of legislation here to pass the House of Representatives; and I urge your support for it, for the food safety of our country and the citizens that live here.

Mr. DINGELL. If the gentleman will yield, I want to compliment the gentleman on his comments and I want to praise him for his valuable and important contribution to the legislation. As he has said, this is how legislation should be done, bipartisan; and we have gone across the aisle. But we have also gone between committees, working with the distinguished chairman of the Agriculture Committee. I commend the gentleman and thank him.

Mr. WALDEN of Oregon. I thank the gentleman for his comments.

Mr. DINGELL. Mr. Speaker, I yield 1 minute to my distinguished friend, the gentlewoman from California (Ms. DEGETTE), a Member who has worked very hard on this legislation for a long time and who was one of the original sponsors and has been a valuable contributor to the process of bringing it forward.

(Ms. DEGETTE asked and was given permission to revise and extend her remarks.)

□ 1430

Ms. DEGETTE. Mr. Speaker, many of us have been talking about comprehensive food safety for years. Our Nation's business community is calling for it. Our constituents are begging for it. I am so pleased that today, at long last, we are considering this bill on the House floor on a bipartisan basis.

The bill before us will strengthen our food supply in a number of areas. It will transform our system into one that focuses on prevention, rather than reaction. It will provide the FDA with the resources it has lacked; and by giving it mandatory recall authority and subpoena authority, it will give the FDA the tools it needs to deal with an emergency.

Mr. Speaker, this bill also will give the FDA the ability to track our food products along the supply chain, enabling targeted and speedier recalls that will benefit business and consumers alike. This traceability provision of the legislation, we know we can't do it overnight, but it will require the FDA to write regulations undertaking a pilot project, cost-benefit analysis, feasibility studies and public meetings to make sure that we can track food from field to fork. This will improve consumer safety and we exempt the family farm.

I urge adoption of this important bill.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, section 101 of the bill requires an annual registration for a facility. The term ''facility'' means any factory, warehouse or establishment, including a factory, warehouse or establishment of an importer that manufactures, processes, packs or holds foods.

The user fees under this section require registration each year starting in 2010 to be $500 and each subsequent year to be adjusted for inflation. This will affect small businesses and impose tax increases. For companies and individuals that own or operate multiple facilities, a maximum level for total fees per year is set at $175,000. These will have to be passed on to the consumer and will raise the price of food to cover the fees associated under this bill.

I encourage my colleagues to vote ''no'' on this bill under suspension so that Congress may debate food safety and come to an agreement on how to protect our Nation's farmers and food facilities in order to maintain the United States as having the world's safest, most economically viable food source.

The SPEAKER pro tempore. The Chair will note that the gentleman from Texas has 4 minutes remaining, the gentleman from Oklahoma has 3¼ minutes remaining, and the gentleman from Michigan has 12 minutes remaining.

Mr. DINGELL. Mr. Speaker, just for administrative purposes, does my friend on the Republican side have a sufficiency of time? I speak about Mr. BARTON.

Mr. BARTON of Texas. Mr. Chairman, we could use another 2 to 3 minutes, if you have it.

Mr. DINGELL. I will try to see if we can share, if it is necessary.

Mr. Speaker, at this time I yield to one of the original sponsors of the legislation, the distinguished gentlelady who has done much work to get this legislation to the floor, the distinguished gentlewoman from Ohio (Ms. SUTTON) 1 minute.

Ms. SUTTON. Mr. Speaker, I rise today as a proud cosponsor of the Food Safety Enhancement Act of 2009, and I commend the distinguished Chair Emeritus, JOHN DINGELL, for his dedication to formulating and passing this bill, which is so sorely needed to protect the safety of our food supply.

This year alone, we have experienced a series of outbreaks of food-borne illnesses. These outbreaks have taken a disproportionate toll on our State of Ohio. The peanut-related salmonella outbreak affected 92 individuals in Ohio, and, sadly, resulted in three tragic deaths. Nellie Napier, a constituent of mine, died from salmonella poisoning that she contracted in a nursing facility.

This bill is an essential step toward lowering these tragic numbers and restoring consumer confidence in our food supply. It will increase inspections of food facilities, improve traceability, and provide needed funding to the FDA for food safety activities. And with the increased globalization of our food supply—close to 13 percent of the food we eat comes from abroad—and this bill will help protect consumers from unsafe imported foods.

Mr. BARTON of Texas. I yield 2 minutes to the former Republican Conference chairman and probably future Governor of Florida (Mr. PUTNAM).

Mr. PUTNAM. I thank my friend from Texas.

I rise to support this bill which is built on a bipartisan foundation. I thank my friend from California (Mr. COSTA) who worked with a number of us to put together a strong food safety bill, and many of the key principles embedded in that bill have been built into the bill that we're debating here today. This is an issue that brings together America's farmers, ranchers and the consumers. There is no difference or distinction between the interests of those two parties. As the FDA's false information about the tomatoes implicated in the food-borne illness outbreak illustrates, when there is false information out there, the industry suffers; and when there is food-borne illness out there, consumer confidence is eroded. Both of those outcomes are unacceptable. So there is a need for both sides to come together on this, and I am proud that this is a bipartisan effort.

I would highlight some issues, though, that need additional work as this moves into the Senate. Most importantly, the quarantine and traceability issues need further work as well as the work that is done by our State and local Departments of Health and Departments of Agriculture. They are delegated 80 percent of FDA's authority to implement most of this bill and the other responsibilities of FDA. They must have better coordination and cooperation from the FDA in implementing this legislation as well as

the rest of the food safety mandates already in the law. But overall, it is important that this Nation move forward with a modernization of the food safety system, some of which has not been built upon since the Teddy Roosevelt administration. It is important to our farmers and ranchers, and it is important to our consumers.

So for that reason, I am proud to stand in support of this bill and urge its passage, recognizing that there are issues that we need to continue to work with our friends and colleagues in the Senate on.

Mr. DINGELL. At this time I yield 1 minute to the distinguished chairman of the Agriculture Committee's subcommittee on food safety, the gentleman from Georgia (Mr. SCOTT), with thanks and appreciation for his good work.

Mr. SCOTT of Georgia. Thank you so much, Chairman DINGELL. I appreciate that so much. I really, quite honestly, can't understand how anybody could vote against this bill. We've already had three outbreaks that have definitely taken lives of the American people. But I want to thank, Chairman PETERSON on our Agriculture Committee, as well as Chairman DINGELL; and I certainly want to congratulate and thank our staff on my own subcommittee, Chandler Goule and Gary Woodward, for the excellent job that they have done. And to the gentleman on the other side, we've had hearings on this; but the greatest hearing we've had on this has been the threats to the safety of the American people. If we enact these measures in this bill, we will save American lives.

Let me just tell you about one example: Better access to records in order to prevent the outbreaks. This bill will give the FDA access to the records of food producers and manufacturers during the time that they are inspecting the plants. Under current law, the FDA must wait for the food-borne illness to occur before they can even access the records. Now, ladies and gentlemen, if this had been in place, eight people would be alive today from the peanut outbreak in my district of Georgia. This is an important bill, it's timely, and I urge its passage.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Oklahoma for yielding, and I rise in opposition to this food safety bill, as it's labeled. It will provide some more food safety. I won't dispute that. But the point is that it grows government regulation, and it broadens the FDA's regulations over what I think, if it's going to be regulated, should be USDA.

We are looking at two, three or four individual food safety problems; and instead of looking at that and trying to solve the problem, first, we should try to solve it without legislation. Second, it should be specific to the food rather than the broad stroke that this bill is. I know that there are exemptions for feed grains; but in the end, this is a growth of regulation. It's a burden on our farmers and our food producers. It's a tax on our food producers. It's going to come out of the pockets of the American consumers, and it will diminish the smaller operations among us.

We have here a solution in search of a problem. We can solve this problem without new extra regulatory authority for the FDA. I rise in opposition to this bill, and I believe it should be Ag Committee jurisdiction.

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from California (Mr. COSTA), one of the great leaders in food safety, a distinguished member of the Committee on Agriculture, a man who has worked very closely with me and with the others who have been working on this, including the distinguished chairman of the Agriculture Committee.

Mr. COSTA. I want to start by thanking Chairman Emeritus JOHN DINGELL for his hard work on this effort, as he does in so many pieces of legislation that have been a part of his legacy; Chairman WAXMAN and Chairman PETERSON for their support and efforts to ensure that we come together in a collective effort; Ranking Member BARTON and my colleague and friend Congressman ADAM PUTNAM from Florida.

We introduced this legislation in the last session of Congress, working to try to put together a bipartisan effort, understanding that food safety is job number one for all American farmers, ranchers and dairymen because they are consumers, their families consume their products, and they must ensure, as we all must ensure, that America's food on our dinner tables is the safest it can possibly be.

Our farmers are to be commended for their tireless efforts to produce the world's safest and most wholesome food, but we can always do better. This legislation intends to address that. Our food safety laws have not been updated for nearly 50 years. They're in need of modernization, both to protect the consumers and to protect our farmers from the loss of the markets. When an outbreak occurs, they're the first to be impacted; and obviously food safety is job number one for all consumers in America. I think it's important for us to note that there is not a one-size-fits-all approach to food safety; therefore, working together with the United States Department of Agriculture and the Food and Drug Administration is critical to making this legislation work.

What does it establish? It establishes science-based, risk-based standards for both producers and processors here and abroad; and let me underline abroad. Any food products that come into this country ought to meet the same standards that we require of our farmers and food processors here in America. This legislation attempts to do that. It means that ensuring our foreign partners, whether they are growing leafy greens or peppers or anything else, that they meet the same standards that American farmers must meet to put those products on the table.

Is this a perfect bill? No. It's a work in progress, but I think it's a good bipartisan bill. I would urge my colleagues to support this measure, and I thank the chairmen for their good work.

Mr. BARTON of Texas. Mr. Speaker, I'm the last speaker on my side in support of the bill, so I'm going to reserve the balance of my time.

Mr. DINGELL. With a great deal of pleasure and pride, at this time I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), my good friend, the distinguished chairman of the Committee on Agriculture who has worked so hard not only on food safety but also with us to make this bill something which is acceptable to the House, to him and to American agriculture.

Mr. PETERSON. I thank the gentleman from Michigan for recognizing me, and I want to thank him for his hard work and his practical way of approaching legislation, which is the right way to do things.

I rise today in support of this legislation. Our committee has had hearings regarding food safety, and we had some concerns about the bill as it came out of the Energy and Commerce Committee. Mr. DINGELL was kind enough to sit down and work with us on those concerns; and out of that we were able to especially address the concerns of the livestock industry and the grain industry who were concerned that there may be unintended consequences. So we were able to get exemptions in those areas and also make other changes to make sure that the bill didn't interfere with the production and harvesting parts of agriculture.

□ 1445

We had, at the beginning of this, a number of groups that were concerned or even opposed to this legislation. And now, because of the changes that we have been able to work through with Mr. DINGELL and others, I am happy to report that these organizations are either now neutral or dropped their opposition or are supporting the bill: the United Fresh Fruit and Vegetable folks, Western Growers, the American Farm Bureau Federation, National Wheat Growers, the National Cattlemen's Beef Association, the National Turkey Federation, the National Chicken Council, the National Pork Producers Council, National Corn Growers, the American Soybean Association, the U.S. Rice Federation, American Feed Industry, United Egg Producers, and the American Sheep Industry.

I think this demonstrates that we have been able to move this legislation in a direction where we in agriculture are comfortable. I agree with Mr. PUTNAM that there is some additional work that can be done on this, and we intend

to do that. So I encourage my colleagues to support this legislation.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DINGELL. I yield the gentleman 30 seconds.

Would the gentleman yield to me?

Mr. PETERSON. I will yield.

Mr. DINGELL. I would just observe to my good friend that we have talked about this before, and I have assured the gentleman that we will continue to work together to address the concerns that he and the very able gentleman from Florida (Mr. PUTNAM) have expressed their concerns about. It has been a privilege to work with the gentleman, and I thank him.

Mr. PETERSON. I thank the gentleman. And I know that he will work with us as he has through this part of the process.

Mr. DINGELL. I thank the gentleman.

Mr. LUCAS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio, the minority leader, Mr. BOEHNER.

Mr. BOEHNER. Mr. Speaker and my colleagues, here we go again. This is a major piece of legislation that was introduced last night at the Rules Committee about 12:15. Then about 9:36 this morning we saw another version of this bill introduced to replace the first version. And then at 10:50 this morning we see a third version of this same bill. Now, this may be a great bill. I have no idea. But the fact is that introducing three different versions of the bill yet this day and then bringing it to the floor some 4 hours later begins to ask the question, Did anybody read the bill?

Now, I think the chairman and the ranking member and the chairman of the subcommittee probably did read the bill and understand what's in it, but how about the other 431 of us who serve in this House who are expected to vote on this?

And my second complaint about this bill is the fact that we are considering it here in the House under a procedure where there is a whopping 40 minutes of debate, 20 minutes on each side, 40 minutes, and no amendments are allowed to be offered. We've got this major food safety bill here on the floor, and nobody gets to offer an amendment, nobody gets to have a debate about it, and nobody, clearly, has much of an idea of what's in the bill.

Now, as a longtime member of the House Ag Committee, I understand that we've got the safest food supply in the world. It's probably not perfect, but it is the safest food supply in the world, and we can do better. But to legislate in this manner under these conditions without Members having a clue about what's in the bill is not, in my view, in the best interest of the House.

Mr. DINGELL. Mr. Speaker, at this time, I am happy to yield 1 minute to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the chairman emeritus for yielding, and I thank him for his leadership in creating this bipartisan bill that passed unanimously out of our committee and is so important.

This is very personal to me. My dear friend, Nancy Donley, lost her son, Alex, in 1993, her only child, after he ate ground beef contaminated with E. coli. And we heard testimony from people whose children have died and whose family members and loved ones have become sick and died.

Finally, we are able to pass, in a bipartisan way, an overhaul of our food safety system. And so I am pleased to be able to join in this bipartisan agreement to support this legislation. I am also glad that it includes some language directing the FDA to examine antibiotic resistance as it relates to the food supply. I hope we will continue to move forward.

But I urge all of my colleagues to take this great opportunity so never again do we have to look at a victim, a family member of a victim or someone who has died because food that they believed was safe actually killed them. Let's vote for this.

The SPEAKER pro tempore. The Chair will note that the gentleman from Michigan has 4½ minutes remaining, the gentleman from Texas has 2 minutes remaining, and the gentleman from Oklahoma has 1¼ minutes remaining.

The gentleman from Oklahoma is recognized.

Mr. LUCAS. Mr. Chairman, I rise to yield 1 minute to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, as a member of the Agriculture Committee, I rise in strong opposition to this bill. We all agree that food safety is an extremely important issue, and improvements can be clearly made to our system, but this legislation concerns me for a number of reasons.

First of all, it will do little to actually increase food safety, and it will add new burdens to many small businesses and farms across the country. One provision this bill contains is an expanded registration requirement which creates a license to be in the food industry. The license is expensive, and the provision will make it unlawful to sell food without it. And this bill would have significant impacts on agriculture sectors, particularly with fruits and vegetables.

Fundamentally, I take issue with this legislation because it opens our farms to the Food and Drug Administration. Farms and agricultural activities are already regulated by the USDA. The FDA does not, and should not, have jurisdiction over farms or agricultural practices.

Good policy makes for good politics, and that can only occur with a real, full debate on this issue, which would occur if this bill would have stayed within the jurisdiction of the Agriculture Committee.

I urge my colleagues to vote ''no'' on this misguided legislation.

Mr. DINGELL. Mr. Speaker, I am the last speaker on this side, so I am going to reserve my time, but I want to yield 2 minutes to my dear friend, Mr. BARTON. And I want to commend him for his courage, his decency, and the extraordinary way in which he has worked with the distinguished Agriculture Committee and its great chairman, and also with me and the Democrats. We are handling this bill the way it should be handled, in a proper bipartisan fashion, and I want to commend him.

Mr. BARTON of Texas. I want to inquire of the Chair, with his yielding, I have 4 minutes; is that correct?

The SPEAKER pro tempore. The gentleman now has 4 minutes, yes.

Mr. BARTON of Texas. Thank you, Chairman DINGELL.

First, I want to acknowledge the strong staff work on both sides on this legislation. It has been a debate whether we would get the bill to the floor or whether Rachel Sher would have her baby first, and I am proud to report that we have gotten the bill to the floor. So we are birthing the food safety bill before she gives birth to another lovely human being.

What our minority leader said just a minute ago is absolutely true in the technical sense about different versions of the bill being introduced at different times, but that is not all of the story, as Paul Harvey used to say in his radio commentary. Those different versions have been introduced in the last day because of changes that I have asked for and other Republican Members have asked for to improve the bill at the request of Congressman LUCAS and his staff on the Agriculture Committee. We have been improving the bill to make it more supportive of agriculture.

I want to read part of a letter that we just got today from the Sheep Industry, the Cattlemen's Association and the Pork Council. It says: ''America's livestock and poultry producers support the tightening of language recognizing the U.S. Department of Agriculture's authorities regarding products, facilities and farms raising animals from which meat and eggs are regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act or the Egg Products Inspection Act. There have also been great improvements made to the traceability language, the recordkeeping provisions, as well as a more targeted approach for the new authority granted to the Food and Drug Administration to prohibit or restrict the movement of food. We also appreciate the strengthening of language that requires the Secretary of Health and Human Services to consult with the Secretary of Agriculture.''

All of these changes were made at the suggestion of Congressman LUCAS and his staff, working through myself and my staff, through Mr. WAXMAN and Mr. DINGELL's staff.

This is a strong food safety bill. This is a necessary improvement to food

safety. We have had outbreaks in the last several years in the peanuts industry, in the pepper industry, and in seafood products that have been imported. We need to bring the FDA authority into the 21st century.

I want to specifically go through some of the things that we have done with regard to agriculture. This bill does not require farms to register with the FDA. Under section 415 of the Food, Drug and Cosmetic Act, farms are not considered facilities, therefore, they do not have to register with the FDA.

This bill does not require farms to pay a registration fee. This bill does not apply to livestock and poultry. This bill does not apply to USDA-regulated farms, facilities and products. This bill allows farms to be exempted from traceability requirements and greatly limits access to records. This bill exempts specifically grains and related commodities from produce standards. This bill does not apply to farmers markets.

So I understand that my friends on the Ag Committee did not have a legislative markup of this bill; they should have, I understand that. I have been in a situation in the Energy and Commerce Committee this year on the climate change bill and the health care bill where we on the Republican side have not been allowed to negotiate in the room. But on this bill, in this case, Chairman WAXMAN, Chairman DINGELL, Chairman STUPAK and Chairman PALLONE have worked with myself and Mr. DEAL and Mr. SHIMKUS and Mr. WALDEN and others. We have had an open, bipartisan process. We've had hearings going back to the prior Congress.

The process is fair on this bill. The product is fair on this bill. We do need an improved food safety bill.

I strongly recommend a ''yes'' vote on this legislation.

The SPEAKER pro tempore. The gentleman from Oklahoma has 15 seconds remaining.

Mr. LUCAS. I yield the entire sum to myself, Mr. Speaker.

I want to thank the chairman emeritus of the Energy and Commerce Committee and the ranking member, Mr. BARTON. You were kind to help us. You were kind to work with us. But the bottom line is the minority party of the Ag Committee should not have to go to the Energy and Commerce committee to work on an ag-related section of the bill.

Thank you, gentlemen. I appreciate you. But you shouldn't have had to have done it.

The SPEAKER pro tempore. The gentleman from Michigan has 2½ minutes remaining.

Mr. DINGELL. Mr. Speaker, I yield myself the balance of the time to close.

Mr. Speaker, this is a bipartisan bill. It has been worked on long and hard by three committees, including the Ways and Means. The chairman, Mr. RANGEL, and subcommittee chairman, Mr. LEVIN, have been extremely cooperative in resolving questions between the two committees.

I would note that staff at all levels of our committee, in the minority and on the majority—Rachel Sher and Eric Flamm—have been of enormous value in these discussions.

The complaint made by my colleague about exclusion of Members I can't comment on. I can only say we have tried to include everybody in this process as much as we could, and we have brought in industry, which supports the bill. But more importantly—and I say this to my friend with affection and respect—the reason for a lot of the changes that they're talking about have been that, right up to the time that we have brought this bill to the floor, we have sought to see to it that we included everyone and took advantage of the wisdom of all the Members that we could possibly take advantage of.

The legislation will address from the point of origin to the consumer's table. It will enable us to get at unsafe foods, not just in this country, but in China, in India, and other places where these foods are coming in. It will provide Food and Drug with the resources they need to address these problems in terms of personnel and money. It will also keep their laboratories open. More importantly, it will see to it that the public comes first, and for the first time in years, know that the foods that we are bringing into this country and that are being made available to the American people are in fact safe. No major reviews of the food provisions of the Food and Drug Act have been done since 1938, and, as was wisely pointed out by my colleagues, some not back to 1912.

This is an important step which will protect the American people, who are today being killed, sickened, and hurt by unsafe foods brought in by unscrupulous people.

□ 1500

It will do something more than this. It will protect the American food industry, the processors, the manufacturers, and the growers, against unfair competition in places like China where they are adding melamine to food and delivering patently unsafe food.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Food Safety Enhancement Act of 2009. This bipartisan legislation will address and reform the shortcomings in our food supply system.

Serious gaps have been exposed in the Food and Drug Administration's ability to protect the American public due to recent outbreaks and recalls of food-borne diseases in spinach, peanuts, peppers, and other foods that many Americans depend on daily. These outbreaks have not only shaken consumer confidence in the industry that produces one of our most basic and important commodities, but it has also caused sickness and even death.

We need to ensure that FDA has the necessary tools and resources to fulfill its vital mission in protecting the American public from unsafe products. The Food Safety Enhancement Act will accomplish this by bringing the FDA into the 21st century so that it can address the challenges and problems created by a global food system and to prevent the causes associated with food-borne illnesses. Currently, FDA is only able to inspect approximately one percent of imported food at the border. The bill will require the FDA to inspect high-risk facilities once every six months to a year and create a system to prevent contamination of imported and domestically produced food from occurring.

Mr. Speaker, American consumers should not live in fear of the food they eat. I want to thank Chairman WAXMAN and Chairman DINGELL for their leadership on this very important issue. I urge my colleagues to join me in supporting this much-needed legislation.

Mr. HOYER. Mr. Speaker, I rise in strong support of the Food Safety Enhancement Act of 2009, and I thank Chairman Emeritus DINGELL, Chairmen WAXMAN, PALLONE, and STUPAK, and Representatives DEGETTE and SUTTON for their hard work to bring it to the floor today. This bill gives the Food and Drug Administration the authority and resources it needs to ensure that all Americans can be confident that the food they are putting on their family tables is free of contamination.

A string of recent food safety scares shows that this bill is overdue—from the discovery of E. coli in spinach to salmonella in peppers and peanut butter. In fact, Time magazine reports that contaminated food causes 5,000 deaths and 325,000 hospitalizations each year. Unsafe food does not only put health and lives at risk; it undermines confidence across the board and poses a real threat to Americans' trust in our food industry. And that lack of trust is harmful to both families' peace of mind and the food industry's economic future. So it is in the interest of consumers and industry alike to see safety regulations faithfully enforced.

This bill speeds up the inspection schedule, ensuring that the FDA checks up on high-risk food facilities every six to 12 months, and on lower-risk facilities at least once every 18 months to three years. It requires all food facilities operating in the U.S. or exporting to the U.S. to develop and submit food safety plans. It strengthens safeguards against unsafe imported food products. And it provides for a faster, more effective FDA response in case we do see a food emergency: with an up-to-date registry of food facilities, better traceability of contaminated food, and stronger authority to quarantine and recall dangerous products, the FDA will be empowered to take quick action that can nip outbreaks in the bud and save lives.

These steps, and more, combine to make this what many have called the most sweeping reform of food safety laws in 50 years. One only needs to watch the news to see that this reform is highly needed. I urge my colleagues to support it.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise in support of the Food Safety Enhancement Act of 2009, and commend Chairmen WAXMAN, BARTON, PALLONE, DINGELL, DEAL and STUPAK for all of their bipartisan and extensive work on this important legislation.

The Food Safety Enhancement Act is a critical part of protecting the health and wellbeing of our citizens from food-borne illnesses and negligent food manufacturers. This bill strengthens the FDA's oversight of our nation's food supply by increasing inspections,

improving traceability, and empowering the agency to order mandatory recalls when necessary.

The FDA is responsible for the safety of 80 percent of our nation's food supply, but only has the resources to inspect food-manufacturing facilities once every 10 years. Over the past several years we have seen an increase in outbreaks of Salmonella, resulting in recalls of tainted food, health problems, and sadly, deaths. The FDA under the Bush Administration failed to take the steps necessary to ensure the safety of our food supply, but this bill, which was approved by the Energy and Commerce Committee with bipartisan support, will change that.

I am pleased that the bill we are considering today also includes a modified version of my bill, the Ban Poisonous Additives—or BPA Act.

BPA is a ubiquitous chemical found in most food and beverage cans and many reusable plastic containers. It was also found in most baby bottles until recently, when major baby bottle manufacturers agreed to voluntarily stop using it because of concerns about its effects on health, which are many: BPA can be linked to increases in breast and prostate cancer risk, heart disease, liver abnormalities and diabetes; BPA can result in adverse impacts to reproductive health; BPA can be linked to increases in obesity, attention deficit and hyperactivity disorder, brain damage, altered immune function and other problems; BPA can be found at dramatically higher levels in infants than in the rest of the population, and is also found in placental tissue and umbilical cord blood; BPA has been found at higher levels in women with a history of repeated spontaneous miscarriages; and BPA has been shown to alter the effectiveness of chemotherapy in cancer patients.

The Food Safety Enhancement Act of 2009 calls on FDA to evaluate the approved uses of BPA in food and beverage containers and to tell the Committee on Energy and Commerce whether each use is safe by the end of this year. If FDA finds that BPA isn't safe, it is additionally directed to tell Congress how it plans to protect public health—which could include banning the chemical as well as efforts such as placing warning labels on products that contain it so that the most vulnerable populations will be better able to avoid it.

Not all industries are as receptive to addressing health concerns as the baby bottle manufacturers were. In fact, just recently, the food and packaging industry convened a meeting in Washington at which they devised an expensive public relations claim to combat their consumer confidence crisis. They even concluded that their "holy grail" spokesperson would be a pregnant woman who could publicly extol the virtues of BPA, and thought about how to create fears that its removal would lead to scarce or unsafe food products.

Although the baby bottle manufacturers' voluntary action and a variety of State laws banning its use are helpful, what we really need is federal leadership on this vital public health issue, and I am pleased that the FDA has commenced a scientific review of all the data. The language in this bill will ensure that the review occurs quickly and that appropriate steps will be taken to protect public health.

I thank my colleagues for working with me to craft this compromise provision, and I urge support for the underlying bill.

Mr. WAXMAN. Mr. Speaker, I submit the following exchange of of letters:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 27, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Ways and Means applauds your efforts to improve and ensure the security and safety of food offered for consumption and consumed in the United States and appreciates your willingness to work with us to satisfactorily resolve a number of trade-related issues falling within our jurisdiction. Such issues include the regulation of importers and brokers, Customs and Border Protection (CBP) implementation and enforcement of U.S. laws, and compliance with U.S. international trade obligations. In particular, we appreciate your efforts to address our concerns with respect to sections 204 and 205 of your bill, H.R. 2749, the Food Safety Enhancement Act of 2009, regarding the registration of importers and brokers, respectively.

In light of the agreed upon changes, the Committee will forgo action on this bill and will not oppose its consideration on the Suspension Calendar. These changes ensure that the application of the Food Safety Enhancement Act on the registration of importers is carried out in consultation with CBP, taking into consideration time needed for CBP and importers to make necessary adjustments to comply with the new requirements of the Act, and that the registration of customs brokers is consistent with and does not extend beyond current requirements set forth in current law, including granting new authority to any other agency to regulate customs brokers.

This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or the full exercise of its jurisdictional prerogatives on this bill or similar legislation in the future.

The Committee intends to look for opportunities to improve the safety of imported food and the safety of imported goods overall, in accordance with the existing statutory and regulatory scheme under CBP. We look forward to soliciting your suggestions for reform.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 29, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2749, the "Food Safety Enhancement Act of 2009." I appreciate your work and thoughtful input on this bill.

Your letter noted that certain provisions of the bill are within the jurisdiction of the Committee on Ways and Means. The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Ways and Means in this bill. We appreciate your agreement to forgo action on the bill, and I concur that this agreement does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future.

As the bill moves through the legislative process, we will continue to work with you to ensure that the concerns raised by the Committee on Ways and Means have been addressed to your satisfaction. I will include our letters in the Congressional Record during consideration of the bill on the House floor.

Again, I appreciate your cooperation regarding this important legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 28, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 2749, the Food Safety Enhancement Act of 2009, which may be considered this week on the floor, and which contains provisions within the jurisdiction of the Committee on Agriculture.

I would note that our Committees have had a history of working cooperatively on matters that generally concern food safety. In order to permit floor consideration of this bill, the Committee will forgo action with the understanding that it does not prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2749, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration on the House floor.

Sincerely.

COLLIN C. PETERSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 29, 2009.

Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture, Longworth HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 28, 2009, indicating your jurisdictional interest in H.R. 2749, the Food Safety Enhancement Act of 2009. I acknowledge that the bill contains provisions within the jurisdiction of the Committee on Agriculture, and appreciate your willingness to work with us to permit consideration of this bill, which will enhance food safety for all Americans. I understand that this action will in no way waive your Committee's jurisdiction in the subject matter of the legislation.

Furthermore, in the event that a conference with the Senate is requested on this matter, I would support naming Committee on Agriculture Members to the conference committee. A copy of our exchange of letters regarding this bill will be inserted into the Congressional Record during floor consideration.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 2749, the Food Safety Enhancement Act.

Over the past year or so there have been several high profile food contamination incidents in the U.S. involving: spinach, cantaloupes, peanut butter, and tomatoes.

Congress has diligently investigated all of these incidents and found FDA simply does not have the resources, funding, manpower, or technology it needs to protect the American food supply and fulfill its mission.

This bill finally gives the FDA the authority to conduct mandatory recall. We should not to rely on the voluntary efforts of food manufacturers to ensure the safety of their product.

H.R. 2749 will also require the FDA to inspect high-risk facilities once every six months to a year. FDA now inspects food production facilities once a decade on average.

The one shortcoming of the bill is that funding is not dedicated to the creation of additional FDA labs, but it does allow for third party inspection by accredited labs.

The Port of Houston does not have an FDA lab and in fact there is no FDA lab in the entire state of Texas even though we share the longest border with Mexico.

Right now, the FDA is only able to inspect approximately 1 percent of imported food at the border. With its level of trade and southern border with Mexico, it is a glaring hole in the system that Texas does not have an FDA lab. In fact, there are over 300 ports of entry in the U.S. and only 13 ports actually have FDA labs.

It is my hope that we will be able to provide additional funds for the creation of these labs in the future.

H.R. 2749 provides some of those funds to get the FDA moving in the correct direction, and we will have to appropriate more, but I am happy the Food Safety Enhancement Act finally gives the FDA the authority and improved systems to protect our food supply.

I am pleased that after two years of hard work we will finally be moving a comprehensive food safety bill out of House.

I want to commend Chairman Emeritus DINGELL, Chairman WAXMAN, Chairman PALLONE, and Chairman STUPAK for their continued and dedicated work on this issue.

Mr. MATHESON. Mr. Speaker, I would like to thank Chairman WAXMAN and especially Chairman Emeritus DINGELL and his staffer, Virgil Miller, for their work to include an amendment I authored regarding lead in ceramic ware.

A couple years ago in Utah, a young mother used ceramic plates to heat her food in the microwave. Her infant became very sick. Doctors discovered that the baby was suffering from lead poisoning because lead had leached out of the ceramic plates she used. Most of us are unaware of this risk and most people don't know that lead can leach out of ceramic ware when the glaze is improperly fired or when the glaze has broken down over time. When lead is released into food and drink from ceramics, hazardous levels can contaminate food substances and expose children and adults to toxic levels.

FDA regulates the lead levels of ceramic ware and has set acceptable levels of lead-allowed ceramic ware used in food preparation and currently has a safety warning designating ceramic items not intended for food use. However, there is currently no label alerting consumers that the ceramic products they purchase for food use/preparation (i.e. plates, cups, etc.) contain any lead.

My language requires labels on plates and packaging for ceramic ware/cookware containing lead for an intended functional purpose. It focuses on the glazing because all ceramic ware has trace amounts of lead in clay and those trace amounts do not contribute to lead poisoning. Problems arise when ceramicware contains lead-based glaze that is either fired incorrectly or contains high amounts of lead (above safe levels).

This language doesn't affect ornamental plates or decorative ceramics, which are already regulated by FDA and which are not considered safe for food use because of their lead levels.

Finally, my provision requires FDA to set up an educational program on its website to further educate consumers about these issues and about safe practices.

I am hopeful that these measures will enable us to better protect children and families from the potential problems caused by incorrectly fired ceramic ware and lead leaching from ceramics.

Mr. DINGELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 2749, as amended.

The question was taken.

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

Mr. BARTON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by 5-minute votes on suspending the rules and passing:

H.R. 1665, if ordered; and

House Resolution 373, if ordered.

The vote was taken by electronic device, and there were—yeas 280, nays 150, not voting 3, as follows:

[Roll No. 657]

YEAS—280

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Bachmann
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maffei
Maloney
Marchant
Markey (MA)
Matheson
Matsui
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Peters
Peterson
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wolf
Wu
Yarmuth

NAYS—150

Aderholt
Akin
Alexander
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Bean
Bilbray
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Granger
Graves
Griffith
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hinchey
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kind
King (IA)
Kingston

Kline (MN)
Kratovil
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Perriello
Petri
Pingree (ME)
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Royce
Ryan (WI)
Salazar
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Thompson (PA)
Thornberry
Tiahrt
Wamp
Welch
Westmoreland
Wilson (SC)
Wittman
Woolsey
Young (AK)
Young (FL)

NOT VOTING—3

Davis (TN)
McCarthy (NY)
McHugh

□ 1529

Messrs. WAMP, DAVIS of Kentucky, BROWN of South Carolina, WELCH, Ms. BEAN and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

Messrs. MARCHANT, TERRY, ROGERS of Kentucky, ROSKAM, BUYER, CAO, FRELINGHUYSEN, GINGREY of Georgia and Mrs. BACHMANN changed their vote from ''nay'' to ''yea.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

COAST GUARD ACQUISITION REFORM ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1665, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 1665, as amended.

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. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 7, as follows:

[Roll No. 658]

AYES—426

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
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
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
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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
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
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
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)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
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
Souder
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Abercrombie
Bonner
Cooper
Davis (TN)
McCarthy (NY)
McHugh
Schrader

□ 1537

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL HYDROCEPHALUS AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 373.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 373.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FISCAL SOLVENCY OF CERTAIN TRUST FUNDS

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3357) to restore sums to the Highway Trust Fund and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3357

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

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

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

''(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund $7,000,000,000.''.

SEC 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to ''Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds'' in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 754) is amended by striking ''to remain available through September 30, 2010'' and all that follows (before the heading for the following item) and inserting ''such sums as may be necessary''.

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to ''Federal Housing Administration—Mutual Mortgage Insurance Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 966) is amended by striking ''$315,000,000,000'' and inserting ''$400,000,000,000''.

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY.

The item relating to ''Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 967) is amended by striking ''$300,000,000,000'' and inserting ''$400,000,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair now recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks on the bill H.R. 3357, as amended.

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

There was no objection.

Mr. LEWIS of Georgia. I yield myself such time as I may consume.

Mr. Speaker, transportation is one of the most important issues in our country, so I am proud to have served on both the Ways and Means Committee and on what was then the Public Works and Transportation Committee.

I would like to thank Chairman RANGEL and Chairman OBERSTAR for their leadership on this important issue.

The bipartisan bill before the House today will provide the necessary funds to keep important transportation projects operating in States around the country. As we all know, the Highway Trust Fund will run out of funding by September. We must act, and we must act now.

In 1998, Congress passed a highway bill that took more than $8 billion out of the trust fund and put it in the Treasury. In addition, Congress stopped the Highway Trust Fund from earning interest on its investment. If these steps had not been taken, the balance in the Highway Trust Fund would be nearly $20 billion more than it is now.

□ 1545

Last year we transferred $8 billion back, and the legislation we are considering today would transfer $7 billion more.

I want to be clear, Mr. Speaker. No new money is spent under this bill. This bill should keep the Highway Trust Fund fully funded until 2009. If we fail to act today, our people, our States, and our economy will be harmed. In Georgia, where unemployment is already above 10 percent, we cannot afford to lose another 8,500 jobs because of failure to act.

Last year, all sides understood how critical highway funding is to our economy. I hope the legislation we are considering today will enjoy similar bipartisan support. I urge all of my colleagues on both sides of the aisle to support this important legislation.

I reserve the balance of my time.

Mr. CAMP. I yield myself such time as I may consume.

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

Mr. CAMP. Last week, we appropriated an unlimited amount of general funds to the unemployment trust funds throughout fiscal year 2010, which starts in October, and today we're doing the same thing for the last 2 months of this year, ensuring these funds don't run out while Congress is on district work period. Both actions are needed because the Democrats' economic policy has resulted in record job loss, record deficits, and none of the job creation they promised.

Democrats predicted unemployment would top out at 8 percent if the stimulus passed; instead, it's 9.5 percent and rising. In Michigan, it's above 15 percent. There are now a record 9.2 million collecting unemployment checks instead of paychecks. That's 1.1 million more than when the stimulus was passed. So if the stimulus is stimulating anything, it's record unemployment, not jobs.

Where are the jobs? Americans can surely see the record unemployment, but they cannot see where the jobs are. That's because millions of jobs are disappearing, not being created. What's more, since President Obama was sworn in, the Nation's public debt and unemployment, combined, has risen by a shocking 40 percent. And that's before literally trillions of dollars in additional spending under the Democrats' stimulus, energy, and health plans, and whatever higher unemployment lies ahead.

This bill reflects the continued failure of Democratic economic policy to save or create millions of jobs they promised that would flow quickly from their stimulus bill. More unemployment benefits instead of paychecks have led directly to more State insolvency and more Federal loans to those insolvent States. And that has drained the Federal bailout funds so much, it now needs its own bailout. That's what this bill does.

We had a choice when it came to the stimulus last February. We could have chosen a better policy of stimulating private-sector growth creating twice the jobs at half the price. That was the Republican plan. Instead, Democrats insisted on their government focus plan, which has produced no jobs and a mountain of debt. Today, in my view, we don't really have a choice but to support this bill; otherwise, in the next 2 months, laid-off workers will not get the unemployment benefits they were promised. American workers should not be forced to pay for the mistakes and failures of the Democrats' so-called stimulus bill. So this bill is necessary.

But in the longer run, we need to work together to create jobs so Americans can receive more paychecks, not more unemployment checks.

I would also note, Mr. Speaker, that this bill provides an emergency transfer of $7 billion in the general fund revenue to prop up the Highway Trust Fund for the reminder of this fiscal year. This is not the first time Congress has had to fill a year-end shortfall in the trust fund to ensure that State highway projects can go forward. And unless we get serious about enacting long-term structural reforms as we move ahead with the next reauthorization bill, it surely won't be the last bill, either.

I don't think anyone in this Chamber thinks that yet another short-term general fund transfer is the ideal solution to these chronic shortfalls, and I certainly hope that going forward, the majority focuses its attention on long-term structural reforms and not just on higher and higher spending levels.

With that, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from Minnesota, the Chair of the Transportation Committee, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the gentleman for the time and his leadership on this issue and Mr. NEAL, the Chair of the subcommittee, who spent a great amount of time in hearings last month and this month on the current status and future of the Highway Trust Fund.

I would just like to underscore, in response to the gentleman from Michigan, we share the pain of the drop in VMT on the miles traveled throughout the Nation and the consequent loss of revenue in the Highway Trust Fund. It started in 2007, and by 2008 we had registered, for the first time in the history of the Highway Trust Fund and the interstate highway program, a drop of

60 billion vehicle miles traveled. That had never happened before in the history of the Highway Trust Fund because of the condition of the national economy.

We are beginning to recover. We're beginning to see the statistics going in the right direction. VMT, reported by the Department of Transportation on a monthly basis, shows increases in January, February, March, April, and May. And all of the indicators, the rural interstate, the rural arterial, rural NHS, National Highway System rose, the urban interstate. All are a percentage, a small percentage, but percentage increases over the months a year ago.

There are two indicators that are down. Urban arterial and various urban roads are down about a half percent and 1.3 percent, respectively. The trend is in the right direction. I regret, too, that we have to take this step. We should have spent this week passing the committee's bill for the future of surface transportation. We do have a bipartisan product.

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

Mr. LEWIS of Georgia. I yield the gentleman another 1 minute.

Mr. OBERSTAR. And I welcome the support of the gentleman from Michigan for that initiative. It will address the long-term future, the 6-year future of transportation. It will totally transform the Department of Transportation, Federal Highway Administration, Federal Transit Administration, make it easier to move projects into operation, and much more that is in our 775-page bill. We will do that in September.

This is an infusion, not an extension. We are not standing for the wish of the other body or of the administration for an extension of time. We're not going to let that happen. This committee has done and will continue to do its work in a partnership within our committee. And I hope the bill comes to the floor within the entire body.

Meanwhile, this $7 billion infusion will carry the trust fund through the end of the fiscal year and into October against any unforeseen drop in VMT or loss in revenue into the trust fund. I think the trends are all in the right direction and that we are not going to be losing revenue.

Mr. Speaker, I rise today in strong support of H.R. 3357, to restore sums to the Highway Trust Fund.

This legislation, introduced by Chairman RANGEL, Chairman OBEY, and me, includes a provision restoring $7 billion to the Highway Account of the Highway Trust Fund to ensure that the U.S. Department of Transportation (DOT) can meet its existing commitments under the Federal-aid Highway program.

According to DOT, the Highway Account of the Trust Fund may run out of cash as early as the beginning of September and may not have enough funding to fully reimburse States for their Federal highway investments.

This situation makes clear that we have reached the logical conclusion of the course set by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). Unfortunately, the legacy that has been left for users is an over-extended Trust Fund, uncertainty, and potential funding cuts.

SAFETEA–LU intentionally put the Highway Trust Fund on the path to a zero cash balance. Recent declines in vehicle miles traveled due to high fuel prices and the weak economy have merely exacerbated a pre-existing imbalance between Trust Fund revenues and expenditures that was created by SAFETEA–LU.

The previous administration's unwillingness to make hard choices has left the 111th Congress, and particularly the Committee on Ways and Means and the Committee on Transportation and Infrastructure, with the unenviable task of finding a way to finance the existing program level, in addition to much-needed increases in investment.

Since taking office, the Obama administration has implemented a system to closely track actual Trust Fund revenues, outlays, and balances, and has been communicating with Congress the need to take steps to address this situation before we reach the crisis point.

According to DOT, by September 4, the Highway Account will not have sufficient funds to fully reimburse States for highway projects (−$285 million), and DOT will immediately begin rationing reimbursements to States, creating cash flow problems for States and significant uncertainty for the future of the program.

By October 1, DOT estimates that, without action by Congress, the Highway Account balance will be −$1.9 billion.

However, this shortfall amount is only an estimate and the estimate is subject to a series of revenue and outlay adjustments that occur in August and September that could cause negative adjustments to the Trust Fund balance, including: the "true-up" of the account in which the Trust Fund will have to reimburse the General Fund if previous payments of estimated fuel taxes into the Trust Fund are greater than the taxes actually owed; the annual mid-session review of the President's Budget which updates economic assumptions and can affect vehicle miles travelled estimates; the receipt of actual revenues and outlays that differ from DOT's current estimates; and the need to maintain a minimum balance in the Trust Fund to continue daily reimbursements for the States.

In fact, last August, reconciling Trust Fund revenue receipts with prior revenue projections caused a downward adjustment in the Trust Fund balance of −$3.2 billion.

While such a dramatic swing in Trust Fund revenues is unlikely under the procedures adopted by the current administration, restoring $7 billion to the Highway Account of the Trust Fund will cover the projected shortfall and provide a cash balance to offset any additional shortfall if the DOT estimates are in error.

Failure to act will mean that the Federal Government will be unable to pay all of the bills submitted by the States for reimbursement under the Federal-aid highway program. If that were to occur, under current law, the Federal Government will be required to pay interest on unpaid bills.

In addition, many states would begin to experience immediate cash flow problems if they are not fully reimbursed for Federal-aid highway projects.

We must enact this critical legislation this week to avoid slowdowns or reductions in infrastructure investment, and the loss of any more American construction jobs.

Both the Congressional Budget Office and the Joint Committee on Taxation have determined that this proposal does not constitute a spending outlay, would not violate pay-go, and will have no revenue effect.

Enactment of this legislation will ensure full funding of the highway investment levels authorized by current law, and prevent devastating slowdowns or cuts in each state's Federal highway funds.

While H.R. 3357 is a short-term solution, it is essential that we resolve this immediate crisis. As we proceed with consideration of the "Surface Transportation Authorization Act of 2009", we will continue to work with the Committee on Ways and Means to develop a sustainable financing proposal to address the future of surface transportation.

I thank the gentleman from New York (Mr. RANGEL), the distinguished Chairman of the Committee on Ways and Means, for his leadership in ensuring that these funds are provided to sustain the Highway Trust Fund.

I strongly urge my colleagues to join me in supporting H.R. 3357.

Mr. CAMP. I yield 3 minutes to the distinguished gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding.

I want to join my Democrat counterpart who leads the Transportation and Infrastructure Committee, Mr. OBERSTAR, in requesting the $7 billion transfer. If we do not transfer these funds to keep the Highway Trust Fund secure through September 30, the consequences for the Nation at this time of economic difficulty would be an absolute disaster. In fact, we would close down probably every major highway transportation project in the Nation. That's how serious this is.

Unfortunately, as the Republican leader of the Ways and Means Committee, Mr. CAMP, said, we've been here and, unfortunately, had to do this before. This is the second bailout of the fund.

Mr. OBERSTAR has been working nonstop for months even before this session of Congress to bring forth a responsible bill. We've tried to act in a bipartisan administration. The day that we were about to announce our policy and plans for reauthorization, the administration came in and undermined the whole effort with an 18-month extension.

We need the transportation bill now. Unfortunately, we need this gap of money through September 30 or we will really see economic difficulty across this land. So this is a Band-Aid approach. I'm sorry that we have to do it. I know there are some Members that are concerned about this. We do need a long-term solution. We will work together to get that done. The minute this passes, we'll continue our efforts.

But if we do not act, it will have devastating consequences in every one of the States across this Nation as far as closing down transportation projects

and closing down jobs at the most difficult time in the country's recent economic history.

So I want a long-term solution. I join Mr. OBERSTAR in requesting that we pass this measure. And unfortunately, we are put in this position of being between a rock and a hard place.

I would be glad to yield to the chairman.

Mr. OBERSTAR. Thank you for yielding.

Mr. Speaker, I want to compliment my colleague on the committee, Mr. MICA, for the splendid partnership we have had personally and staff-to-staff in crafting this bill, and the gentleman has stated the case right on. And were it not for the intrusion of the administration, we would be on the floor this week with that 6-year authorization. And I thank the gentleman for that splendid partnership that we have had.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Washington, the Chair of the Income Security Subcommittee of the Ways and Means Committee, Congressman MCDERMOTT.

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

Mr. MCDERMOTT. Mr. Speaker, this legislation will allow the Federal unemployment trust funds to receive interest-bearing loans from the general Treasury. These loans will be repaid when the unemployment trust funds once again have adequate reserves.

Currently, the single biggest draw on Federal trust funds are loans to States' unemployment programs. Eighteen States already have loan balances exceeding $12 billion, and more are expected to request assistance in the coming weeks and months. This recession, which started in December of 2007, has placed enormous strains on State unemployment programs. But truth be told, too many State programs had inadequate reserves to provide benefits even in a mild downturn. In the future, more should be done to promote long-term solvency for the unemployment system; however, right now, our mandate is to ensure that the States can continue to pay their unemployment benefits to those entitled to them.

When economists and historians look back at this moment in history, I believe one of the things they will agree, what we did right was to reach out and help those Americans who lost their jobs through no fault of their own.

Last June, we enacted the quickest ever extension of unemployment benefits relative to the start of the recession. In November, we further extended benefits to dislocated workers. And earlier this year, we enacted a historic package of unemployment insurance reforms as part of the Recovery Act, including maintaining the availability of extended benefits, increasing the weekly UI benefit amount, and providing grants to States that modernize their unemployment programs.

Under these reforms, over half the States have enacted improvements to their unemployment programs such as improving coverage for low-wage and part-time workers. In addition, over 9 million UI recipients are receiving $100 more a month as we speak in order to help buy groceries and other necessities, and 3 billion unemployed workers are now receiving extended benefits.

The SPEAKER pro tempore (Mr. CAPUANO). The time of the gentleman has expired.

Mr. LEWIS of Georgia. I yield an additional 1 minute.

Mr. MCDERMOTT. Many of our economists, as well as the stock market, believe our economy is now turning the corner to more prosperous days. Helping the unemployed has been a crucial part of the path to that recovery. But millions of jobs will not be restored overnight. We will continue to ensure a real safety net for the jobless Americans, and I expect Congress will continue this work in the fall.

□ 1600

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the ranking member.

Look, it is too bad that we have to be here now. This is another Band-Aid. It is a necessary Band-Aid, unfortunately, to fix the Transportation trust fund. But it is imperative that we fix this trust fund once and for all.

Now, let me tell you, Chairman OBERSTAR has been working on a bill, a bipartisan bill. He has been working on it for a long, long time; and because of his leadership, his committee, along with Ranking Member MICA, are ready to go. They are ready to go. We are ready to go. I am privileged to be on that committee. They are ready to go right now.

Again, it is unfortunate that we are not doing that, because we also can't afford to lose any more jobs. And there is one thing we all agree on, that one way to create jobs is through transportation infrastructure. Unfortunately, we are not doing that.

It is pretty evident that the so-called stimulus bill has proven to be a dismal failure. That is why I introduced legislation to rescind the unspent stimulus money, so-called stimulus money, the nontransportation, unspent stimulus money, and put it into the DOT trust fund; to not continue to borrow more money and put more borrowing on our kids' and grandchildren's credit cards.

But, unfortunately, we are not discussing that either here today. Instead, we continue to waste billions of dollars and more, frankly, on the so-called stimulus, which is nothing more than a sham. We need to invest it in real job creation, focus on real job creation; and among the things that create jobs is transportation and infrastructure.

So, again, I hope that we finally get down to business. This is a Band-Aid. But we are ready to continue to work to fix this, to really fix it. One way to do it, while not indebting this country further, is to use those unspent stimulus moneys, to take away that sham and put it in transportation funding that will create jobs and help the country.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), the Chair of the Select Revenue Measures Subcommittee of the Ways and Means Committee.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank Mr. LEWIS for bringing this legislation to the floor. I am in full support of this proposal, and I want to speak additionally in support of the transfer of the Highway Trust Fund as it appears before us.

None of us would like to see pink slips issued around the country at vital road and bridge building projects, including about 4,000 jobs in Massachusetts. We are doing our best to create more of these jobs, not to end the current ones.

Last week, my subcommittee, the Select Revenue Measures Subcommittee, held a 4-hour, four-panel hearing on long-term financing options for the Highway Trust Fund. The consistent statement we heard was that States are desperate for funding.

We heard that roads and bridges are deteriorating at such a pace that current funding will not cover the maintenance, let alone the improvements that are needed. That is why our colleague, Mr. OBERSTAR, has pushed for a short-term patch while we continue to sort out the longer-term solutions for our transportation infrastructure. I am in support of the Oberstar position.

I understand the hesitance of some our colleagues to talk about increasing fund revenues in this economy. I want to assure you, they will be at every groundbreaking and they will be at every ribbon cutting, even though they question the financing we propose down the road.

But the reality of this situation is simple: we need to pay for these repairs. There were a variety of proposals discussed at our hearing, last week, good ones, by Republicans and Democrats. Good options were offered: tolls, vehicle miles traveled, excise taxes, the gas and diesel tax, among other ideas.

I want to say of interest, the United States Chamber of Commerce last week proposed a 10 cent increase in the gasoline tax for many of these long-term needs. I think that in and of itself speaks to the bipartisan nature of what we are trying to do now, and I hope in about another month a long-term proposal as well.

Now, whether these proposals are through triggers, indexing or commissions, we need to start working on the long-term plan in whatever politically feasible way we can find a way forward. Kicking the can down the road on infrastructure needs will not work. Our

highways, our roadways, our airports, our bridges and our railroads are all in need of an infusion of public support. We all ought to be able to agree on that basic responsibility as Members of this House.

As one witness told us last week, the costs of delaying the longer-term bill are higher than the costs to pass it. A reminder as well, there is an opportunity in this atmosphere with the downturn to get some great pricing, and we should take advantage of that as well.

So I want to urge support of this proposal today, and I hope it takes us on to a longer-term solution.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Here we are again: the second bout of highway robbery, taking money back into the trust fund from the general Treasury. We are told, well, sometime back in 1998, some money was taken from the trust fund into the general fund, so this is just payback.

How many times can we keep saying that? It may have made some sense the first time. It doesn't the second time. It won't the third or fourth time we do this. Yet we are told we are bemoaning the fact we don't have the reauthorization on the floor this week.

Thank goodness we don't. If you think we overspent what we had in the trust fund before, we are really going to do it the next time. A bill has been proposed that has twice the spending we currently have in the Highway Trust Fund, without revenue to pay for it. We don't have the revenue to pay for the one we have got. How can we double it with no revenue source?

Let's get serious about things here. If we really need a place for the money to come from, I would suggest, as the gentleman did before, take it from the stimulus. But part of the problem is that we are spending for things in this bill, or in the highway program, that are probably worth spending some of the things we have seen in the stimulus.

In the current highway program that we are taking money from the general fund to now fund, there is $3 million for a parking garage in suburban Chicago; $1.6 million for a bike path in Wisconsin; $1.2 million for improvements in the Blue Ridge Music Center in Virginia; $1 million for improvements to the Police Touch Museum in Pennsylvania. Why don't we rescind some of these programs in the highway bill, and we won't have to take so much money from the general fund?

We can't continue to do this, Mr. Speaker. We are spending money on a suspension bill. We are suspending the rules and passing a bill that is going to cost us $7 billion. I think the limit on suspension bills used to be something like $50 million. If it does more than that, you come under a general rule; $7 billion we are spending here, and it will go almost without dissent.

And that is a shame, Mr. Speaker.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. I thank the gentleman.

Mr. Speaker, I understand the desire of an individual or individuals to be professional scolds on any and every issue that comes to this floor. But the obligation that we have today is far greater than the examples that he cited.

To argue that we ought to hold up a Federal highway bill that benefits this entire Nation because of a handful of initiatives he doesn't like, the truth is he won't vote for the final bill anyway, and time and again we have rejected the proposals that he has come forward with, largely because there was a process and procedure for vetting these differences. And when we buy into the end-game solution, that is part of our responsibility as Members of Congress.

Let me close quickly on this note. One of the reasons that our highway system is the envy of the world is because we have not given in to the temptation to fall easy prey to demagoguery that surrounds some of these proposals. Scolding is one thing. Offering positive suggestions is quite another.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

You know, some of us did stand up and vote against the initial authorization back in 2005, I believe it was, because we were told by our Appropriations Committee chairman, we don't have the money to pay for this. We knew it. Everybody knew it. But the reason that passed, we all know, is because there were 6,300 earmarks in it. You spread enough of that around and people are going to vote for it. There were only eight votes against it here in the House, three in the Senate. And we will likely do the same again.

At some point we have got to say, let's pay for it. And for a State like Arizona, let me tell you, where we give a dollar to Washington for this highway bill and only get about 92 cents back, it is not a very good deal. We would rather keep the tax money and spend it on our own. We could get a lot more infrastructure for that, and that is our complaint, more than anything.

Money is sent here, then it comes back 92 cents on the dollar, and that that does come back is restricted in ways that diminish the value of the dollar, and then it is earmarked completely. It is simply not a good deal for people around the country. So we need a new model.

Mr. LEWIS of Georgia. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee, who long has been active in highways, waterways and many environmental efforts.

Mr. BLUMENAUER. I appreciate the courtesy of my good friend permitting me to speak on behalf of this.

I listened to my friend from Arizona. The fact is the last bill was paid for, but because of the Republican refusal to right-size the trust fund, it was scaled down. But it was paid for. It wasn't right-sized for America. Mr. OBERSTAR and the committee are working to try to do this.

I hope this is the last time we come to the floor to deal with the short-term deficit in the Highway Trust Fund; but, unfortunately, we are going to come back again. Mr. OBERSTAR and his Chair, my good friend Mr. DEFAZIO, have been working for months on a new vision for transportation; and I hope we have that on the floor sooner rather than later.

Along with this is the notion of how we squeeze more value out of each Federal dollar invested. That is part of the work of the new Department of Transportation. It is part of what the committee is working on, and we as Congress need to be involved with that.

New vision, more value, but, frankly, we are going to need more money. We haven't raised the gas tax since 1993. There aren't the resources available to meet what we are seeing in every community across the country. That is why there is a consensus that is building, as Mr. NEAL said, from the chamber of commerce, to the garden club, to the Sierra Club, unions, environmentalists, local government officials, Republican and Democrat alike, who say come forward with a long-term funding proposal.

What we are going to have to do sometime this decade is increase the gas tax for inflation. What we are going to have to do sometime this decade is have a new mechanism in place that is a true user fee that will enable us to match the people who use the roads or the people who benefit with the financing.

This is within our capacity. And this is one area where I hope that we can get past some of the partisan bickering.

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

Mr. LEWIS of Georgia. I am pleased to yield to the gentleman an additional 1 minute.

Mr. BLUMENAUER. Thank you, sir.

I hope that every Member will take the time to go back to their districts this next month and talk to the local chamber of commerce, talk to local government, talk to local business people that are attempting to solve these problems, and find out the support there is for Congress to be able to move forward with a broader vision for finance. It is there, if we will do it. And if we do, it is going to have more long-term impact on the financial health of this country than anything else that we will do.

I urge people to do their homework at home so they can come back and

support the financing that is necessary for the long-term vision that Mr. OBERSTAR and Mr. DEFAZIO will give us in the months ahead.

□ 1615

Mr. CAMP. I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from Michigan for the time.

Mr. Speaker, I rise in reluctant support of this bill. I also rise to point out that what we're doing today, in considering the increase for the Highway Trust Fund, is exactly what I sought to do last week through an amendment presented to the Rules Committee. My amendment was aimed at employing a little common sense and transferring excessive resources in the rapid rail appropriations to the much-needed resource category in the Highway Trust Fund. I was seeking to transfer to the trust fund $3 billion of the $4 billion that is currently in the rapid rail appropriations in the House version of the FY 2010 transportation appropriations bill. That amendment would have left the $1 billion for rail that the President had requested. As things now stand, the $4 billion on top of the $8 billion in the stimulus package remains in the rail account, and at least $2 billion of that is parked for a future infrastructure bank, which is only just an idea, no authorization, nothing. It may be at least a year, and probably much longer, before any of these funds can be spent; and the Highway Trust Fund needs money now, which is what I said last week.

Had my amendment been made in order, it would have passed and been offset. Had it passed, we would be dealing with a much smaller amount today. Unfortunately, the Rules Committee didn't see fit to make the amendment in order and, in the process, make use of funding authority that will not be needed for some time. So once again, politics governed the process. It's very unfortunate. I think it is worth pointing out today to all the Members here that in a June 4 hearing this year, Secretary LaHood, in response to my question regarding offsets for the Highway Trust Fund bailout said, ''We have to pay for this. I mean, the administration is committed to paying for the $5 billion to $7 billion that is needed to plus up the trust fund in 2009, and it is about $8 billion or $10 billion for 2010. We are committed to paying for it; and I hope sooner rather than later, we will be coming back to all of you and saying, here is how we think we should do it.''

To my knowledge, in this bill there are no offsets. I know that technically this is an intergovernmental transfer, so there's no PAYGO and technically no scoring on this. But the money will soon be spent by the Treasury.

Just so folks understand what is going on here with this shell game, I will give you an example. I'm the government. I've got $1 in this pocket—in this case, we're talking about 7 billion of these, which would go to the Moon—and what we're doing is saying that we are transferring this dollar from the right pocket to the left pocket, even though we know that it's already spent in the left pocket. But it doesn't cost anything. It's free money. Why don't we transfer $1 trillion? It's all free, right? No offset. It's just from one pocket to another. The problem is, folks, we know this is being spent; and there's nothing in this pocket. We're borrowing from our kids and our grandchildren because there is nothing here. We're $2 trillion in deficit this one year and we're talking about, We don't have to pay for anything. It's all free money. In conclusion, I would just hope that we bring some sanity to this process.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oregon, Congressman DEFAZIO, the Chair of the Highways and Transit Subcommittee of the Transportation Committee.

Mr. DEFAZIO. I thank the gentleman and my friend for the time. Five years ago, an obstinate penny-wise, pound-foolish Bush administration stonewalled a bipartisan proposal in Congress to increase trust fund revenues. They sent us on this path to insolvency. At the same time, they condemned us to a transportation system in America that is headed toward third-world status. On the National Highway System, 150,000 bridges are either functionally obsolete or structurally deficient. That means they could fall down. Then we have 40 percent of the pavement on the National Highway System in fair or poor condition. Billions of gallons of fuel wasted in congestion and traffic, Americans wasting their lives sitting, frustrated. Businesses losing tens of billions of dollars because of delayed deliveries in a just-in-time competitive world economy.

We need a 6-year investment in our transportation system with new policies and a new vision to move us toward a competitive 21st century transportation system, not living off the dregs of one that we built in the fifties. But on the way to that new future, we need this infusion of cash. The States are out there in good faith, putting millions of people to work, rebuilding as much as they can with inadequate resources. They're bringing in bills for over $1 billion a week. That's a lot of jobs, folks, out there in America going on today, rebuilding our infrastructure. We need to make good on those obligations with this infusion of money.

I'm willing to pay for the enhanced investment in the coming legislation, and I'd urge my Republican colleagues to keep an open mind. They're either going to deny us the investment we need and condemn us to a transportation system that can't meet America's needs, or they're going to join us in a 6-year bill with adequate investment and funding, fully paid for, investing in the future of America.

Mr. CAMP. I yield myself such time as I may consume.

I would just say that the Obama administration famously predicted that its so-called stimulus plan would save or create 3.5 million jobs. The gentleman referred to millions of jobs being created repairing our infrastructure. However, the unemployment rate is now at 9.5 percent, well above the 8 percent the administration projected if the stimulus passed. That means 2.5 million more Americans are unemployed than the President promised. So not only have no jobs been created in the private sector, in just 4 months, 2 million private sector jobs have been destroyed. Meanwhile, jobs in government have grown slightly, according to the Bureau of Labor Statistics.

At this time, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, may inquire about how much time I have left?

The SPEAKER pro tempore. The gentleman from Georgia has 3½ minutes remaining, and the gentleman from Michigan has 5 minutes remaining.

Mr. CAMP. I will say that we have no further speakers, and I believe the gentleman has the right to close.

Mr. LEWIS of Georgia. I thank the gentleman from Michigan.

Mr. Speaker, having one speaker remaining, I would like to yield 2 minutes to the gentleman from Massachusetts, Congressman OLVER from the Appropriations Committee.

Mr. OLVER. I thank the gentleman for yielding.

As I think we all know, with the collapse of the subprime market and the steep drop in private mortgages available, 25 percent of mortgages written today are backed by FHA. That's up from just 3 percent 2 years ago; and because Ginnie Mae securitizes FHA loans, their volume has increased threefold. With that increased demand, both FHA and Ginnie Mae will reach their loan ceilings in the next few weeks and will be forced to stop operating unless we act today. With the housing market just starting to show some signs of growth and home sales rising for 3 straight months, a first since the year 2004, cutting out 25 percent of available mortgages would be a disaster, decimating the market and hurting million of prospective homeowners out shopping today. This bill ensures that FHA and Ginnie Mae can continue to play their important roles in the mortgage market.

The bill also transfers funds to the Highway Trust Fund to keep it solvent through the end of the fiscal year. Without that transfer, the Department of Transportation will not be able to continue reimbursing States for their highway projects; and States would likely have to scale back on the work they are now doing and would be doing in August and September. There is no question that we will have to eventually do something to guarantee the long-term solvency of the Highway

Trust Fund; but we made infrastructure development an important part of the Economic Recovery Act; and it would be foolish and unwise for us to leave town without ensuring that States can continue with their highway projects as we are on recess in this next month. This needs to be done as quickly as possible. I would urge my colleagues to support this bill by voting ''yes.''

Mr. CAMP. Mr. Speaker, I have no further speakers on my side, so I will yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I fully support H.R. 3357. In the future, the Ways and Means Committee will need to look at different funding proposals and administrative changes to keep the Highway Trust Fund running for the long term. Today we need to make sure it doesn't run out of money. This very simple bill does not cost a single dollar, and I urge all of my colleagues to support this commonsense, bipartisan piece of legislation.

Mr. LEWIS of California. Mr. Speaker, if there was ever a time when the American public needed to pay close attention to the spending decisions being made in Congress, it is now.

It's ironic that in the week following the adoption of so-called ''Pay-Go Rules,'' the House would be debating a measure to set aside more than $14 billion—without offsets—to pay for two so-called trust funds that have run dry. ''Pay as we Go'' has been replaced with ''Spend as we Borrow.''

Today, the House will vote to borrow another $7 billion—that's $7 billion—out of the general fund to replenish the Highway Trust Fund which has become insolvent as a result of high gas prices and the sluggish economy. By this time next month, without a congressional bailout, the so-called Highway Trust Fund will be unable to reimburse states for their highway investments. It was only last year that Congress set aside $8 billion from the general fund to keep the highway fund solvent.

Clearly, this band-aid approach to fixing this re-occurring problem is not working. One more time, the House is voting to bail out another sector of the economy with money it does not have. This is on the heels of the bank bailout. It's on the heels of the so-called ''Recovery Act'' which has succeeded in spending billions but has thus far failed to create jobs. It's on the heels of the bailout of automakers in Detroit. And it follows another year of astronomical spending increases for every major government program run out of Washington, DC.

It was only last month that our former colleague, and the present Secretary of Transportation, Ray LaHood, testified before the House Transportation Appropriations Committee. ''I want to assure you that we will soon have a plan to address the potential Trust Fund shortfall this summer,'' he said. ''We believe very strongly that any Trust fund fix must be paid for.''

An effort was made by the THUD-Appropriations Ranking Member, TOM LATHAM of Iowa, to pay for a solution to the Highway Trust Fund shortfall. But, because my friend Mr. LATHAM is a Republican, his amendment was rejected on a party-line vote in the full Appropriations Committee. In a sign of just how desperate the majority party in the House has become, Mr. LATHAM wasn't even allowed to offer his amendment during consideration of the transportation funding bill last week.

If the bailout of the Highway Trust Fund wasn't enough, Congress is also being called upon to replenish both the Unemployment Trust Fund and increase the limits for two mortgage lending programs under HUD. In the case of the unemployment trust fund, states have been hit with a double whammy of a halting economy and job losses causing more and more people to line up for unemployment benefits.

Over $400 million was appropriated through the so-called Recovery Act to address this shortfall but those funds have now been depleted. And, to this point, the authorizing committees have failed to take any action to help those presently receiving benefits or newly unemployed.

Mr. Speaker, with each passing day it's becoming increasingly clear that the public is growing ever more wary about the reliance of this Congress on government spending as a solution to every problem facing our country.

As the Congress spends trillions on bailouts and borrowing—and our record national deficit increases by the day—the President's response thus far has been almost laughable. Yesterday, with much fan fare, the White House proposed saving taxpayers money by double-sided copying of government documents and eliminating unused government e-mail accounts and phone lines. These examples hardly qualify as profiles in courage.

The President and this majority leadership have promised fiscal discipline and a return to economic prosperity. And yet, the record thus far shows nothing but one bailout after another and rising levels of government spending as far as the eye can see.

Mr. RYAN of Wisconsin. Mr. Speaker: I rise in support of H.R. 3357, a bill that would ensure the Unemployment Insurance Trust Fund has the resources it needs to help those who have been hit the hard by the economic recession and are jobless.

However, I am concerned about a provision in this bill that would provide another General Fund transfer to the Highway Trust Fund and increase the deficit.

I support a strong highway program. It's important to our nation's economy and to my home state of Wisconsin that we have world class roads that let goods and people get where they need to go safely and efficiently.

The highway fund was intended to be user financed. Last year we transferred $8 billion from the General Fund to patch last year's shortfall. Earlier this year we provided $27 billion in stimulus funds from the General Fund for highways. Now the Highway Trust Fund would get another $7 billion under this legislation to pay its bills for the rest of Fiscal Year 2009.

Despite claims to the contrary, the real world impact of these transfers is an increase in the deficit, which is already over $1 trillion and is projected to reach $1.8 trillion by the end of this fiscal year under the President's budget.

The Highway Trust Fund is broken and needs to be permanently fixed. I want to find a solution that supports critical highway spending but does so responsibly, without adding more debt and deficits.

Mr. LEWIS of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 3357, as amended.

The question was taken.

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

Mr. CAMP. 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 suspending the rules and passing H.R. 3357, as amended, will be followed by 5-minute votes on motions to suspend the rules with regard to:

H. Res. 496, by the yeas and nays;

H.R. 3072, de novo;

H. Res. 483, de novo.

The vote was taken by electronic device, and there were—yeas 363, nays 68, not voting 2, as follows:

[Roll No. 659]

YEAS—363

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
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 (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)

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

NAYS—68

Akin
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Blackburn
Boehner
Brady (TX)
Broun (GA)
Burgess
Campbell
Cantor
Carter
Chaffetz
Coffman (CO)
Conaway
Culberson
Deal (GA)
Dreier
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hensarling
Herger
Inglis
Issa
Johnson, Sam
Jordan (OH)
Kingston
Lamborn
Lance
Latta
Lewis (CA)
Linder
Lummis
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
Myrick
Neugebauer
Nunes
Paul
Pitts
Price (GA)
Radanovich
Rohrabacher
Royce
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (TX)
Stearns
Sullivan
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—2

Bishop (UT)
McCarthy (NY)

□ 1649

Messrs. BACHUS and COFFMAN of Colorado changed their vote from ''yea'' to ''nay.''

Messrs. YOUNG of Alaska, SPRATT, BURTON of Indiana, CRENSHAW, HOEKSTRA, and JONES changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 496, as amended, 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 motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 496, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 432, nays 0, not voting 1, as follows:

[Roll No. 660]

YEAS—432

Abercrombie
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
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
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
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
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
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
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
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
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
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)
Ryan (WI)
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—1

McCarthy (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1656

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COACH JODIE BAILEY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3072.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 3072.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING VETERANS OF FOREIGN WARS DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 483.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 483.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1700

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 3326.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 685 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. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

□ 1704

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. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, with Ms. BALDWIN 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 Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MURTHA. Madam Chairman, yesterday I was out at Bethesda, and I saw a young fellow that was wounded 2 years ago. And when he was wounded, his internal organs were outside the body for almost 10 days. And he's been putting up with that ever since, until he came back to Bethesda and had an operation just recently, where they were able to take the bag away that he had and restore his internal organs. That's what this bill's all about.

This Defense bill is all about taking care of the troops, making sure they have what they need. BILL YOUNG and I work together, going to the hospital, seeing the wounded. We listen to what they say and what they need. We listen to them at the bases. We had 37 hearings this year, 51 trips that the staff made all over the country to visit the various installations to find out what the problems were.

I was out at Fort Carson where the commanding officer—and this is not something that I'm divulging, this is something that's already known—his one boy was killed in Iraq, and his other son committed suicide before he was sworn in. So he's been emphasizing how do you reduce suicides in the military. The units that came back, we've just found, have had some terrible problems with people, robberies and actually homicide, some of the actual units, at least allegedly. That's what we've seen in the newspaper.

These troops are under a tremendous strain. They're deployed too often. When I talked to the 12 troops there at Fort Carson and Fort Benning, they all told me the biggest single problem is the long deployments and the lack of time at home. And JERRY LEWIS, who was chairman of the subcommittee—and BILL will tell you the same thing—when we talk to the troops, they talk about how they need more time at home. They need to spend some time at home. And even when they're home, they're training. They don't have an opportunity to visit with their families as long as they would like.

We've had hundreds of meetings with Members of Congress, hundreds of input from Members of Congress on the floor and in the committee room, trying to make sure we put a bill together that was bipartisan. We've been partners in this thing the whole way through. And we've tried to make sure—and the thrust of this bill has been for the Department to start hiring more people and getting rid of the contractors, in other words, get rid of contractors and hire people because contractors cost $44,000 more.

Well, we just find every time we turn around we find somebody at the lower level is making all kinds of changes in that policy, and we worry about it. In this bill, we have a number of things that we've done that help, not only military families, but do research for long term. We put the first money in, for instance, military pay. We raised them five tenths of a percent above the request.

First-class medical care is one of the things that we stress. Peer-reviewed research programs. $150 million for breast cancer research, $80 million for prostate cancer research, $30 million for orthopedic research. An amazing thing, the military didn't have any money in for these kinds of things until we stepped in in the subcommittee in the forefront of making sure that that gets done. $472.4 million for family advocacy programs. I could go on and on. I don't want to go too long on this debate.

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	36,382,736	41,312,448	39,901,547	+3,518,811	-1,410,901
Military Personnel, Navy	24,037,553	25,504,472	25,095,581	+1,058,028	-408,891
Military Personnel, Marine Corps	11,792,974	12,915,790	12,528,845	+735,871	-386,945
Military Personnel, Air Force	25,103,789	26,439,761	25,938,850	+835,061	-500,911
Reserve Personnel, Army	3,904,296	4,336,656	4,308,513	+404,217	-28,143
Reserve Personnel, Navy	1,855,968	1,938,166	1,918,111	+62,143	-20,055
Reserve Personnel, Marine Corps	584,910	617,500	610,580	+25,670	-6,920
Reserve Personnel, Air Force	1,423,676	1,607,712	1,600,462	+176,786	-7,250
National Guard Personnel, Army	6,616,220	7,621,488	7,525,628	+909,408	-95,860
National Guard Personnel, Air Force	2,741,768	2,970,949	2,949,899	+208,131	-21,050
Total, title I, Military Personnel	114,443,890	125,264,942	122,378,016	+7,934,126	-2,886,926
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	31,207,243	31,274,882	30,454,152	-753,091	-820,730
Operation and Maintenance, Navy	34,410,773	35,070,346	34,885,932	+475,159	-184,414
Operation and Maintenance, Marine Corps	5,519,232	5,536,223	5,557,510	+38,278	+21,287
Operation and Maintenance, Air Force	34,865,964	34,748,159	33,785,349	-1,080,615	-962,810
Operation and Maintenance, Defense-Wide	25,939,466	28,357,246	27,929,377	+1,989,911	-427,869
Operation and Maintenance, Army Reserve	2,628,896	2,620,196	2,621,196	-7,700	+1,000
Operation and Maintenance, Navy Reserve	1,308,141	1,278,501	1,280,001	-28,140	+1,500
Operation and Maintenance, Marine Corps Reserve	212,487	228,925	228,925	+16,438	---
Operation and Maintenance, Air Force Reserve	3,018,151	3,079,228	3,079,228	+61,077	---
Operation and Maintenance, Army National Guard	5,858,303	6,257,034	6,353,627	+495,324	+96,593
Operation and Maintenance, Air National Guard	5,901,044	5,885,761	5,888,741	-12,303	+2,980
Overseas Contingency Operations Transfer Account	---	5,000	---	---	-5,000
United States Court of Appeals for the Armed Forces	13,254	13,932	13,932	+678	---
Environmental Restoration, Army	457,776	415,864	415,864	-41,912	---
Environmental Restoration, Navy	290,819	285,869	285,869	-4,950	---
Environmental Restoration, Air Force	496,277	494,276	494,276	-2,001	---
Environmental Restoration, Defense-Wide	13,175	11,100	11,100	-2,075	---
Environmental Restoration, Formerly Used Defense Sites	291,296	267,700	277,700	-13,596	+10,000
Overseas Humanitarian, Disaster, and Civic Aid	83,273	109,869	109,869	+26,596	---
Cooperative Threat Reduction Account	434,135	404,093	404,093	-30,042	---
Department of Defense Acquisition Workforce Development Fund	---	100,000	100,000	+100,000	---
Total, title II, Operation and maintenance	152,949,705	156,444,204	154,176,741	+1,227,036	-2,267,463
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	4,900,835	5,315,991	5,144,991	+244,156	-171,000
Missile Procurement, Army	2,185,060	1,370,109	1,358,609	-826,451	-11,500
Procurement of Weapons and Tracked Combat Vehicles, Army	3,169,128	2,451,952	2,681,952	-487,176	+230,000
Procurement of Ammunition, Army	2,287,398	2,051,895	2,053,395	-234,003	+1,500
Other Procurement, Army	10,684,014	9,907,151	9,293,801	-1,390,213	-613,350
Aircraft Procurement, Navy	14,141,318	18,378,312	18,325,481	+4,184,163	-52,831
Weapons Procurement, Navy	3,292,972	3,453,455	3,226,403	-66,569	-227,052
Procurement of Ammunition, Navy and Marine Corps	1,085,158	840,675	794,886	-290,272	-45,789
Shipbuilding and Conversion, Navy	13,054,367	13,776,867	14,721,532	+1,667,165	+944,665
Other Procurement, Navy	5,250,627	5,661,176	5,395,081	+144,454	-266,095
Procurement, Marine Corps	1,376,917	1,600,638	1,563,743	+186,826	-36,895
Aircraft Procurement, Air Force	13,112,617	11,966,276	11,956,182	-1,156,435	-10,094
Missile Procurement, Air Force	5,442,428	6,300,728	6,508,359	+1,065,931	+207,631
Procurement of Ammunition, Air Force	859,466	822,462	809,941	-49,525	-12,521
Other Procurement, Air Force	16,052,569	17,293,141	16,883,791	+831,222	-409,350
Procurement, Defense-Wide	3,306,269	3,984,352	4,036,816	+730,547	+52,464
National Guard and Reserve Equipment	750,000	---	---	-750,000	---
Defense Production Act Purchases	100,565	38,246	82,846	-17,719	+44,600
Total, title III, Procurement	101,051,708	105,213,426	104,837,809	+3,786,101	-375,617

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	12,060,111	10,438,218	11,151,884	-908,227	+713,666
Research, Development, Test and Evaluation, Navy	19,764,276	19,270,932	20,197,300	+433,024	+926,368
Research, Development, Test and Evaluation, Air Force	27,084,340	27,992,827	27,976,278	+891,938	-16,549
Research, Development, Test and Evaluation, Defense-Wide	21,423,338	20,741,542	20,721,723	-701,615	-19,819
Operational Test and Evaluation, Defense	188,772	190,770	190,770	+1,998	---
Total, title IV, Research, Development, Test and Evaluation	80,520,837	78,634,289	80,237,955	-282,882	+1,603,666
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,489,234	1,455,004	1,455,004	-34,230	---
National Defense Sealift Fund	1,666,572	1,642,758	1,692,758	+26,186	+50,000
Defense Coalition Support Fund	---	22,000	---	---	-22,000
Total, title V, Revolving and Management Funds	3,155,806	3,119,762	3,147,762	-8,044	+28,000
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance	24,611,369	26,967,919	28,257,565	+3,646,196	+1,289,646
Procurement	311,905	322,142	384,142	+72,237	+62,000
Research, development, test and evaluation	902,558	613,102	1,249,402	+346,844	+636,300
Total, Defense Health Program	25,825,832	27,903,163	29,891,109	+4,065,277	+1,987,946
National Defense Stockpile Transaction Fund transfer to Defense Health program	-1,300,000	---	---	+1,300,000	---
Chemical Agents and Munitions Destruction, Defense:					
Operation and maintenance	1,152,668	1,146,802	1,146,802	-5,866	---
Procurement	64,085	12,689	12,689	-51,396	---
Research, development, test and evaluation	288,881	401,269	351,269	+62,388	-50,000
Total, Chemical Agents 1/	1,505,634	1,560,760	1,510,760	+5,126	-50,000
Drug Interdiction and Counter-Drug Activities, Defense	1,096,743	1,058,984	1,237,684	+140,941	+178,700
Joint Improvised Explosive Device Defeat Fund 1/	---	564,850	364,550	+364,550	-200,300
Rapid Acquisition Fund 1/	---	79,300	---	---	-79,300
Office of the Inspector General 1/	271,845	272,444	288,100	+16,255	+15,656
Total, title VI, Other Department of Defense Programs	27,400,054	31,439,501	33,292,203	+5,892,149	+1,852,702
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	279,200	290,900	290,900	+11,700	---
Intelligence Community Management Account (ICMA)	710,042	672,812	611,002	-99,040	-61,810
Transfer to Department of Justice	(44,000)	---	---	(-44,000)	---
Total, title VII, Related agencies	989,242	963,712	901,902	-87,340	-61,810

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(4,100,000)	(5,000,000)	(4,000,000)	(-100,000)	(-1,000,000)
Indian Financing Act incentives (Sec. 8020)	15,000	---	15,000	---	+15,000
FFRDC (Sec. 8025)	-84,000	---	-125,200	-41,200	-125,200
Overseas Military Facility Invest Recovery (Sec. 8030)	1,000	1,000	1,000	---	---
Rescissions (Sec. 8041)	-1,320,473	---	-1,391,339	-70,866	-1,391,339
O&M, Def-wide transfer authority (Sec.8052)	(30,000)	(30,000)	(30,000)	---	---
Fisher House Foundation (Sec. 8072)	8,000	---	5,000	-3,000	+5,000
Military Recruitment Assessment & Vet Empl (Sec. 8079)	3,000	---	3,000	---	+3,000
Special needs students	5,500	---	---	-5,500	---
Various grants (Sec. 8083)	112,400	---	88,700	-23,700	+88,700
Shipbuilding & conversion funds, Navy (Sec. 8093)	10,000	10,000	10,000	---	---
Stop Loss transfer fund (Sec. 8103)	72,000	---	8,300	-63,700	+8,300
ICMA transfer authority (Sec. 8106)	---	(24,000)	(24,000)	(+24,000)	---
Foreign Currency Fluctuations, Defense (Sec. 8109)	---	---	400,000	+400,000	+400,000
Excess fuel funding (WCF cash) (Sec. 8110)	---	---	-289,570	-289,570	-289,570
Tanker Replacement Transfer Fund (Sec. 8112)	---	---	439,615	+439,615	+439,615
Working Capital Fund excess cash	-859,000	---	---	+859,000	---
Iraqi/Afghan Refugee Resettlement Support (Sec. 8114)	---	---	4,000	+4,000	+4,000
Contractor reductions (Sec.8116)	-829,780	---	-550,000	+279,780	-550,000
Total, Title VIII, General Provisions	-2,866,353	11,000	-1,381,494	+1,484,859	-1,392,494
TITLE IX					
OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES (ODOA) 2/					
DEPARTMENT OF DEFENSE--MILITARY					
Military Personnel					
Military Personnel, Army (ODOA)	---	9,046,340	10,492,723	+10,492,723	+1,446,383
Military Personnel, Navy (ODOA)	---	1,175,601	1,622,717	+1,622,717	+447,116
Military Personnel, Marine Corps (ODOA)	---	670,722	997,470	+997,470	+326,748
Military Personnel, Air Force (ODOA)	---	1,445,376	1,855,337	+1,855,337	+409,961
Reserve Personnel, Army (ODOA)	---	294,637	302,637	+302,637	+8,000
Reserve Personnel, Navy (ODOA)	---	39,040	39,040	+39,040	---
Reserve Personnel, Marine Corps (ODOA)	---	31,337	31,337	+31,337	---
Reserve Personnel, Air Force (ODOA)	---	24,822	24,822	+24,822	---
National Guard Personnel, Army (ODOA)	---	839,966	839,966	+839,966	---
National Guard Personnel, Air Force (ODOA)	---	18,500	18,500	+18,500	---
Total, Military Personnel	---	13,586,341	16,224,549	+16,224,549	+2,638,208
Operation and Maintenance					
Operation & Maintenance, Army (ODOA)	---	52,170,661	41,836,029	+41,836,029	-10,334,632
Operation & Maintenance, Navy (ODOA)	---	6,219,583	4,975,665	+4,975,665	-1,243,918
Coast Guard (by transfer) (ODOA)	---	(241,503)	---	---	(-241,503)
Operation & Maintenance, Marine Corps (ODOA)	---	3,701,600	2,961,279	+2,961,279	-740,321
Operation & Maintenance, Air Force (ODOA)	---	10,026,868	7,858,895	+7,858,895	-2,167,973
Operation & Maintenance, Defense-Wide (ODOA)	---	7,578,300	7,397,800	+7,397,800	-180,500
Coalition support funds (By transfer) (ODOA)	---	(1,600,000)	(1,540,000)	(+1,540,000)	(-60,000)
Operation & Maintenance, Army Reserve (ODOA)	---	204,326	163,461	+163,461	-40,865
Operation & Maintenance, Navy Reserve (ODOA)	---	68,059	54,447	+54,447	-13,612
Operation & Maintenance, Marine Corps Reserve (ODOA)	---	86,667	69,333	+69,333	-17,334
Operation & Maintenance, Air Force Reserve (ODOA)	---	125,925	100,740	+100,740	-25,185
Operation & Maintenance, Army National Guard (ODOA)	---	321,646	257,317	+257,317	-64,329
Operation & Maintenance, Air National Guard (ODOA)	---	289,862	231,889	+231,889	-57,973
Overseas Contingency Operations Transfer Fund	---	---	14,636,901	+14,636,901	+14,636,901
Subtotal, Operation and Maintenance	---	80,793,497	80,543,756	+80,543,756	-249,741
Iraq Freedom Fund (ODOA)	---	115,300	---	---	-115,300
Afghanistan Security Forces Fund (ODOA)	---	7,462,769	7,462,769	+7,462,769	---
Pakistan Counterinsurgency Capability Fund (ODOA)	---	700,000	---	---	-700,000
Total, Operation and Maintenance	---	89,071,566	88,006,525	+88,006,525	-1,065,041

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Procurement					
Aircraft Procurement, Army (ODOA)	---	1,636,229	1,636,229	+1,636,229	---
Missile Procurement, Army (ODOA)	---	531,570	469,470	+469,470	-62,100
Procurement of Weapons and Tracked Combat Vehicles, Army (ODOA)	---	759,466	1,219,466	+1,219,466	+460,000
Procurement of Ammunition, Army (ODOA)	---	370,635	370,635	+370,635	---
Other Procurement, Army (ODOA)	---	6,225,966	5,635,306	+5,635,306	-590,660
Aircraft Procurement, Navy (ODOA)	---	916,553	889,097	+889,097	-27,456
Weapons Procurement, Navy (ODOA)	---	73,700	73,700	+73,700	---
Procurement of Ammunition, Navy and Marine Corps (ODOA)	---	710,780	698,780	+698,780	-12,000
Other Procurement, Navy (ODOA)	---	318,018	260,797	+260,797	-57,221
Procurement, Marine Corps (ODOA)	---	1,164,445	1,100,268	+1,100,268	-64,177
Aircraft Procurement, Air Force (ODOA)	---	936,441	825,718	+825,718	-110,723
Missile Procurement, Air Force (ODOA)	---	36,625	36,625	+36,625	---
Procurement of Ammunition, Air Force (ODOA)	---	256,819	256,819	+256,819	---
Other Procurement, Air Force (ODOA)	---	2,321,549	2,275,238	+2,275,238	-46,311
Procurement, Defense-Wide (ODOA)	---	491,430	489,980	+489,980	-1,450
National Guard and Reserve Equipment (ODOA)	---	---	500,000	+500,000	+500,000
Mine Resistant Ambush Protected Vehicle Fund (ODOA)	---	5,456,000	3,606,000	+3,606,000	-1,850,000
Rapid Acquisition Fund (ODOA)	---	---	40,000	+40,000	+40,000
Total, Procurement	---	22,206,226	20,384,128	+20,384,128	-1,822,098
Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Army (ODOA)	---	57,962	57,962	+57,962	---
Research, Development, Test & Evaluation, Navy (ODOA)	---	107,180	38,280	+38,280	-68,900
Research, Development, Test & Evaluation, Air Force (ODOA)	---	29,286	29,286	+29,286	---
Research, Development, Test and Evaluation, Defense-Wide (ODOA)	---	115,826	115,826	+115,826	---
Total, Research, Development, Test and Evaluation	---	310,254	241,354	+241,354	-68,900
Revolving and Management Funds					
Defense Working Capital Funds (ODOA)	---	396,915	412,215	+412,215	+15,300
Total, Revolving and Management Funds	---	396,915	412,215	+412,215	+15,300
Other Department of Defense Programs					
Defense Health Program (ODOA)	---	1,155,235	1,155,235	+1,155,235	---
Drug Interdiction and Counter-Drug Activities, Defense (ODOA)	---	324,603	317,603	+317,603	-7,000
Joint IED Defeat Fund (ODOA)	---	1,535,000	1,490,000	+1,490,000	-45,000
Office of the Inspector General (ODOA)	---	8,876	8,876	+8,876	---
Total, Other Department of Defense Programs	---	3,023,714	2,971,714	+2,971,714	-52,000
TITLE IX General Provisions					
Additional transfer authority (ODOA) (Sec. 9002)	---	(4,000,000)	(3,000,000)	(+3,000,000)	(-1,000,000)
Defense Cooperation Account (ODOA) (Sec. 9007)	---	---	6,500	+6,500	+6,500
Total, General Provisions	---	---	6,500	+6,500	+6,500
Total, Title IX	---	128,595,016	128,246,985	+128,246,985	-348,031
Total for the bill (net)	477,644,889	629,685,852	625,837,879	+148,192,990	-3,847,973

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
OTHER APPROPRIATIONS					
SUPPLEMENTAL APPROPRIATIONS ACT, 2008 (PL 110-252)					
Title IX, Defense Matters					
Chapter 2, Defense Bridge Fund Appropriations for FY 2009 (emergency)	65,921,157	---	---	-65,921,157	---
Special transfer authority (emergency)	(4,000,000)	---	---	(-4,000,000)	---
Subtotal, Chapter 2, FY 2009 (emergency)	65,921,157	---	---	-65,921,157	---
Total, Public Law 110-252 (emergency)	65,921,157	---	---	-65,921,157	---
AMERICAN RECOVERY & REINVESTMENT ACT, 2009 (PL 111-5)					
Title III, Department of Defense					
Operation and Maintenance (emergency)	3,840,000	---	---	-3,840,000	---
Research, Development, Test & Evaluation (emergency)	300,000	---	---	-300,000	---
Other Department of Defense programs (emergency)	415,000	---	---	-415,000	---
Total, Public Law 111-5 (emergency)	4,555,000	---	---	-4,555,000	---
SUPPLEMENTAL APPROPRIATIONS ACT, 2009 (PL 111-32)					
TITLE III DEPARTMENT OF DEFENSE					
Military Personnel (ODOA)	18,726,150	---	---	-18,726,150	---
Operation & Maintenance (ODOA)	28,540,175	---	---	-28,540,175	---
Afghanistan Security Forces Fund (ODOA)	3,606,939	---	---	-3,606,939	---
Pakistan Counterinsurgency Fund (ODOA)	400,000	---	---	-400,000	---
Procurement (ODOA)	25,846,718	---	---	-25,846,718	---
Research, Development, Test and Evaluation (ODOA)	833,499	---	---	-833,499	---
Revolving and Management Funds (ODOA)	861,726	---	---	-861,726	---
Other Department of Defense Programs (ODOA)	2,301,992	---	---	-2,301,992	---
Special DE transfer authority (this title only)	(2,500,000)	---	---	(-2,500,000)	---
Defense Cooperation Account (ODOA)	6,500	---	---	-6,500	---
Iraq Security Forces Fund (emergency)	1,000,000	---	---	-1,000,000	---
(rescission) (emergency)	-1,000,000	---	---	+1,000,000	---
Fuel (rescission)	-1,003,007	---	---	+1,003,007	---
(overseas deployments and activities) (rescission)	-1,906,993	---	---	+1,906,993	---
Classified and other (ODOA) (rescission)	-1,051,160	---	---	+1,051,160	---
Procurement, Army (ODOA) (rescission)	-354,000	---	---	+354,000	---
Operation & maintenance, Def-Wide (ODOA) (rescission)	-181,500	---	---	+181,500	---
Stop Loss Transfer Fund (ODOA)	534,400	---	---	-534,400	---
Total, Public Law 111-32 (ODOA)	77,161,439	---	---	-77,161,439	---
Total, Other Appropriations	147,637,596	---	---	-147,637,596	---
Net grand total (including other appropriations)	625,282,485	629,685,852	625,837,879	+555,394	-3,847,973
Total mandatory and discretionary	625,282,485	629,685,852	625,837,879	+555,394	-3,847,973
Mandatory	279,200	290,900	290,900	+11,700	---
Discretionary	625,003,285	629,394,952	625,546,979	+543,694	-3,847,973

Department of Defense Appropriations Act - FY 2010 (H.R. 3326)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	114,443,890	125,264,942	122,378,016	+7,934,126	-2,886,926
Title II - Operation and Maintenance	152,949,705	156,444,204	154,176,741	+1,227,036	-2,267,463
Title III - Procurement	101,051,708	105,213,426	104,837,809	+3,786,101	-375,617
Title IV - Research, Development, Test and Evaluation	80,520,837	78,634,289	80,237,955	-282,882	+1,603,666
Title V - Revolving and Management Funds	3,155,806	3,119,762	3,147,762	-8,044	+28,000
Title VI - Other Department of Defense Programs	27,400,054	31,439,501	33,292,203	+5,892,149	+1,852,702
Title VII - Related Agencies	989,242	963,712	901,902	-87,340	-61,810
Title VIII - General Provisions (net)	-2,866,353	11,000	-1,381,494	+1,484,859	-1,392,494
Title IX - Overseas Deployments and Other Activities	---	128,595,016	128,246,985	+128,246,985	-348,031
Total, Department of Defense	477,644,889	629,685,852	625,837,879	+148,192,990	-3,847,973
Other defense appropriations	147,637,596	---	---	-147,637,596	---
Total funding available (net)	625,282,485	629,685,852	625,837,879	+555,394	-3,847,973

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ Budget proposed Overseas Contingency Operations.
3/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375)(CBO est)

Let me reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I might consume, and I would like to state my support for this bill. As Chairman MURTHA, has said, the subcommittee worked together without any regard to politics or Republican or Democrat to build a legislative appropriation bill that we thought would take care of training requirements for our military, equipment requirements for our military, and force protection requirements for our military; and we did the best we could with the money that we had available, and we did it together. And we did it in a totally nonpolitical way.

So I rise in strong support of this bill. There will likely be several amendments that we may not be able to agree with, and we'll talk about those a little bit later. But one thing I wanted to mention is, I said that we did the best we could with what we had to work with. We were under the President's budget request. Our 302(b) allocation was reduced. We're over last year by about 4 percent, so that's a plus.

It disturbs me a little bit, though, when I see that the foreign aid bill was 33 percent above last year's bill, and our national defense appropriations bill is only 4 percent above last year's bill. But still we did the best that we could with what we had to work with.

Now, we will have amendments that will be offered. I suspect they're not going to be offered tonight, though. I suspect sometime tomorrow they'll be offered. And there will be some disagreement on some of those amendments. We'll discuss those later. But one thing I wanted to mention is air superiority. We're not going to have enough time on the amendment that's offered to deal with the future of air superiority for the American military. Mr. MURTHA and I and many of our Members have traveled to far-flung parts of the world where our troops were deployed. We have talked personally to thousands of our men and women in uniform, not only here at home but in places like Korea, like Bosnia, like Kosovo, like Afghanistan and Iraq and Kuwait and all of these places.

And our soldiers tell us, we'll go anywhere. We'll fight whatever battle we're told to fight. But please make sure that if there's an airplane above the battlefield, that it belongs to the United States, that it does not belong to a threatening enemy. And that's one of the things that we will be talking about with the issue of the F–22. The air superiority, the F–22 is supposedly our air superiority aircraft. It will replace the F–15, which is today's tremendous airplane, but it's our air superiority aircraft. We cannot afford to take a chance and risk the lives of troops on the ground if we don't secure the air overhead.

The Defense Department has suggested that, with the limit of 187 new F–22s, or a total of 187 F–22s, that this is a medium to high risk for air superiority on the part of the United States. I think we ought to take that, despite the fact that there's a veto threat on going above the 187. If the Defense Department believes that this is a medium to high risk, I think we ought to pay close attention to that. But we'll talk more in detail about that when we deal with the amendment that we expect to deal with.

We're told that the Joint Strike Fighter is coming on board and will fill up the gap if we don't have enough F–22s. But to begin with, the Joint Strike Fighter is a different mission aircraft than the F–22, just like the F–16 was a different mission aircraft than the F–15, but they work together in partnership.

□ 1715

If the F–35, the Joint Strike Fighter, is going to pick up the gap, we'd better do some serious thinking, because the F–35 is not ready to fight. It is not ready to do its mission, let alone the mission of air superiority. We have spent some $37 billion in the development of the Joint Strike Fighter, and we have been in development and have been ready to go to production just now, this year, with funding for the production. We started in 1997 to create this aircraft, and here it is 2009, and the aircraft is still not ready to be deployed.

So how is that aircraft going to fill the gap if we need fighters to maintain air superiority?

There is a lot more on this issue that we'll talk about later. The bill today provides for additional F–22s, and that's the way we like it.

I reserve the balance of my time.

Mr. MURTHA. Madam Chair, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Chair, I would like to yield 2 minutes to the gentleman from California (Mr. LEWIS), the former chairman of the subcommittee and the now ranking member on the full Appropriations Committee.

Mr. LEWIS of California. Madam Chair, I rise simply to express the House's deep appreciation for the work that Mr. MURTHA and Mr. YOUNG do together on behalf of our troops. It's a fabulous display of the way the place should work, and I want you to know that I extend my congratulations.

I have similar reservations, Chairman MURTHA, that have been expressed by my colleague Mr. YOUNG about the F–22. You know of the history when I chaired the committee and when we examined that program very, very carefully. My difficulty is I just can't project out there what the challenges are going to be. If China, for example, should join with Russia and come on line with tactical aircraft, we've got to think ahead, and I'm worried that we may not be doing that.

Mr. YOUNG of Florida. Madam Chairman, I would be happy to yield at this time 4 minutes to the distinguished gentleman from New Jersey, a very important member of the subcommittee, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

Madam Chairman, I want to echo the comments of our ranking member, Mr. YOUNG, and I want to thank Mr. MURTHA for a good bill. I do rise to support it.

Clearly, if I'd written the bill, I would have written it differently in certain areas. Overall, I wish our subcommittee could have done more, but I recognize we did the best with the allocation we have. The bill is $3.5 billion short of the President's request despite the fact that we're engaged in two hard-fought wars in Afghanistan and Iraq that are hardly over. In fact, the President has obligated us to a rather open-ended commitment in Afghanistan where casualties have been rising and where more money may be needed.

Madam Chairman, the first time America tangled with extremists overseas, President John Adams was confronted by partisans who chanted, ''Millions for defense, not a penny for tribute.'' That was then and this is now.

At a time when Congress has found the ''will and the wallet'' to throw billions of borrowed dollars at every domestic program under the sun, some are finding ways to cut defense spending—sometimes subtly, sometimes not so subtly. I tell my colleagues who have pledged to support a strong national defense that this bill is the high watermark. In fact, it's all downhill from here.

I do support the reform of our military acquisition processes, which have come under examination. I do support Secretary Gates' program to reexamine our national security priorities in light of new, irregular challenges and threats that are proliferating well beyond Iraq and Afghanistan.

Take a look at a more belligerent Russia. Take a look at the Chinese capabilities in terms of their Navy, their air and their cyberattacks. Take a look at the things that are happening on the Korean peninsula, at the things that are happening in Africa and at the things that are happening in our own hemisphere.

I do worry about this administration's apparent obsession with this war-ism. I urge my colleagues to make sure we make enough investments today to ensure that we will be prepared to defend our interests against all threats in the years to come.

I do support the legislation, and as Mr. MURTHA and Mr. YOUNG have said, there is a pay increase in here for all of our troops, all volunteering. There is first-class medical care, a lot more money, more money for shipbuilding, more money for the procurement of fighters, more money for MRAPs in Afghanistan, and importantly, there is $500 million for the National Guard equipment for both overseas and homestate missions.

Madam Chairman, I wish we could restore the cuts to our missile defense. I wish we could ensure that our F–22 assembly line could keep going. I wish we had an immediate substitute for our future combat system. These are important elements that need to be addressed. All in all, this is a good bill.

I congratulate the chairman for his leadership, and I congratulate the ranking member. I am pleased to support it.

Mr. MURTHA. Madam Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, I want to thank Mr. MURTHA and the ranking member for the work that they've done for our country, and my remarks are in no way in disrespect of that.

We are talking about $636 billion, which will help, among other things, to empower the continuation of the war in Iraq and Afghanistan. We will have a brief debate here about $636 billion. The Congress has been gripped by the debate over health care for months now. We really need to have a serious discussion and debate about both the wars in Iraq and Afghanistan—the wars which are causing casualties to the troops that Mr. MURTHA is so dedicated to. We really need to look at that and figure out when we are going to get out of there.

We need to set a time to get out of Iraq for real, not just the so-called combat troops and leave detachments there, but to get out of Iraq for real and to get out of Afghanistan, where the casualties are increasing. We need to start coming back home and taking care of things here. We need to plus-up our military so we can be strong in defense but not cause our strength to be wasted in wars that are unnecessary.

I really appreciate the work you do, Mr. MURTHA, but I also will tell you that we really need to have a much bigger debate about whether we should continue to be in that war. I'm going to vote against this bill just on principle. We should get out of Iraq and Afghanistan, and I have the same love for those troops that you have.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to direct their remarks to the Chair.

Mr. YOUNG of Florida. Madam Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from California (Mr. CALVERT), who also is the ranking member of the Select Intelligence Oversight Panel.

Mr. CALVERT. Madam Chair, I am certainly proud to support H.R. 3326, the 2010 Defense Appropriations bill.

I represent four military installations, thousands of military personnel and their families, and I am pleased that this bill includes the $8.2 billion increase for military personnel accounts from last year. It also includes a 3.4 percent pay raise, which I wholeheartedly support and certainly believe that our troops deserve.

The bill also includes funding for three C–17s, which are vital to our airlift capability. While I am pleased with the additional procurement, I believe that Congress must continue to fund this additional aircraft that is necessary for additional airlift capability.

The C–17 aircraft plays a central role both in the ongoing global war on terror and in the humanitarian relief missions around the world. The three C–17s will be a welcomed addition to the fleet, which includes 8 C–17s attached to March Air Reserve Base's 452nd Air Mobility Wing, which is in my district in California. These will accelerate efforts to ensure that America's airlift needs are met in upcoming years.

I also support the removal of $100 million, requested by the administration, which would have been used to move detainees out of the Guantanamo Bay detention facility. I commend the language in the bill, which was truly the result of a bipartisan effort. It prevents a single detainee from being released or transferred until the administration produces an acceptable plan—one that includes an assessment of the risks to the American people and that requires that our citizens be informed of any transfers so they will be ensured of their safety. It also requires a certification that any release or transfer of prisoners will not place our troops in harm's way or will hinder their efforts abroad. The language is similar to my bill, H.R. 1069, which I introduced in February of this year. I am hopeful we can work this out in a planned process.

Again, I commend the subcommittee and the full committee chairmen and ranking members for a bipartisan bill that meets the needs of our troops and that provides funding for vital missions around the world.

Mr. YOUNG of Florida. Madam Chairman, I yield 2 minutes now to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Madam Chair, I rise today to discuss an issue vital to American air superiority.

First, I want to thank Chairman MURTHA and Ranking Member YOUNG for their tireless efforts in support of those who bravely defend us at home and abroad.

While there is much to applaud in this bill, I am very concerned about any steps to remove advanced procurement funds for the F–22A Raptor. Currently, H.R. 3326 contains $370 million for long lead supplies needed to procure 12 F–22 aircraft in fiscal year 2011. Preserving this funding, Madam Chair, is absolutely critical.

Unfortunately, President Obama and Secretary Gates have expended great capital in recent weeks to ensure that the F–22 program ends at 187 aircraft once and for all. However, their position is not driven by military requirements but, rather, by budget constraints.

The facts are that the F–22 has a flyaway cost of $142 million—this is a 35 percent decrease since its inception—and the next F–22 will actually be cheaper than the next Joint Strike Fighter.

Madam Chair, is this how we should determine how best to defend our Nation and to ensure American air superiority, or should we rely on the results of over 30 air campaign studies that have been conducted over the last 15 years, which validate a requirement for far more than 187 F–22 Raptors to replace the original force of 800 F–15 A-D Eagles?

We should also listen to those who fly these fighters, Madam Chair. A June 9, 2009, letter from General John Corley, the commander of Air Combat Command, states, ''At Air Combat Command, we have held the need for 381 F–22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F–22s puts execution of our current national military strategy at high risk in the near to mid-term.''

The CHAIR. The time of the gentleman has expired.

Mr. YOUNG of Florida. I yield the gentleman an additional 30 seconds.

Mr. GINGREY of Georgia. Madam Chair, General Corley goes on to state, ''There are no studies that demonstrate 187 F–22s are adequate to support our national military strategy.''

I would like to submit this letter for the RECORD, Madam Chair.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AIR COMBAT COMMAND
Langley Air Force Base, VA, June 9, 2009.

Hon. SAXBY CHAMBLISS,
Russell Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR CHAMBLISS: Thank you for your letter and the opportunity to comment on the critical issue of F–22 fleet size. At Air Combat Command we have held the need for 381 F–22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F–22s puts execution of our current national military strategy at high risk in the near to mid-term.

To my knowledge, there are no studies that demonstrate 187 F–22s are adequate to support our national military strategy. Air Combat Command analysis, done in concert with Headquarters Air Force, shows a moderate risk force can be obtained with an F–22 fleet of approximately 250 aircraft.

While OSD did not solicit direct input from Air Combat Command, we worked closely with our Headquarters in ensuring our views were available. We realize the tough choices our national leadership must make in balancing current warfighting needs against the fiscal realities our Nation faces.

The F–22, a critical enabler of air dominance, plays a vital role and indispensable role in ensuring joint freedom of action for all forces and underpins our ability to dissuade and deter. Thank you for your continued support of the US Air Force and Air Combat Command.

Sincerely,

JOHN D.W. CORLEY
General, USAF Commander.

I also would like to submit for the RECORD a letter that I sent to President Obama and to Secretary Gates. It's signed by 199 of my House colleagues. It concludes that continued F–

22 production is in the national economic interest of the United States.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 21, 2009.

President BARACK OBAMA,
The White House,
1600 Pennsylvania Avenue, NW
Washington, DC.

DEAR MR. PRESIDENT: The Fiscal Year 2009 National Defense Authorization act requires your certification on continued F–22A Raptor production by March 1, 2009. We strongly urge your certification of continued production of this vital program.

Continued F–22 production is critical to the security of our nation. The F–22 is the nation's most capable fighter and the world's only operation 5th generation fighter aircraft in full-rate production. It is the weapon system we need to respond to potential adversaries who are increasing their air combat capabilities both in terms of technology and numbers of aircraft. Several nations have announced that they are developing stealthy, twin-engine, high-altitude, 5th generation fighters that will reach production within the next five to ten years. Additionally, sophisticated and highly lethal air defense systems such as the SA–20 and S–300/400 are proliferating worldwide.

Our nation has committed to procuring a total of just 183 F–22 aircraft. We are convinced that this number is insufficient to meet potential threats. After accounting for test, training, and maintenance aircraft, only about 100 F–22s will be immediately available for combat at any given time. Given that over 30 air campaign studies completed over the last 15 years have validated a requirement for far more than 183 F–22 Raptors to replace the original force of 800 F–15 A–D Eagles, it is clear that such a lean F–22 fleet is not consistent with America's national security interest.

The F–22 is a model production line. Since full-rate production began, the unit flyaway cost has decreased by 35 percent. If this certification is delayed, layoffs will begin as this critical supplier base shuts down. Once we begin to lose the F–22 industrial base that was created with billions of dollars of investment over many years, it will quickly become virtually impossible to reconstitute a production capability.

The F–22 program annually provides over $12 billion of economic activity to the national economy. As our nation faces one of the most trying economic times in recent history, it is imperative to preserve existing high paying, specialized jobs that are critical to our national defense. Over 25,000 Americans working for more than 1,000 suppliers in 44 states manufacture this aircraft. Moreover, it is estimated that another 70,000 Americans indirectly owe their jobs to this program.

The Honorable Phil Gingrey, MD (GA–11); The Honorable Kay Granger (TX–12); The Honorable Neil Abercrombie (HI–01); The Honorable John Dingell (MI–15); The Honorable Danny Davis (IL–07); The Honorable Chet Edwards (TX–17); The Honorable Todd Tiahrt (KS–04); The Honorable Thomas Price (GA–06); The Honorable Norman Dicks (WA–6); The Honorable David Scott (GA–13); The Honorable Bill Young (FL–10); The Honorable Jack Kingston (GA–01); The Honorable Mac Thornberry (TX–13); Honorable Hank Johnson (GA–04); The Honorable Ellen Tauscher (CA–10); The Honorable Sanford Bishop (GA–02)

The Honorable Ben Ray Lujan (NM–03); The Honorable Brian Higgins (NY–27); The Honorable Gresham Barrett (SC–03); The Honorable Christopher Carney (PA–10); The Honorable Timothy Bishop (NY–01); The Honorable Bill Shuster (PA–09); The Honorable Dean Heller (NV–02); The Honorable Jim McGovern (MA–03); The Honorable Shelley Berkley (NV–01); The Honorable John Barrow (GA–12); The Honorable John Larson (CT–01); The Honorable Phil Hare (IL–17); The Honorable John Sullivan (OK–01); The Honorable Ander Crenshaw (FL–04); The Honorable Adam Putnam (FL–12); The Honorable Mike Rogers (AL–03); The Honorable Michelle Bachmann (MN–06); The Honorable Doug Lamborn (CO–05); The Honorable Mary Bono Mack (CA–45); The Honorable Mike Rogers (MI–08); The Honorable Larry Kissell (NC–08); The Honorable Anna Eshoo (CA–14)

The Honorable Mike Simpson (ID–02); The Honorable Steve LaTourette (OH–14); The Honorable Alcee Hastings (FL–23); The Honorable Greg Walden (OR–02); The Honorable Corrine Brown (FL–03); The Honorable Collin Peterson (MN–07); The Honorable Robert Andrews (NJ–01); The Honorable Lincoln Diaz-Balart (FL–21); The Honorable Mark Souder (IN–03); The Honorable Rick Boucher (VA–09); The Honorable Joe Barton (TX–06); The Honorable Chris Smith; (NJ–04) The Honorable Brian Bilbray (CA–50); The Honorable Gary Miller (CA–42); The Honorable Ciro Rodriguez (TX–23); The Honorable Tom Latham (IA–04); The Honorable Jerry Moran (KS–01); The Honorable Peter Viscolosky (IN–01); The Honorable Jo Bonner (AL–01); The Honorable Donald Manzullo (IL–16); The Honorable Don Young (AK–At Large); The Honorable Peter Roskam (IL–06)

The Honorable Mario Diaz-Balart (FL–25); The Honorable Dave Camp (MI–04); The Honorable Kevin Brady (TX–08); The Honorable Paul Broun (GA–10); The Honorable Chris Murphy (CT–05); The Honorable Parker Griffith (AL–05); The Honorable Paul Sarbanes (MD–03); The Honorable Steve Scalise (LA–01); The Honorable John Carter (TX–31); The Honorable Pete Olson (TX–22); The Honorable Connie Mack (FL–14); The Honorable Eric Cantor (VA–07); The Honorable Peter King (NY–03); The Honorable Zack Space (OH–18); The Honorable Patrick Kennedy (RI–01); The Honorable Ginny Brown-Waite (FL–05); The Honorable Tom Price (GA–06); The Honorable Madeleine Bordallo (GU); The Honorable Ted Poe (TX–02); The Honorable Bill Posey (FL–15); The Honorable Jim Marshall (GA–08); The Honorable Louie Gohmert (TX–01)

The Honorable Henry Brown (SC–01); The Honorable Jim Langevin (RI–02); The Honorable Debbie Wasserman-Shultz (FL–20); The Honorable Kristen Gillibrand (NY–20); The Honorable Rob Bishop (UT–01); The Honorable Dean Heller (NV–02); The Honorable Michael Arcuri (NY–24); The Honorable Robert Brady (PA–01); The Honorable John Barrow (GA–12); The Honorable Michael Burgess (TX–26); The Honorable Suzanne Kosmas (FL–24); The Honorable Mike McCaul (TX–10); The Honorable Artur Davis (AL–07); The Honorable Joe Wilson (SC–02); The Honorable Jim Himes (CT–04); The Honorable Joe Courtney (CT–02); The Honorable Dan Boren (OK–02); The Honorable Patrick McHenry (NC–10); The Honorable Charlie Wilson (OH–06); The Honorable Kenny Marchant (TX–24); The Honorable Sue Myrick (NC–09); The Honorable Wally Herger (CA–02)

The Honorable Harry Teague (NM–02); The Honorable Chellie Pingree (ME–01); The Honorable Steve King (IA–05); The Honorable Lynn Westmoreland (GA–03); The Honorable Paul Hodes (NH–02); The Honorable Sam Graves (MO–06); The Honorable Leonard Boswell (IA–03); The Honorable Duncan Hunter (CA–52); The Honorable John Adler (NJ–03); The Honorable Gus Bilirakis (FL–09); The Honorable Michael McMahon (NY–13); The Honorable John Linder (GA–07); The Honorable Kendrick Meek (FL–17); The Honorable John Kline (MN–02); The Honorable Allen Boyd (FL–02); The Honorable Carol Shea-Porter (NH–01); The Honorable Mary Fallin (OK–05); The Honorable Robert Aderholt (AL–04); The Honorable Zach Wamp (TN–03); The Honorable Bobby Scott (VA–03); The Honorable Loretta Sanchez (CA–47); The Honorable Rodney Alexander (LA–05)

The Honorable Dave Reichert (WA–08); The Honorable Dennis Moore (KS–03); The Honorable Mike Turner (OH–03); The Honorable Daniel Maffei (NY–25); The Honorable John Culberson (TX–07); The Honorable Mike Conaway (TX–11); The Honorable Bob Latta (OH–05); The Honorable Richard Neal (MA–02); The Honorable Pete Hoekstra (MI–02); The Honorable Pete Sessions (TX–32); The Honorable Tom Rooney (FL–16); The Honorable Gabrielle Giffords (AZ–08); The Honorable Dan Lipinski (IL–03); The Honorable Steve Austria (OH–07); The Honorable Patrick Murphy (PA–08); The Honorable John Boozman (AR–03); The Honorable Kevin McCarthy (CA–22); The Honorable Joe Donnelly (IN–02); The Honorable Elijah Cummings (MD–07); The Honorable Buck McKeon (CA–25); The Honorable Nathan Deal (GA–09); The Honorable E. B. Johnson (TX–30)

The Honorable Joe Baca (CA–43); The Honorable Dan Burton (IN–05); The Honorable Elton Gallegly (CA–24); The Honorable Frank Lucas (0K–3); The Honorable Joe Crowley (NY–07); The Honorable Harold Rogers (KY–05); The Honorable Rosa DeLauro (CT–03); The Honorable Frank LoBiondo (NJ–02); The Honorable Bennie Thompson (MS–02); The Honorable Steve Rothman (NJ–09); The Honorable Jim Costa (CA–20); The Honorable Dan Lungren (CA–03); The Honorable Dana Rohrabacher (CA–46); The Honorable Nick Rahall (WV–03); The Honorable John McHugh (NY–23); The Honorable Ralph Hall (TX–04); The Honorable Lamar Smith (TX–21); The Honorable Tim Holden (PA–17); The Honorable Bob Filner (CA–51); The Honorable Maurice Hinchey (NY–22); The Honorable Trent Franks (AZ–02); The Honorable Mark Schauer (MI–07)

The Honorable Blaine Luetkemeyer (MO–09); The Honorable Tim Ryan (OH–17); The Honorable Grace Napolitano (CA–38); The Honorable Maxine Waters (CA–35); The Honorable Darrell Issa (CA–49); The Honorable Jeff Miller (FL–01); The Honorable Mike McIntyre (NC–07); The Honorable Dutch Ruppersberger (MD–02); The Honorable lleana Ros-Lehtinen (FL–18); The Honorable George Radanovich (CA–19); The Honorable Gregg Harper (MS–03); The Honorable Doc Hastings (WA–04); The Honorable Christopher Lee (NY–26); The Honorable Carolyn McCarthy (NY–04); The Honorable Dennis Rehberg (MN–At Large); The Honorable Randy Forbes (VA–04); The Honorable John Shimkus (IL–19); The Honorable Steve Israel

(NY–02); The Honorable Mike Ross (AR–04); The Honorable Steve Buyer (IN–04); The Honorable Paul Tonko (NY–21)

The Honorable Tom Cole (OK–04); The Honorable Donna Christensen (VI); The Honorable Sam Johnson (TX–03); The Honorable Brian Bilbray (CA–50); The Honorable John Fleming (LA–04); The Honorable Mike Coffman (CO–06); The Honorable Henry Cuellar (TX–28).

Madam Chair, I ask all of my colleagues to reject the Obama administration's posture on the F–22 and to support continued F–22 production as we consider this bill.

Mr. YOUNG of Florida. Madam Chair, I yield now 2 minutes to the distinguished gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Madam Chairman, yet again, the Democratic leadership has decided to close down this process. I have submitted an amendment to the Rules Committee to prohibit funding in this bill from being used to standardize ground combat uniforms across the military services. The House version of the defense authorization has language that was slipped in to require one standardized future ground combat uniform for the military to eliminate the uniqueness of the branches.

The Marine Corps has stated, ''A standardized ground uniform will negatively impact USMC recruiting, retention, and tactical/operational employment for deploying forces.'' Given the unique and differing missions of each of the branches, I believe that the leadership of each Service should maintain the flexibility to determine what uniform is best-suited for the specific role for its members.

I am very disappointed that we have been denied the opportunity to debate my amendment here today. I want to say I'm a strong supporter of H.R. 3326. I am a marine. Once a marine, always a marine. I am also one who believes in a very strong national defense. I believe the Founding Fathers meant for a strong national defense to be the major function of the Federal Government.

□ 1730

I applaud this bill, and I applaud the leaders on both sides for bringing this strong bill. I want to say I agree with my colleague, Mr. GINGREY, that I believe very firmly that we need to continue funding the F–22 and the C–17.

Mr. YOUNG of Florida. At this time, I yield 2 minutes to the distinguished gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I appreciate the gentleman from Florida for yielding me time and also the entire committee. Putting this particular budget together is not an easy task, and I'm very proud of most of the things that are in this particular budget. I, too, though, have a couple of concerns, as was originally indicated by the ranking member as well as the ranking member of the full committee, that deal with air superiority.

I'm just an old history teacher, but I realize in the 1930s this country decided to save money by cutting back on the P–35 construction. When World War II began, our bombers taking bomber runs were suffering casualty rates well over 20 percent. It was to the point we actually suspended some of those runs until we could go into an emergency production to build enough fighters to accommodate the bombers that we had. The bottom line is we were unprepared for a future we had not anticipated.

We don't have the luxury anymore to be in that type of a situation, which is why the air superiority which we've had since the Korean War is such an essential element of our defense structure and our defense posture.

And there are two elements that are essential for our air superiority. One is technical advancement. The other is production. The numbers that we have is as important as the technology. We cannot afford to find ourselves on the wrong side of history again. The world moves much too rapidly for that.

I have a great deal of gratitude for the long hours that were put in for this budget, and with a couple of exceptions in there where I have great concerns, I applaud the efforts and would like us to look seriously at that particular element of air superiority one more time.

Mr. YOUNG of Florida. Madam Chairman, I yield myself such time as I may consume.

Since we have talked so much about the F–22, I thought I would compare just briefly some of the history of our fighter aircraft.

For example, the F–4, which was one of the major aircraft fighters in the Vietnam War, we produced over 4,000 of those airplanes, yet we're only talking about 187 of the F–22s. Of the F–15s, we built 1,118 F–15s. We only have about half of them left today, and they're being phased out. The F–16. We built 2,230 F–16s. Today we only have about half of those left, and one day we will phase those out when Joint Strike Fighter comes on line.

But the history of buying and building the fighter aircraft and losing fighter aircraft when we are involved in hostilities is very, very telling. And it, again, we must say, it is important that our soldiers fighting on the ground have an American airplane overhead and not an enemy airplane with bombs and strafing guns, et cetera. So we'll discuss this more in detail when the amendment is offered.

At this point, I yield back the balance of my time.

Mr. MURTHA. Let me just conclude by thanking BILL YOUNG on all of the work he did and all of the rest of the subcommittee on the work they did.

And let me reiterate this is all about the troops being taken care of, making sure they have what they need. We put the full amount that the President requested for the people in Iraq and Afghanistan, and we made sure that we gave them a pay raise. And when I see those troops—whether it's in the field, at the bases, whether I see them overseas or I see the troops in the hospitals—I have such great admiration for what they do. And we're just trying to make sure they have everything that they need.

The F–22, as the gentleman from Florida says, we're going to argue that later. We would have to have 292 votes in the House; we'd have to have 66 votes in the Senate, so you can see the position I'm in and the problems that we would have if we were to go forward. I just want to make sure that the planes we have are robustly funded.

Ms. LEE of California. Madam Chair, I rise today in opposition to H.R. 3326, the Department of Defense Appropriations Act for FY 2010.

At a time when our nation is facing an unprecedented series of challenges, I believe we must do more to curb the runaway growth in defense spending.

Instead of spending a staggering 52 percent of the federal discretionary budget for the pentagon, we should be using this money to fund universal health care for all Americans, or to reform our educational system and train and prepare the next generation to run the green economy of the future, or to reorder our foreign policy around a smart security strategy that emphasizes development and diplomacy.

We cannot and should not continue to throw money at billion dollar cold-war era weapon systems while ignoring the needs and priorities of the American people.

I must note that it is about time we have included the full costs of our overseas deployments and other activities in the regular budget process and Defense Appropriations bill after years of the Bush Administration insisting the costs of the wars in Iraq and Afghanistan be kept from view.

Although I am pleased to see that H.R. 3326 includes language prohibiting the establishment of permanent military bases in Iraq or Afghanistan, it should come as no surprise that I believe the situation in Iraq and in Afghanistan does not lend itself to a military solution.

Madam Chair, I cannot support the $128 billion included in this bill for overseas operations which may further entrench the United States in conflict and continue us down a path to war without end.

As the daughter of a military veteran, let me close by saying I strongly support our troops as well as respect the necessity of adequately equipping them for the threats they face around the globe.

In the case of this bill, I strongly, support the recommendation of our President and our military leadership to halt production of the F–22 at 187 planes.

I urge my colleagues to oppose this bill, and to support the Murtha amendment to reallocate funds away from the F–22 advance procurement program.

Mr. TIAHRT. Madam Chair, I rise in support of H.R. 3326, the Fiscal Year 2010 Defense Appropriations bill. Although I am concerned that advanced capabilities are short-changed in the bill. Overall, the Defense Appropriations Subcommittee has worked in a bi-partisan manner to craft a very good bill. I urge my colleagues to join with me in supporting this legislation.

First, I want to highlight one important provision in this bill regarding the KC–X Tanker Acquisition. Over the past seven years, I have

worked with my colleagues on both sides of the aisle to address the real and growing need to recapitalize our aging KC–135 Tanker fleet. The committee has shown a real commitment to this vital program by providing $440 million in funding and instructive language.

Specifically, the directive language:

Recommends procuring 36 aircraft a year, over the current 12–15 a year. With over 500 KC–135 aircraft, it would take 40 years to replace these aircraft at 12 a year.

Requires production aircraft to be built in the United States—to strengthen our industrial base;

Ensures that any competition includes a 40-year life-cycle cost—to guarantee the American taxpayer get the best return on their investment.

This is the right direction to move the program forward.

Unfortunately the President, in his Statement on Administration Policy, has expressed strong opposition to the Buy-America language directing that production KC–X aircraft be built in the United States. This comes as both competitors—Boeing and Airbus—have already committed to building their tanker in America.

This provision is essential because Airbus has a history of promising American jobs and then shipping the jobs back to Europe when it suits their interests—as they did with the Light Utility Helicopter. I hope the President drops his opposition to the American worker and stand with us in demanding that the promises defense contractors make to this Congress and the American people are kept.

Second, as I previously stated, I am concerned with the lackluster investment in procurement and research and development accounts in this bill. In 1985, military modernization was around 45 percent of the defense budget. This year the modernization budget is set to represent only 31 percent of the budget request. It appears another defense procurement holiday is on the horizon.

The Obama administration has already slashed procurement budgets along with research and development of almost a dozen advanced weaponry systems our nation will likely need in the future. Some of these cuts include the Airborne Laser, the Future Combat Systems, the C–17, the Navy's next-generation cruiser, the Multiple Kill Vehicle, and the Kinetic Energy Interceptor.

In my opinion, this bill fails to make the adequate investments so our children and grandchildren will have the resources they need to protect this nation in the decades to come.

Despite my concerns, I believe this bill is still worth supporting. I will continue to work for additional resources for our military when we move to conference. In the meantime I urge my colleagues to join me in supporting this important legislation.

Mr. GENE GREEN of Texas. Madam Chair. I rise today in strong support of this bill. The Defense Appropriations bill funds a number of research and education programs, but most importantly it provides for the defense of our nation and for the men and women who serve in our Armed Forces.

This bill includes a pay raise and other benefits for our soldiers, sailors, airmen, and marines, making sure we provide them what they need and deserve. It provides a 3.4 percent military pay increase and $122.4 billion to fully fund the requested end strength levels for personnel. The bill continues efforts to end the practice of "stop loss" and includes funding to pay troops $500 for every month their term of service is involuntarily extended in 2010.

The bill also provides for those that have been injured defending our country by including $500 million for traumatic brain injury and psychological health. The bill also includes a total of $2.2 billion for the wounded, ill and injured programs. The bill includes $636 million for peer-reviewed research programs: $150 million for breast cancer research; $80 million for prostate cancer research; $30 million for orthopedic research; $25 million for ovarian cancer research; $15 million for spinal cord research; and $10 million for ALS research.

I would also like to express support for the inclusion of The Science, Technology, Engineering and Mathematics (STEM.) Initiative to be administered by HoustonWorks USA. Federal support is necessary, because this program will support the national agenda to promote STEM programs and increase exposure to careers in engineering among at-risk or hard-to-serve youth, an untapped human resource in our country's quest to increase the numbers of American engineers. The outcome of STEM awareness programs like this one is part of the process to grow the engineering pipeline, a critical step to answer some of the world's most important questions in science today. This project will benefit numerous individuals in the 29th District, and I thank the Committee for including funding for the project.

I am disappointed, however, funding was not included for restoration of the Battleship *Texas*. The historic Battleship *Texas* is the only surviving naval vessel that served in both World War I & II. In order to keep her from deteriorating further, the Battleship Texas Foundation in conjunction with the Parks and Wildlife Department, will permanently remove the USS *Texas* from the water and construct a dry berth at a cost of $29,000,000—we have secured funding in the past to assist with this project, but did not receive funding this year for our request. I ask that the Chair reconsider as future bills move forward, and I look forward to working with him on this project.

Madam Chair, overall this is a good bill that provides for the defense of our nation, our troops and their families, and a number of other critical projects and research initiatives. I urge my colleagues to join me in supporting H.R. 3326.

Mr. MURTHA. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Mr. MURTHA. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. TITUS) having assumed the chair, Ms. BALDWIN, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

HONORING THE MEMORY AND LASTING LEGACY OF SALLY CROWE

Mr. BRADY of Pennsylvania. Madam Speaker, I ask unanimous consent to discharge the Committee on House Administration from further consideration of House Resolution 682 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 682

Whereas Sally Crowe's career spanned 52 years of service, beginning in 1957 as a cashier in the Longworth cafeteria;

Whereas Sally moved to the Members' Dining Room in the U.S. Capitol in the 1960s and remained on the job there until her passing on June 28, 2009;

Whereas throughout her career she provided a warm and personal welcome to generations of Members, staff, and guests;

Whereas regardless of who managed the Members' Dining Room, Sally remained a fixture, serving with distinction and making a special effort to know every Member by name; and

Whereas Sally will be remembered for her sense of humor, her strong work ethic, and her unwavering commitment to serving the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives honors the memory and lasting legacy of Sally Crowe, extends its gratitude for her decades of exemplary service, and expresses its condolences to her family and friends at this time of loss.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF THE POCKET VERSION OF THE UNITED STATES CONSTITUTION

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of Senate Concurrent Resolution 35 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. DRIEHAUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 24th edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 551,000 copies of the document, of which 441,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $218,379, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

JUDICIAL SURVIVORS PROTECTION ACT OF 2009

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 1107) to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 1107

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 ''Judicial Survivors Protection Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''judicial official'' refers to incumbent officials defined under section 376(a) of title 28, United States Code.

(2) The term ''Judicial Survivors' Annuities Fund'' means the fund established under section 3 of the Judicial Survivors' Annuities Reform Act (28 U.S.C. 376 note; Public Law 94–554; 90 Stat. 2611).

(3) The term ''Judicial Survivors' Annuities System'' means the program established under section 376 of title 28, United States Code.

SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

(a) ELECTION OF JUDICIAL SURVIVORS' ANNUITIES SYSTEM COVERAGE.—An eligible judicial official may elect to participate in the Judicial Survivors' Annuities System during the open enrollment period specified in subsection (d).

(b) MANNER OF MAKING ELECTIONS.—An election under this section shall be made in writing, signed by the person making the election, and received by the Director of the Administrative Office of the United States Courts before the end of the open enrollment period.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Director.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period under this section is the 6-month period beginning 30 days after the date of enactment of this Act.

SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN ENROLLMENT ELECTION.

(a) CONTRIBUTION RATE.—Every active judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period shall be deemed thereby to consent and agree to having deducted from his or her salary a sum equal to 2.75 percent of that salary or a sum equal to 3.5 percent of his or her retirement salary, except that the deduction from any retirement salary—

(1) of a justice or judge of the United States retired from regular active service under section 371(b) or 372(a) of title 28, United States Code;

(2) of a judge of the United States Court of Federal Claims retired under section 178 of title 28, United States Code; or

(3) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of title 28, United States Code,

shall be an amount equal to 2.75 percent of retirement salary.

(b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Contributions made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 5. DEPOSIT FOR PRIOR CREDITABLE SERVICE.

(a) LUMP SUM DEPOSIT.—Any judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period may make a deposit equaling 2.75 percent of salary, plus 3 percent annual, compounded interest, for the last 18 months of prior service, to receive the credit for prior judicial service required for immediate coverage and protection of the official's survivors. Any such deposit shall be made on or before the closure of the open enrollment period.

(b) DEPOSITS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Deposits made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY.

Section 376 of title 28, United States Code, is amended by adding at the end the following:

''(y) For each year of Federal judicial service completed, judicial officials who are enrolled in the Judicial Survivors' Annuities System on the date of enactment of the Judicial Survivors Protection Act of 2009 may purchase, in 3-month increments, up to an additional year of service credit, under the terms set forth in this section. In the case of judicial officials who elect to enroll in the Judicial Survivors' Annuities System during the statutory open enrollment period authorized under the Judicial Survivors Protection Act of 2009, for each year of Federal judicial service completed, such an official may purchase, in 3-month increments, up to an additional year of service credit for each year of Federal judicial service completed, under the terms set forth in section 4(a) of that Act.''.

SEC. 7. EFFECTIVE DATE.

This Act, including the amendment made by section 6, shall take effect on the date of enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN ARTHUR ''JACK'' JOHNSON POSTHUMOUS PARDON

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (S. Con. Res. 29) expressing the sense of the Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. JACKSON of Illinois. Mr. Speaker, I reserve the right to object.

While it is not my intention to object to the bill, I wanted to thank Representative PETER KING for introducing this legislation in the House, and I was honored to join him as a cosponsor of this bill.

Mr. Speaker, Jack was the first African American to win the world heavyweight boxing championship and was a trailblazer. After defeating Tommy Burns and winning the world heavyweight boxing title in 1908, resentment grew as his wins continued and his flamboyant behavior unfairly earned him the disdain of many. In fact, it was his interracial relationships that led to his arrest on charges of violating the Mann Act's prohibition against ''transporting women across State lines for immoral purposes.''

Mr. Speaker, I felt compelled to come back to this floor because one of the chief advocates of this legislation is the late Vernon Forrest who came to this Congress 3 years ago, met with Members of the Congress in the House, met with Senator MCCAIN in the Senate, we had a press conference in the ''swamp'' to support this posthumous legislation on behalf of the late Jack Jackson. Vernon Forrest in Atlanta was shot this week 8 times in the back, and he will be memorialized, I believe, later this week or sometime this weekend.

I wanted to say on behalf of a grateful Nation and grateful Congress to the Forrest family how grateful we were for his conscientiousness, for his willingness to fight for something bigger than himself, and for the extraordinary legacy that he has left us all.

I want to thank the Judiciary Committee and Representative PETER KING for their extraordinary leadership in bringing this very timely bill to the Congress. And, as Ken Burns states, Jack Johnson's story was ''about freedom and one black man's insistence that he be able to live a life nothing short of a free man.''

Mr. Speaker, I withdraw my reservation and urge the immediate passage of S. Con. Res. 29.

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

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 29

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope'';

Whereas in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century'';

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas between 1901 and 1910, 754 African-Americans were lynched, some for simply for being ''too familiar'' with White women;

Whereas in 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of ''prostitution and debauchery'';

Whereas in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES TO THE FAMILY AND LOVED ONES OF BORDER PATROL AGENT ROBERT ROSAS

Ms. TITUS. Mr. Speaker, I ask unanimous consent that the Committee on Homeland Security be discharged from further consideration of the resolution (H. Res. 681) expressing condolences to the family and loved ones of Agent Robert Rosas and standing in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 681

Whereas since 1919, 108 United States Border Patrol agents have died in the line of duty;

Whereas, on July 23, 2009, on the Shockey Truck Trail near Campo, California, agent Robert Rosas Junior, a member of the United States Border Patrol since May 22, 2006, was killed by gunfire while serving in the line of duty;

Whereas since 2008, more than 50 Border Patrol agents have been targeted by gun fire while hundreds of others have been subject to other forms of attack;

Whereas since 2006, over 10,000 individuals have been killed as a result of ongoing violence on the Southwest border;

Whereas, despite an increased security presence along the Southwest border in recent years, Border Patrol agents are under constant threat of violence and contact with drug, weapons, and human smugglers, drug cartels and other organized crime, and transnational criminals;

Whereas the killing of Agent Rosas represents the ever-present danger associated with the Southwest border, affecting law enforcement and communities in both the United States and Mexico;

Whereas agent Rosas' death serves as an important reminder that we are engaged in a serious effort to secure the Southwest border, led by the approximate 17,000 agents currently stationed along our Nation's 1,969-mile land boundary with Mexico;

Whereas the bravery and devotion to duty demonstrated by agent Rosas has forever earned him a place in the hearts and memory of his fellow Americans and the men and women of the United States Border Patrol who risk their lives daily to protect the safety and security of the United States people;

Whereas agent Rosas, after starting his law enforcement career in 2001 as a reserve officer in El Centro, California, aspired to be a member of the United States Border Patrol;

Whereas agent Rosas was beloved for his desire and dedication to serving others, earning the respect and admiration of his colleagues, but most of all by his devotion to his wife, Rosalie, and their two children; and

Whereas in the face of this loss, the Department of Homeland Security and law enforcement immediately reaffirmed that acts of violence against Border Patrol agents will not stand: Now, therefore, be it

Resolved, That the House of Representatives expresses its condolences to the family and loved ones of Agent Robert Rosas and stands in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1745

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TONKO). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 508, de novo;

H.R. 2093, de novo;

House Resolution 675, de novo;

House Concurrent Resolution 159, de novo.

RECOGNIZING GENERAL AVIATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 508.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 508.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CLEAN COASTAL ENVIRONMENT AND PUBLIC HEALTH ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2093, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 2093, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONDEMNING TERRORIST ATTACK IN INDONESIA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 675.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 675.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE FIFTH ANNIVERSARY OF THE U.S. DECLARATION OF GENOCIDE IN DARFUR

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 159.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 159.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

STIMULUS PACKAGE SAVING AND CREATING JOBS IN CINCINNATI

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

Mr. DRIEHAUS. Mr. Speaker, if you want to see where the stimulus package is saving and creating jobs, come to Cincinnati.

Yesterday, the Department of Justice announced $17 million in grants for local law enforcement in my district. These grants will help local governments that are struggling to maintain services. But more than that, this funding is going to keep 66 full-time officers on the streets protecting the people of greater Cincinnati.

Some of my friends in this Chamber have said that the stimulus isn't working. Ask the 66 officers who will still have their jobs whether or not the stimulus is working. Ask their families. Ask people in the neighborhoods they are protecting.

Public safety matters, and the stimulus is working to keep our communities safe.

TRIBUTE TO AMBER AIMAR

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

Mr. ROE of Tennessee. Mr. Speaker, I rise today to honor a great American who also happens to be a member of my staff.

Mr. Speaker, we all know the vital role our staff members play in our individual offices and in the U.S. Congress as a whole. My scheduler and office manager, Amber Aimar, was instrumental in getting me, a new Member, off the ground and running. I found out firsthand that success of the first few weeks has a huge impact on the months to follow. We succeeded, and it was due in large part to Amber.

Amber has been essential to me, but her contributions have reached far beyond the confines of my office. Numerous times constituents have called with an urgent problem; and, because of Amber, they have found a solution that saved the day.

She began her career working with my colleague and friend, JOE WILSON from South Carolina. Amber was just as instrumental in South Carolina's Second District, and I was very fortunate to get her into the Tennessee delegation.

Amber and her husband, Allen, and their son Alexander are moving to Ohio. This move will begin a new chapter in their lives. We wish them only the best and look forward to their future success.

Mr. Speaker, we will all miss them greatly.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

STRUGGLES AND HARDSHIPS FACING KEY WEST, FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday, the host of ''The Today Show'' profiled Key West, a city in my congressional district. It is a city of natural beauty, coupled with a history that is quite unique. And while viewers were able to see the TV host ride rickshaws and tour many sites, such as Ernest Hemingway's home, and I am glad they featured my good friend from Key West, Tom Oosterhoudt, there is another side of Key West off of Duval Street that warrants attention.

While Key West is a great place to get a slice of key lime pie, it is also a city with high unemployment, high insurance rates, and one of the largest homeless populations for its size. According to recent numbers, the Florida Keys has over 1,000 individuals who are homeless. The reality is that off of Duval Street, there are struggling individuals and struggling families.

Thankfully, there are several noteworthy organizations which serve the Keys community with a selfless dedication to those at-risk individuals. One example is Samuel's House. This is a beacon of hope for those who need help.

Founded in 1985, Samuel's House provides a nurturing environment for homeless women and women with children. It also affords them resources that are beneficial to their physical, mental, emotional and spiritual well-being.

I had the privilege to meet with several staffers from Samuel's House this week here in D.C., and I heard the first-hand account from a mother whose daughter was saved due to the assistance and care provided to her by Samuel's House.

Samuel's House also runs Kathy's Hope, another Key West facility, which provides permanent housing for women who are chronically homeless and in recovery from alcohol and drug addiction. It is a safe haven where women can go through recovery while also remaining self-sufficient and pursuing their life goals to better themselves.

Key West is also blessed to have the Southernmost Homeless Assistance League, SHAL. Under the direction of Reverend Steven Braddock, SHAL is a community coalition dedicated to the special needs of people who are homeless or at risk of homelessness.

SHAL provides grants to shelters and organizations like Samuel's House so that they can continue their good work for all of us in the community. SHAL also provides housing assistance, medical assistance, substance abuse programs, and job training resources to at-risk individuals and their families.

I am grateful for the dedication and caring exhibited by their staff, and they deserve our recognition.

Another problem unique to the Florida Keys is one of housing. We have a problem with nonconforming downstairs enclosures. Through years of mismanagement and lax oversight by Monroe County and FEMA, many Keys homeowners built what they considered legal downstairs enclosures.

Residents with nonconforming disclosures are denied the ability to acquire flood insurance. In an area with a long history of hurricanes and other severe weather events, this is intolerable. Florida Keys homeowners are required to bear the price of mistakes made by the county and FEMA for structures that were issued permits and were legally constructed.

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This is a community which cannot afford the expense of renovating existing structures while they struggle to make ends meet week in and week out. While homeowners continue to struggle with onerous regulations, the issue of water quality is also a major concern for Key West and the entire Keys. The Florida Keys serve as the entry point to Everglades National Park. It's surrounded by the National Marine Sanctuary as well as one of the largest and most vibrant coral reef systems in the world. This is an area of national treasure; and as such, ensuring the cleanliness of the waters surrounding these important ecosystems should be a national concern. Since being elected to represent the Florida Keys in 2002, I have fought hard to bring Federal funding from Washington to the Florida Keys for its wastewater project. To date, the area has received more than $35 million in congressionally appropriated dollars. I am pleased to note that construction has already started throughout the Florida Keys. And yes, while more Federal funding is needed, I am thankful for the commitment made by Florida Keys residents and the elected officials to utilize existing Federal funds in the near term. The Florida Keys is an area of great beauty, but we must be aware that even in paradise, people go through struggles and through hard times. These hardships take many faces: an individual on the brink of homelessness, a homeowner who is unable to obtain flood insurance due to a downstairs enclosure, or a community worrying about the cleanliness of their water supply. These are some of the daily trials and tribulations that Keys residents sometimes face off of Duval Street.

Thank you, Mr. Speaker, for the time.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DENOUNCING THE ATTACK ON CAMP ASHRAF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to condemn the brutal attack on the residents of Camp Ashraf, Iranian exiles, by the Iraqi police forces. Yesterday I learned that Iraqi police forces are beating unarmed Camp Ashraf residents and that they have been brutally assaulting them. I have been informed that this attack has resulted in at least eight deaths and over 400 injuries. This beating of unarmed men and women is despicable, and my understanding is that the unjustifiable attack is still underway.

These Iranian exiles are unarmed today because they voluntarily surrendered their weapons to United States forces in exchange for a U.S. guarantee of their security in 2003. They are protected persons under Article 27 of the Fourth Geneva Convention. The attack on these unarmed persons violates not only international law but also basic human rights. The European Parliament, Amnesty International and other international organizations have expressed deep concern about the safety of these Iranian exiles. Furthermore, when United States forces withdrew from Camp Ashraf, the United States and Iraq signed an agreement that the Iraqi Government would guarantee their safety. The Iraqi Government is not keeping its promise, and it is not upholding its obligations under international law.

The Iranian dictatorship's fingerprints are all over this attack. The residents of Camp Ashraf are enemies of the Iranian regime. Camp Ashraf residents have been a vital source of intelligence information on the Iranian regime's nuclear, chemical and biological weapons programs and other important intelligence information. As a result, the Iranian regime, under the direction of the tyrannical so-called Supreme Leader, is putting immense pressure on the Iraq Government to hand over the Iranian exiles in Camp Ashraf. In a meeting on February 28 of this year, the Supreme Leader urged the Iraqi president to expel the Iranian exiles at Camp Ashraf immediately.

This incursion by Iraqi forces appears to be an ugly attempt by the Iraqi Government to appease the Iranian regime. They may even return these exiles to Iran. That would be a condemnable and cowardly act. In a public statement on August 28, 2008, Amnesty International expressed profound concern that those Iranian exiles would suffer torture and even death if they were forced to return. And as we've seen since the sham election on June 12 of this year, the Iranian dictatorship's deep hatred of those who oppose its cruelty and repression would mean almost certain death for the Iranian exiles and their families if they are repatriated to Iran. We must do everything in our power to prevent such an atrocity from taking place.

Already, the Congressional Iran Human Rights and Democracy Caucus, the chairman and ranking member of the House Committee on Foreign Affairs, the European Parliament's Friends of a Free Iran, the European Parliament's International Committee in Search of Justice and others have expressed deep concern over the treatment of Camp Ashraf residents at the hands of the Iraqi Government. Today Iranian Americans from around the United States have begun a hunger strike at the White House to demand that these attacks be stopped, that abducted Camp Ashraf residents be returned and that international groups such as the United Nations and the Red Cross who want to be able to get into Camp Ashraf be permitted to do so.

I call on President Obama to demand that the Iraqi Government immediately put an end to this attack. We must not stand by and allow physical aggression against unarmed Iranians in exile. We must stand with the Iranian pro-democracy activists, both in exile and inside Iran, who work for the day when the people of Iran can live free, free from fear and free from oppression. We must ensure that the protection that the Iranian exiles were promised by the United States is given to them and that this aggression cease.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DO NOT CUT THE PRODUCTION OF F–22 AIRCRAFT SHORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. The Obama administration and Secretary Gates have gone to great lengths to say that they want to stop the production of the F–22 for the Air Force. I have made a mistake. I have to admit, I have been reading some of the blogs on the comment board, and I am amazed at some of the shallow analysis of this particular decision. So since tomorrow we are going to be debating and discussing the Defense appropriations bill, I would like to take just a few moments today and simply talk about this issue, the F–22 and the Air Force, along four areas.

One is the military necessity for this plane; two and three are the ways we keep our air superiority, both by technology and the number of planes we have; and then finally, the priorities and what it says about this particular Nation.

Two years ago the military was unanimous when they came before our committees and said that we need 381 F–22s and that 250 put us at a moderate risk. Now today Secretary Gates will tell us we only need 187, not the 381 planes. One has to ask, what has changed? Has the threat this Nation faces changed? Or is it simply the political climate that may have changed? In the last 15 years, there have been 30 independent separate studies, all of which say the same thing: 243 is the minimum number of F–22s we need; and at that, our air superiority faces a moderate risk. Air Combat Command General Corley has written a letter saying he needs at least 243 planes, F–22s, and that his command was not consulted when the decision to cap at 187 was actually made. The Air National Guard General Wyatt has also written a letter to our colleagues in the Senate, saying he needs at least 243 to 250 F–22s. General Schwartz, Chief of the Air Force, has already publicly stated that 243 is the minimum we need; and when asked in front of our committee, Is 187, that particular number, a military decision of what we need or is it the political decision of what we can afford?, he simply said, It is what we think we can afford.

The bottom line is that nowhere has there been any study conducted to say that 187 is the correct number. In fact, that number has been contradicted. General Corley of Air Combat Command clearly said that with 187, the Air Combat Command could not fulfill its air force function. Is this a military decision? Does the military still want the F–22? And the answer is clearly, yes. Secretary Gates does not want the F–22. The 187 F–22s is a political, not a military, number; and the House, who has already voted to maintain the higher number should not back off in relationship to what the Senate has particularly done.

Let me go also to this concept of air superiority. The United States has had air superiority since the Korean War, and there are two aspects of that: technology as well as the numbers that we have. I hate to say this, but before I came to Congress, there were air games that the United States engaged in with the Air Force of India. We used F–15s. We didn't use everything at our disposal; but the only reason we won those air games is because of the ability of our pilots, not because we have the technology to do it. The technology level of the United States, as good as the 15 and the 16 airplanes are—which are 30 years old—is that we still have the same technology advantage as a third-world Air Force. The F–22 moves us forward in that technology debate. However, just having the technology doesn't work if you don't have the numbers. The Russians are already building their fifth generation, and they are scheduled to build about 600 of their next-generation fighters. They will only keep about 350 for themselves. You have to ask the logical question, What will they do with the others? They will sell them. And where will they go? The bidders right now are countries like Venezuela and Iran, countries that are not necessarily friends of ours, but countries that could become a problem with this new generation of fighter that they buy from the Russians.

We have been told that the F–35 is enough for what we need. However, the F–35 is not a replacement for the F–22. And the problem is, we won't even get an F–35 under the best of circumstances before the year 2014, and there is some indication that it may be the year 2016 before that takes place. We are in a situation where this administration clearly puts $5 billion in programs like ACORN but doesn't want to put $2 billion to continue the production of the F–22, vital to the defense of this particular country.

Is this plane expensive? Yes. Is this plane militarily required? Yes. Is it useless? No. Is it a Cold War element? Well, actually, almost everything we have is a Cold War element. We just simply try to improve them as time goes on. What we are dealing with now, Mr. Speaker, is simply the concept that we are dealing with what we need in the next 15 to 20 years. And in that particular situation, the F–22 is what we need for the future defense of this country.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–235) on the resolution (H. Res. 691) providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECOGNIZING THE ANNIVERSARY OF THE ENACTMENT OF MEDICAID AND MEDICARE

The SPEAKER pro tempore (Mr. SCHAUER). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as we continue with the debate surrounding health reform, I wish to take a moment to recognize the anniversary of the enactment of Medicare and Medicaid into law. Since July 30, 1965, when Lyndon Johnson signed the bill creating these fundamental health initiatives, these two programs have evolved together to reliably meet the demands of aging and medically vulnerable Americans who may not have had access to medical attention otherwise. Medicare and Medicaid currently provide a lifeline to over 100 million Americans. In my district, I can attest that Medicare and Medicaid serve as an indispensable safety net for many constituents. The Seventh Congressional District of Illinois includes some of the most medically underserved communities in America. Census data show that 24 percent of families and 44 percent of children under 18 live below the poverty line. In fact, some communities on Chicago's west side experience infant mortality rates comparable with third-world countries. In the State of Illinois, 14 percent of all residents are enrolled in Medicare and 19 percent in Medicaid. Clearly these government health programs provide vital health care coverage to Illinoisians when almost one-fifth of the State is covered by Medicaid and one-sixth by Medicare. Indeed, Illinois' mothers and children are the biggest beneficiaries of Medicaid. This Federal program finances 40 percent of total births in Illinois and helps ensure that over 1 million children in Illinois receive access to affordable health care. It is this commitment to our citizens that drives Congress to work actively for comprehensive health reform. We must provide a public option within that reform. Further, we must continue to support and expand community health centers as outstanding deliverers of primary care. These providers are proven to reap solid benefits to our patients, communities, and State and local governments in terms of efficiency. For example, Medicaid beneficiaries relying on health centers for usual care were 19 percent less likely to use the emergency department than Medicaid beneficiaries using outpatient and office-based physicians for usual care. Overall, health centers save the health care system between $9.9 billion and $17.6 billion annually, a figure that will grow.

I acknowledge the tremendous step that Lyndon B. Johnson took 44 years ago when he signed the Medicare and Medicaid bills into law as titles XVIII and XIX of the Social Security Act. We must continue to make use of these programs because they have served us well and will continue to do so.

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

(Mr. GRAYSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING OUR BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BILBRAY) is recognized for 5 minutes.

Mr. BILBRAY. Mr. Speaker, on the 23rd of this month, Rosalie Rosas watched her husband go off to work. She stayed at home with Robert, her son, 2, and Alesa, an 11-month-old baby, thinking that the next morning her husband, Agent Rosas, would be back at home with the family. Sadly, that wasn't to be.

Agent Rosas was in the Campo area of southern California serving a nation that he looked forward to serving for so long; a young man who had grown up in the Imperial Valley area, had served as a reservist, always looked forward to being a Border Patrol agent. While alone, he detected individuals crossing the border. Somewhere in the process of confronting the illegals crossing the border, Agent Rosas was murdered by those illegals.

Mr. Speaker, Agent Rosas' situation, and more importantly, the situation of Rosalie and the two children, is something that all Americans should remember, that there are Americans every day that are not only defending this country far, far away, but there are agents every day and every night that stand on the border, stand in ports of entry or throughout this country, standing up and defending this country from incursions from across the border and from foreign lands.

Agent Rosas died in the service of this country, was murdered in the service of this country, and Rosalie and the two kids will never be the same, and neither should this country.

Mr. Speaker, there are Border Patrol agents today that are in the sweltering heat of Yuma, Arizona, across the Texas frontier, that confront smugglers every day from New Mexico to San Diego. And they do not know which one of the individuals they are confronting, if it's just an innocent illegal who happens to not realize that you can't come into this country illegally anymore, somebody that may not mean harm but is being brought in by vicious, terrible smugglers who not only smuggle illegals, but smuggle drugs. That agent doesn't know if the person they're confronting is going to surrender or draw a firearm and kill him immediately.

Agent Rosas was shot in the head and killed. But he was able to wound one of his assailants, and the assailant later was detected as far up as northern California, and he was arrested there. With the cooperation of Mexican officials, we were able to apprehend individuals in Mexico.

But I think that more important than talking about the crime that was committed at our border—something that I think all Americans should have known was coming when we've seen the violence that has occurred on the other side of the border for far too long—Americans should have known this violence was going to cross over, while we continued to turn a blind eye to the illegal activity along our border, because it just wasn't politically proper to raise the issue that crime and violence is occurring along our frontier.

No, the thing that I would like to remember tonight is that Agent Rosas is just one of many that are out there in the terrible heat of the summer, the terrible cold of the winter, through rain and sleet and snow and whatever it takes to do their duty, and doing it in a nation that tends not to recognize their true service.

Mr. Speaker, we use the word ''hero'' a lot of times in this country and, sadly, we use it too often instead of using the word victim. But there is a big difference, Mr. Speaker, between a victim and a hero. A victim is someone who is at the wrong place at the wrong time and suffers for it. But a hero is someone who willfully puts themselves in harm's way at the wrong time and suffers for it. And I do not think we should, as a society, ever forget the difference between a victim and a hero.

Agent Rosas is a true hero, somebody who served this country. And we should all remember, as his services are held this week, that his services are in recognition of not only his sacrifice and his family's sacrifice, but of the sacrifice of men and women around this country that defend us along our borders.

I think it goes without saying that all of us in Congress want to send out our heartfelt sympathies to Rosalie and Rob and Alesa for their great loss and their great contribution by losing their father. I hope we all remember that there are fathers and mothers around this country that we ought to appreciate while they're alive and not just honor them when we lose them.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

(Mrs. BACHMANN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FORBES) is recognized for 5 minutes.

(Mr. FORBES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

(Mr. OLSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, I appreciate your recognizing us on a very interesting and important topic, something that I believe that anybody who pays much attention to what is happening in Washington, D.C., is quite aware of. That is the subject of health care, something that impacts every single American in our country, affects our budget, and affects our family members, and is something of great interest.

I would like to start tonight by just backing up, though, about 4 weeks or so to this very Chamber that we are meeting in, that we are talking in today. It was here, during a day that we were debating a bill that was called cap-and-tax, and it was the largest tax increase in the history of our country.

Now, what happened right before that was of interest because at 3 o'clock in the morning a 300-page amendment was passed to an 1,100-page bill. And as we were debating this bill on the floor, because of the speed with which the Democrats moved we didn't even have a copy of the bill on the floor. You are supposed to have a copy at least so in case somebody wants to check a fine point, they could read it.

Of course no one had read the 1,100-page bill. And certainly what was happening right behind me at the dais, we had good staff people hurriedly trying to put those 300 pages of amendments

in the 1,100-page bill, and we are debating a bill and there's no copy on the floor. And the thing was passed without, as I recall it, a single Republican voting for it, and Democrats all voted for it.

Now, the public doesn't like it when we pass bills that we don't know what's in them or haven't read them, and we've been embarrassed a number of times this year by that same process. Why do you pass a bill that people haven't had a chance to read or don't know what happened in the dark of night, or the amendments?

Mr. HOEKSTRA. If the gentleman will yield?

Mr. AKIN. I do yield to my very good friend from Michigan. Please jump in.

Mr. HOEKSTRA. I thank my colleague for yielding. But I think the issue that we see in front, that you've highlighted with the cap-and-trade bill, actually begins much earlier in the new Congress and the new administration. It was only the second day of the new administration when the President indicated that we are going to close Gitmo, we are going to close Guantanamo. He announced a whole series of task forces that were going to evaluate and present a plan as to how this was going to happen.

The first thing is, you don't set a deadline without a plan. And the President is now finding out that perhaps he got out in front of himself because a couple of the task forces were supposed to report within the last couple of weeks, and they've missed their deadlines. And the reason they've missed their deadlines is that they started looking at closing Guantanamo—an objective that President Bush had before him—it's like, whoa, this is more difficult than what we thought, and we may not be able to do it. So we had an objective without a plan. And I'm not sure what's going to happen here, but we may get to the same point where we get to January of 2010, and we won't be able to accomplish it.

Then you go again, before cap-and-trade, $787 billion in a stimulus plan that was rushed through the House, rushed through the Senate, made its way to the President's desk, and he signed it. And here we are now, what, 4 months——

Mr. AKIN. And just reclaiming my time for a minute, that was the stimulus plan, as I recall—was that the one that had the special bonuses for insurance executives and it was a finger-pointing deal as to who put this in in the dark of night?

Mr. HOEKSTRA. It is. And we're trying to find out exactly who put it in. But it was $787 billion, and I think the promise was something like, this is going to ensure that the unemployment rate will not exceed 8 or 8.5 percent on a national basis. We are now at 9.5 percent; in Michigan we're at 15.2 percent. The money is going out a lot slower than what people anticipated. It's going to a lot of questionable projects that we are now starting to find out where this money is going. It's $787 billion on the backs of our kids and our grandkids. We now, last month——

Mr. AKIN. This is exactly the same bill, just to put this in perspective, this is a bill that if we didn't pass it, we might see unemployment at 8 percent, right? Is that the same bill?

Mr. HOEKSTRA. That's right. It's the same bill.

Mr. AKIN. Now unemployment is whatever it is, 9 something.

Mr. HOEKSTRA. 9.5 percent. And I believe next week we will see a new number, and it will probably be somewhat higher.

But we've seen higher unemployment numbers than what was promised under this bill. We see people questioning whether the bill is working or not. It's being spent out slower than what people expected it to be spent out. And last month, at the end of June, think about it, we have, for the first time, exceeded $1 trillion for a deficit for 1 year.

And then we hurry through and we do cap-and-trade, which, again, you can argue about the bill, but it was passed. And it wasn't passed in the middle of the night—although 350 pages of it were inserted in the middle of the night. And now we are in this mad rush to pass health care. And every day we're hearing about there is going to be this new markup or that new markup. And this affects 16 to 18 percent of the U.S. economy, and it is going to be done without a full hearing.

Mr. AKIN. Just reclaiming my time, what you're saying is pretty incredible. What you're saying is a bill that we've been working on for some number of weeks that is going to put the government in charge of all of health care in America, basically the government is going to be taking over, what is it, just under 20 percent of the U.S. economy——

Mr. SCALISE. Would the gentleman yield?

Mr. AKIN. I do yield to my friend from Louisiana.

Mr. SCALISE. And I appreciate my friend from Missouri yielding.

Of course when President Obama brought that stimulus bill and he said that this would stave off the unemployment rate that was approaching 8 percent—of course now at 9.5, approaching 10 percent—added $800 billion to our national debt, a real offshoot of that stimulus bill since the President passed his stimulus bill, 2 million more Americans have lost their jobs. And so we see more people unemployed, in large part because of this big-government approach like the stimulus bill, then that cap-and-trade energy tax that they brought, and now we see this health care bill.

I'm on the Energy and Commerce Committee. We were supposed to have another meeting tonight to take up amendments to this proposal by President Obama and Speaker PELOSI to have a government takeover of health care—a devastating approach to really addressing the problems that we can address in a very specific way instead of this government takeover. But now they're short on votes, and they're definitely having problems getting the votes, which is, I think, in large part because Americans across the country have started to see some of the details of this bill, and they realize how bad of an approach it is.

Just the other day when they canceled the vote on the House floor that was supposed to occur this week, you saw the stock market actually take off. So American families out there who have retirement accounts and pension funds actually saw an increase, not because of the policies of this administration working, but because Americans finally saw that some of this Big Government approach, this government takeover of health care, actually is in trouble, and that's what really got the economy back going again. So I think you can see their approach is actually hurting the economy instead of helping the economy.

And so I yield back to my friend from Missouri.

Mr. AKIN. Reclaiming my time, in summary, then, we've just been taking a look at the last 6 months—and it has been a scary 6 months—but we've seen a pattern. We've seen a pattern of rushing to spend a tremendous amount of money, or rushing to tax the taxpayers a whole lot, without letting people be aware of what's in the bills. And we've had a pattern of a lot of fiscal mistakes.

□ 1830

We have a pattern of an unprecedented level of spending and taxation. But there is also the pattern of doing it in the dark of night, and that's what I wanted to get to on this health care thing.

What I would like to do is let's talk a little bit about whom do you want to keep in the dark on this? Who would naturally be opposed to a government takeover of health care? That's where I would like to go, because I think a lot of people are interested. Well, hey, if I were a congressman or how would I want my congressman to vote or what's my position on this? Well, there are a lot of groups of people that are be going to be affected very seriously by this government takeover of health care, and I think that's what we need to talk about.

I yield to my good friend from Michigan.

Mr. HOEKSTRA. I would put forth the premise that maybe we should just set health care aside for a period of time and take a look at this $800 billion that we have put on the backs of our kids. I mean, if we have committed to spending $800 billion to stimulate the economy and it's not working——

Mr. AKIN. Unemployment is still going up

Mr. HOEKSTRA. Unemployment is still going up. Maybe Congress ought

to stay in session, and rather than taking a look at another massive program that we're not sure whether it's going to work or not—I am not saying health care reform is not important. It's essential. It's vital that we do it, but—

Mr. AKIN. How you do it is important.

Mr. HOEKSTRA. How we do it is important. But let's step back. Maybe Congress ought to stay in session for the month of August, and rather than doing another half-baked idea, let's take a look at this stimulus program worth another $800 billion——

Mr. AKIN. Fix the other four or five half-baked ideas we've already started.

Mr. HOEKSTRA. And finish the half-baked ideas that we have started.

Too often we think here in Washington that if we pass the bill, we have solved the problem. In the business community, if you get the agreement from the board of directors and say, okay, PETE, you've got the approval to move ahead with this new product launch. We are going to invest $2 million to build this product to do the marketing campaign, and you just kind of walk away from it and say, well, I guess I have that one done. No. What the board of directors would ask you is, by the way, we are investing $3 million, $4 million, $5 million on this. We want an update every quarter. As a matter of fact——

Mr. AKIN. So we passed the stimulus bill. The purpose is to make sure that we don't have unemployment and that we've got plenty of jobs. And here we are, whatever it is 4, 5 months later, and the board of directors, which is the public, is saying we're at 9 percent unemployment, which is a conservative number, and rising, and you guys just spent whatever it was, almost $800 billion, to make sure this doesn't happen.

Mr. HOEKSTRA. You spent $800 billion of our money, the public's money, to deliver a result of 8 percent unemployment or less. You're clearly missing the targets. Maybe you ought to go back and reevaluate, and reevaluate the $800 billion rather than talking about a second stimulus package which is going to spend even more money.

Mr. AKIN. The funny thing is that these are not Republican targets. These are not our targets. This is the President's target. He's saying 8 percent if you don't give me the stimulus. He gets the stimulus bill and now it's 9.

I yield to my friend from Louisiana.

Mr. SCALISE. Back in Louisiana there's something called the ''rule of holes.'' And what the rule of holes says is if you find yourself in a hole, the first thing you do is you stop digging. And here they are. They brought this bill, the stimulus bill, $800 billion of debt for our children and grandchildren that's actually led to increased unemployment. Clearly their approach didn't work, as many of us predicted it wouldn't. You would think the first thing they would do is say, okay, yes, that was something that they did wrong. Maybe we should go look at some of these Republicans who put alternative ideas on the table and suggested and maybe we'll look at their ideas. And instead they talk about spending even more money. In fact, the Vice President just 2 weeks ago said that they need to keep spending even more money to keep from going bankrupt, as if anybody can make any sense out of that. But then they filed this bill to propose a government takeover of our health care system.

And I want to show you right here, this is a depiction of the actual organizational chart of their proposal.

Mr. AKIN. That actually looks like a structure that will——

Mr. SCALISE. If you look at this, I think—and, clearly, we have reforms that we need to make in our health care system. Commonsense ideas like allowing portability so if somebody leaves a job, they can take their health care with them, or removing the discrimination against preexisting conditions. I don't think it's fair that if somebody gets cancer that they can literally be discriminated against in their health plan. We addressed that in our proposals. Unfortunately, what they proposed is this new system where they have dozens of new bureaucracies.

Mr. AKIN. I hate to interrupt, but I've got this chart up here and you've got that chart up there, and the two charts aren't the same. Even though I don't like reading complicated charts, it's obvious to me there's a red box on your chart that isn't on my chart. This is my understanding of the Democrat proposal for health care, to take over 20 percent of the economy. And this is very much of a simplified chart of what is being proposed. When the government takes something over, they have got an awful lot of different things to connect. And yet your chart has got this big red box on it. I would like you to explain where that thing came from.

Mr. SCALISE. I think the gentleman from Missouri makes a very important point. We put this chart together based on their bill, the bill that President Obama, Speaker PELOSI, and many of the other liberals who are running Congress put this bill together, proposed a government takeover of heath care. They create all these new dozens of bureaucracies.

I think the most important relationship in health care is that relationship between the patient and the doctor. And look at what their bill does to create dozens of new Federal bureaucratic agencies that come in between the doctor and the patient.

So when we put this chart together to actually show what their bill does, the Speaker censored this document, literally said we can't send this out to the public.

Now, I'm holding this up because I have the ability because we're here on the floor, but I, by the rule of the Speaker, can't even send this to my constituents back home. People want to know what their bill does, and they're trying to censor that information from being shown to the public. But the public is figuring it out anyway, and they see dozens of new bureaucrats. A health care czar that can ration care.

Mr. AKIN. Reclaiming my time, what you're saying goes to a little bit more even than the health care debate. We are talking about the right to free speech. What you just said, as a Member of the U.S. Congress from the State of Louisiana, if you'd like to communicate to your constituents a flowchart of the bill that the Democrats proposed, they will not allow you to do that, and if you were to send that to them, they would make you pay for the thing personally. Is that what you're saying?

Mr. SCALISE. That's exactly what I'm saying. I represent about 650,000 people in Southeast Louisiana, people who are starting to look at the details of this bill, and they don't like what they see because what they see is government bureaucrats in Washington telling them which doctor they can see or even if they can get a medical procedure and the ability by this new health care czar that you can't even see because it's censored by the Speaker to ration care——

Mr. AKIN. Reclaiming my time, you're getting at the very heart of what I want to talk about today, and that is there's a reason to censor something, because you don't want somebody to know something. There is somebody who is not going to like this bill, and you just told us one of the groups.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. AKIN. I would like to yield to my friend, who is actually the top guy in the Intelligence Committee. We need to pay attention to him, my good friend Congressman HOEKSTRA.

Mr. HOEKSTRA. I think one of the things that we need to be a little careful about, we keep talking about ''the bill.'' And being a member of the Energy and Commerce Committee, you know very well that the bill that you have today may be very different than the bill you will see tomorrow if you mark it up because there are all these negotiations going on behind closed doors, very limited groups, that by the time you start working on this bill tomorrow, it may be a very, very different bill than what you think it is today.

So not only is it this bureaucracy, but it is something that is very much in flux, out of the public eye, and you may have to vote on that bill coming out of committee, which is going to be probably very different than what you're looking at right now, by what, maybe Friday?

Mr. SCALISE. I sit on the committee, and yet I'm not even privy to these discussions, these secretive backroom discussions that are going on. This is coming from the administration that said they would be the most transparent in history.

In fact, on this health care bill just 2 weeks ago, we had a hearing with the head of the Congressional Budget Office talking about the cost of the bill. This is a bill in its current form that adds over 240 billion more dollars to our national debt, and we're concerned about the cost. We had the head of the Congressional Budget Office come to our committee to talk about the cost.

Mr. AKIN. I need to reclaim my time again. You're going awfully fast for us.

The first thing you said was if you don't like government bureaucracy and you don't want a government bureaucrat between you and your doctor, then you probably don't like this flowchart. You want something a little simpler where it's you and your doctor making the health care decisions.

You also said if you're worried about fiscal responsibility, you're not going to like this bill, too. That's another group, because you're worried about the government spending. This thing here, even when they try to use every gimmick in the book, it's over a trillion dollars more spending. So if you're worried about that, you don't like it.

I would like to recognize my friend from California. You've been dealing with this chart, and if you could share it, because you've gotten into the details.

What are we trying to hide here?

Mr. DANIEL E. LUNGREN of California. I don't know.

I appreciate the gentleman's using my chart up here because we have tried to work this out with the majority. In the past on the Franking Commission, we have attempted to allow Members to be involved in vigorous and full debate but not put out what would be considered campaign material. And all of a sudden, the goalposts have been moved on us.

Now, this may not be of interest to the average citizen except for this fact: What we have presented is what we believe to be a reasonable interpretation of the bill as we know it now.

Now, I do know that there was mentioned just a moment ago by the gentleman from Michigan, before he left, that we're talking about ''the bill,'' and that can be a bit of a moving target. In fact, I just left my office and there was a group of reporters hanging around outside my office, not for me, but for a meeting, they said, of the Progressive Democrats. They used to be called liberals. They are now Progressives, who are concerned about what the Blue Dogs are asking for on the Democratic side, and so maybe there will be some changes from what we've seen.

But this is an accurate portrayal from our standpoint of the bureaucratic morass that will result from the grand outlines of the bill as articulated by the President and as presented by the Democratic leadership in the House of Representatives.

And so they objected to this diagram and basically censored it, as we said, because, first of all, they said we called it the House Democrat plan. First of all, they said it wasn't true, and now we have shown that it is a reasonable interpretation of the facts. Secondly, they said there wasn't enough attribution there, and we suggested that it very clearly states that this is developed by the Republicans. Then they said, well, wait a second. You say it's the Democratic health plan but not all Democrats support the health plan. So if they would give us the list of those Democrats they have not yet been able to corral to support it, we'd be happy to talk to those individuals.

Mr. AKIN. Reclaiming my time, you've used a couple of terms that I think some people might not be as familiar with. You talked about a thing called the Franking Commission.

Mr. DANIEL E. LUNGREN of California. Yes.

Mr. AKIN. The Franking Commission is a group of Republicans and Democrats that meet together, and when you're going to send a piece of mail to your district or do something using government money to do the printing and mailing, it's an agreement that what's going to be there is going to be at least reasonably accurate. It's not a political piece and you're not slamming, but you're trying to simply communicate some information.

Mr. DANIEL E. LUNGREN of California. Yes. We've done things in the past by limiting the number of references you can make to yourself. There are only so many times you can mention your name or say ''I,'' and that's so——

Mr. AKIN. Reclaiming my time, the idea is to have kind of a fair standard so people can communicate with their constituents. We think of it as the First Amendment, just speaking to your constituents.

Mr. DANIEL E. LUNGREN of California. Of course, I have only been here 15 years, but in my 15 years, spread over 30, I have not seen this happen before.

Mr. AKIN. Where something was censored.

Mr. DANIEL E. LUNGREN of California. Well, it's censored. And when you compare it with those things that we have approved on the Democratic side, we had the controversy over President Bush's recommendations to try to, as he saw it, save Social Security and make some recommendations for it. They very strongly criticized the President's package in terms that I would disagree with, but we on the Republican side on the Franking Commission did not say you cannot say that because we don't like the way you said it. When they talked about the prescription pharmacy section of Medicare, the new section that came in, we approved of news letters that went out on the Democratic side that criticized the President's plan and said it didn't do what was needed to do for seniors. They called it the Republican majority plan. And yet they object to our calling this the Democratic plan.

You know, I have said when I first came to Congress, there was something raging at that time called the cold war, and it just reminded me of something in the cold war. There is a word we don't see in the lexicon anymore. So I went and looked it up and tried to make sure people understand what it is. It's called ''samizdat,'' s-a-m-i-z-d-a-t. And samizdat is defined as a system in the USSR and countries within its orbit by which government-suppressed literature was clandestinely printed and distributed.

Now, what does that mean? That means those who were known as refuseniks at that time, those who were in disfavor, to say the least, with the government were not allowed to publish anything that could be handed out, whether it was charged for or not. So the freedom underground, if you will, went and had their own printing and they would clandestinely put these things out so that they could get their message of free speech.

□ 1845

So my suggestion is that maybe we re-title our particular—and call it American Samisdat. We're the freedom fighters here, trying to express what we believe to be a reasonably intelligent analysis of a bill that's presented to us, which is going to affect 18 percent of the economy of the United States, which is going to, if it is enacted, forever, at least for our lifetimes, cement the relationship you will have with your doctor and the relationship that government will have in that. And our argument has been that that chart precisely shows the interference of the government which will exist between you and your doctor with some 50-plus organizations, agencies, task forces, czars, bodies of different types.

Mr. AKIN. We've been joined, as you note this evening, by my good friend, Congressman BISHOP, and I'd like to recognize him and let you jump in here in just a minute.

Mr. DANIEL E. LUNGREN of California. But he has no charts.

Mr. AKIN. Well, but he maybe has a couple of ideas about your charts, gentleman. I yield.

Mr. BISHOP of Utah. This is one of the few times I am here without charts, and I feel totally naked on the floor. I apologize for that. But I also appreciate the chart that was here and any effort that you can get to maybe publicize that because it speaks to the problem that we have if, indeed, this kind of expansion of the government takes place.

That chart is the reason why the Federal code of our laws cover 35 volumes, one-sixth of which is about the Federal regulations and bureaucracy, but the Federal regulations is a 200-volume document, and why it has grown from John F. Kennedy's time of 15,000 words to 77,000 words; why Kennedy was able to appoint within 2 months about 300 officials that ran the bureaucracy.

For George W. Bush, it took him almost a year because he had to do 3,300 officials appointed, having been subjected to advice and consent from the Senate. We are expanding this thing enormously. And in this particular project, because my committee, unfortunately, spent 20 hours going through the organizational part, most of the questions that our side had of how this plan worked was, we will have to work that out. Somehow, the new commissioner will solve that problem.

Let me just give you one example, and you can play with this one. In this plan is supposedly a position of a new national ombudsman whose job is to meet with individuals to help them work through their health options. However, the law says that this ombudsman must speak in a linguistically appropriate manner. Now, my problem was, what is a linguistically appropriate manner? It's not defined anywhere in the pages that are in that bill. It's someone's poetic idea of being politically correct. But when you don't have definitions, it opens us up to lawsuits galore. And, once again if we, as Congress, don't take the time and the ability to solve these problems and answer these questions, some bureaucrat, in this case the commissioner, is going to be able to make more and more regulations. And that's why the bureaucracy is sometimes called the unelected faceless people in Washington because there is no interface between people and the bureaucracy.

Mr. AKIN. And, gentleman, just reclaiming my time, what you've just said to us is, again, when we take a look at why do you want to keep this thing secret, why would you want to censor it, why would you want to tell us we couldn't send a flow chart out, part of the reason is because when the American public sees things like that there are going to be people who get worried about it. They're going to vote ''no,'' particularly every single one of us that some day is going to get sick and we're going to want a doctor to help us, and I'm not sure that we really want to have somebody going in between in the government, some part of this organization, second guessing the doctor the way the insurance companies do too much in our own day.

So if you really like your doctor/patient relationship, then this thing is bad news. That's why they're wanting to censor it. Do you believe that's right, gentleman?

Mr. BISHOP of Utah. I believe it's so. But I will tell the gentleman from Missouri that at least when they are interfering with your doctor, they will do it in a linguistically appropriate way.

Mr. AKIN. A linguistically appropriate way.

Mr. BISHOP of Utah. That gives me confidence.

Mr. AKIN. In other words, if you're like I am, an old geezer at 62 years of age, and you need a new hip the way I do, they're going to say, we're putting you out to pasture; take a few pain pills. But they're going to say that in a really nice way, though, at least. So I hope it's linguistically appropriate, but my hip's still going to be sore anyway.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield for just one moment? I just wanted to make one reference. I talked about the Cold War a minute ago. It also reminds me what Ronald Reagan said when he was negotiating with the Soviet Union and they asked for trust. And his response was trust, but verify. And what we're here to do is to be the verifiers for the American people. We're being asked to trust the bureaucracy to deliver medical care without interference. We're here to verify whether that is or is not true. And to deny us the opportunity to provide, in a very easily understood way, the information that undergirds this tremendous bureaucratic morass is unworthy of this place.

We ought to be able to debate it vigorously, and the American people ought to expect that we are looking out for them, rather than for some formless bureaucracy that's going to take on dimensions that we can only imagine today.

Mr. AKIN. We've been joined this evening on the floor by a couple of very distinguished Congressmen, a couple of my very good friends, the gentleman from Texas and also the gentleman from Indiana. I'm going to recognize the gentleman from Texas who seems like he's got really something he's got to say. And I'll go right back over to my good friend, Congressman PENCE from Indiana, highly respected on the floor, for your perspective on this.

Mr. GOHMERT. I appreciate the gentleman yielding, because in the discussion about what's linguistically appropriate, and the discussion about how political, supposedly, it is, how politically inappropriate to have a chart that lists all the levels of bureaucracy that the new bill is going to propose and how they think it may be a bit too political to say that it's government-run health care.

Mr. AKIN. Just reclaiming, gentleman, what you just said, I think, is another censored phrase, government-run health care. We're not allowed to say that. And our constituents say, why don't you say something more? And they're telling us if we print ''government-run'' health care, then we can't, then we have to pay for the mailing out of our own pocket. Isn't that weird?

Mr. GOHMERT. That's what they're saying. But I just went and printed this off Speaker PELOSI's own Web site, and I apparently need help with what's linguistically appropriate. This is on the official Speaker's Web site under the title, ''Honest Leadership and Open Government.'' The first sentence is, the culture of corruption practiced under the Republican-controlled Congress was an affront to the idea of a representative democracy, and its consequences were devastating.

Now, I have a little trouble, and I'm glad I'm here with such bright minds, including our wonderful chairman of our conference. But how is it a little bit too political to use government resources to say the words government-run health care, but it is entirely appropriate for the Speaker of the House to say the culture of corruption practiced under the Republican-controlled Congress was an affront to the idea of representative democracy, and its consequences?

But that's not all. Led by the House Democrats on the other hand, and apparently this is not considered political, this statement, House Democrats have acted to make this Congress the most honest and open Congress in history. Well, besides being factually wrong, that's——

Mr. AKIN. But you've got to be up at 3:00 in the morning to hear what's going on in committee.

Mr. GOHMERT. Yeah. Let me just read another statement. With honest leadership and open government, America's leaders can, once again, focus on the needs of the American people. So that's as political, it seems to me, as could be.

Mr. AKIN. Reclaiming my time, you're talking about honest leadership and they're saying, as they take a look at this incredible flow chart, they're saying that if you've got a good relationship with your insurance company and your doctor and you like what you have, you can keep what you have. And yet listed in the bill is specific language that says you can't. That doesn't seem to me like they're following what the Web site says.

I'd like to recognize our conference chairman. Maybe you could get us out of this morass, gentleman, because we're a little confused between the politically appropriate language which seems to be okay for Democrats but not for Republicans to call this a Democrat health plan. But I yield to my good friend from Indiana.

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

Mr. PENCE. First, let me commend the gentleman from Missouri (Mr. AKIN) for his yeoman's work in bringing these important discussions to the floor of the House of Representatives. Judging from YouTube, it appears people in Missouri are pretty interested in the subject of health care reform. And not surprisingly, in the ''Show Me State'' there seems to be a fair amount of skepticism out there about it. I'd like to speak to this whole business of government takeover, but I won't take more than just a couple of minutes of the gentleman's time.

First, let me say emphatically to anyone that might be looking in, Mr. Speaker, House Republicans support health care reform. We've been calling for health savings accounts to be greatly expanded to small businesses around this country for years. We've been calling for association health plans that

would allow people to pool together resources around the country, the way Federal employees do to purchase private health insurance.

We've been talking about trying to end the age of defensive medicine by allowing for the adoption of medical malpractice reform in this country. All these kinds of changes, we believe, would reduce the cost of health insurance, reduce the cost of health care in this country in the long term. What the Democrat plan, even as it's being modified at this very hour, continues to include is a government-run insurance plan that would lead to a government takeover of our health care economy, paid for with nearly $1 trillion in tax increases.

Now, I saw the President of the United States today on the television giving a speech expressing, with a rather uncharacteristic passion, his frustration with two things, and I wanted to speak to those in the few minutes that I have. First, the President said no one wants to have a government takeover of health care. Well, I don't doubt the President doesn't want it to happen, but there's something about bureaucracy that when, it is unleashed in certain ways, it takes over areas of our economy. It's an unbroken truth of the history of governments around the world that unchecked, unlimited government expands.

And whatever the President's intention, the reality is that should this government create a government-run insurance option to so-called compete with the private sector, that government option would compete with the private sector the way an alligator competes with a duck. It would consume it. And most Americans know that. Now, the other thing the President had a problem with—

Mr. AKIN. Just reclaiming my time a moment, what you just said is mirrored—just a week or so ago we had about 1,100 pages of the bill. I started reading it and it said the commissioner shall, we go to another page, the commissioner shall, and we had page after page, the commissioner shall do this, the commissioner shall do that. It may not be his intention to have the government run it all.

He could have called it the czar. We had some discussion whether it's a commissioner or a czar or a commissar. We weren't sure what. But anyway it was one after the other pages. That's what the bill says. And just to your point. Sorry to interrupt. I yield back.

Mr. PENCE. Well, I thank the gentleman for yielding. But let me say, the other point the President expressed was that some of us, and some independent organizations were trying to scare the American people by suggesting that if the government introduces a government-run insurance option, that you'll lose your health insurance. But the Lewin Group, which has been praised by Republicans and Democrats over the years, actually estimated 114 million Americans would likely lose their health insurance if the Democrat health care plan and the administration's plan were actually to be adopted.

But why is that? Now, to be perfectly fair, the President did make the point today at the podium that nothing in this plan will make people give up their private insurance. And I want to grant that point, Mr. Speaker, for anyone that might be looking in. That's not really the point, though.

What the administration and some of our colleagues fail to understand is that as soon as Uncle Sam offers health insurance, a government health insurance for every American employee for free, there's almost no employer in America who's not going to sit their employees down during this worst recession in 25 years and say something like, look, I love you; we appreciate your being here, but we're trying to keep the lights on and the doors open at this business, so you know what? We're going to cancel the health insurance that we have through this company, and we're going to send you down to Uncle Sam to apply for it.

□ 1900

That's why the Lewin Group, which is an independent organization, and common sense should tell the American people, if the government introduces an insurance program to compete with the private sector, tens of millions of Americans will lose the health insurance they have.

So, whether it's the intention that we have a government takeover, the fact is, if we insist, as the Democrats in Congress and the administration are, on a government option, even with the tweaks they're putting around the edges, it will result in a government takeover, because tens of millions of Americans will be relegated to that new government program.

That's why I really believe that we have to oppose this program, that we have to scrap this government takeover with its $1 trillion tax increase and that we have to start over and come around to those bipartisan solutions that Republicans are prepared to work on today.

I yield.

Mr. AKIN. I really appreciate the gentleman's points that have been made here, explaining the fact that one of the people who is not going to like this is somebody who has an insurance policy that he likes, because when the government offers something for free, one can bet that what's going to happen is that the insurance policy is going to go away.

Now, it isn't as though the ideas that are being advocated in this bill are particularly new. They've been tried in other places. Here is one. Massachusetts tried. Basically, everybody has to have insurance, and the government is offering health care. What was the end result? I mean we don't have to reinvent the wheel. We see that what happened was, first of all, Massachusetts took a huge hit financially, and health care access is down because patients have to wait 70 days to see a doctor in Boston.

So, first of all, it is the typical red tape in government. You've got to wait in a line, but what's more, it costs a whole lot of money to wait in line because now your health care costs in Massachusetts are 133 percent more than what the average is. So it's not like we haven't tried this before. It has been tried; yet we're going to want to try and do the exact same thing.

It has been tried in other places. It was tried over here in Europe. We can take a look at that. What happens with cancer? I happen to be a cancer survivor. I'm not a wizard doctor; I'm not even a wizard economist, but I know a little bit about cancer because I survived it.

I see my good friend from California. If you'd like to jump in here, we'd be delighted to yield you time.

Mr. DANIEL E. LUNGREN of California. Yes.

I would like to just follow up on what Mr. PENCE said, which is, if you are concerned that there is the possibility that a public option will lead to a government takeover, you need look no further than at what happened with the student loan program.

The student loan program has a government option, but what is happening now with this Congress and with this President? We are eliminating the private option, and we're going totally to the public option, which now becomes a public monopoly.

Mr. AKIN. Can you get a private student loan now or is it that, basically, you can't get them anymore?

Mr. DANIEL E. LUNGREN of California. The way we are phasing them out, you will not be able to get those. They will be, basically, the Federal student loan programs.

Mr. AKIN. So it's like Henry Ford and his car. You can get any color you want as long as it's black.

So the only kind of student loan you're going to get is a government student loan because we've basically chased the private sector out.

Mr. DANIEL E. LUNGREN of California. Well, we do have a Member on the other side of the aisle, a distinguished Member on the other side of the aisle, who in a townhall meeting admitted that this is going to lead inevitably to a public takeover of health care, and he said, yes, that is a good thing.

Mr. AKIN. A lot of them are quite happy with the idea of socialized health care. They acknowledge that.

Mr. DANIEL E. LUNGREN of California. You can't use that word.

Mr. AKIN. I'm not allowed to say ''socialized''? Socialized. Socialized. Socialized.

Mr. DANIEL E. LUNGREN of California. You can't say it in print.

Mr. AKIN. Oh.

Mr. DANIEL E. LUNGREN of California. We're not allowed to say that.

We're not allowed to say it on our particular chart of the Democratic health plan. We've been told that that is not allowed if we're going to print it and send it out to our constituents.

The last thing I would just say is this: Look, I happen to be the son of a doctor. My dad was my hero growing up. I used to go on house calls with him. I'd make rounds with him. I thought I was going to be a doctor until, as I like to say, God sent me a strong message during my sophomore year at Notre Dame called ''organic chemistry.''

Mr. AKIN. Organic chemistry. As an engineer, I feel your pain, my friend.

Mr. DANIEL E. LUNGREN of California. But I never lost the sense of service that my dad had as a doctor. From my observation of the way he practiced medicine, he taught me that the doctor-patient relationship was paramount. I heard him many times on the phone, arguing on behalf of a patient with somebody who was employed by the insurance company. I heard him arguing with hospitals. I heard him arguing with nurses if he didn't think they were doing a great job. I heard him praise the nurses when they did a great job for his patients. I heard him praise the hospital.

His whole focus was on his patients. He was not only his patients' greatest diagnostician, and not only the greatest doctor they could have, but he was their greatest advocate. That's what I don't want to lose in this or in any other plan.

Mr. AKIN. I think you just put your heart right on what this debate is about.

Mr. DANIEL E. LUNGREN of California. I don't want the government to be my advocate. I want my doctor to be my advocate. I want my family to be my advocate. Listen to what the President said in that interview on television when asked about the 100-year-old woman.

Mr. AKIN. Go through that again.

Mr. DANIEL E. LUNGREN of California. The 100-year-old woman, who was an extraordinary person with great verve in her life, who also had tremendous health, needed a pacemaker. Her doctor thought she should have it because he knew her. He called a specialist who would actually do the implantation of the pacemaker, but he was skeptical. He said he wasn't going to do it on a 100-year-old lady.

He said, Just meet her. Examine her.

He examined her, and his position was changed. She received it at 100. She is now a very active 105-year-old.

It was presented to the President, and it was said, Mr. President, will my 100-year-old mother still be able to have a pacemaker?

The President gave a long, long convoluted answer. At the end, he said this: It may mean that, instead of some sort of surgical procedure, we will give your mother painkillers, pain pills.

Mr. AKIN. What we're really talking about—and this isn't politically correct. I guess I've never learned that very well. We're talking about government-rationed health care, aren't we?

Mr. DANIEL E. LUNGREN of California. Here is the deal. If you're concerned about cost, you can do it in one of two ways to limit cost: competition or rationing.

Now, competition has some premises involved in it. One of them is that we need greater transparency. There's no doubt about it. We need to know what it costs with certain doctors or charges. We need to know, when we go in the hospital, what the infection rates are. It's those sorts of things. Competition from doctors and competition from medical health care providers and from insurance companies will give us tremendous options so that we can make the decision, and that tends to keep costs down.

In a government system, when you have a monopoly, there is only one way you keep costs down. It is called rationing. If you don't believe it, look at England; look at Canada; look at France; look at all of those other systems.

Mr. AKIN. Reclaiming my time, gentlemen, that's what I'd like to do because I have a chart here.

I would also like to recognize my good friend from Texas, Congressman GOHMERT, who is noted, actually, for being, in spite of his humble demeanor, really an expert when it comes to knowing how to phrase things in a tactful and direct kind of way.

Mr. GOHMERT. Well, I appreciate the gentleman for yielding.

I'm still perplexed. Since Republicans are not allowed to comment on anything that's a governmental resource, and so I am wondering, if we phrase in any mail-out or on any Web site, if we say that the Democrat-controlled Congress is taking the Nation in the wrong direction and that too many Americans are paying a heavy price for those wrong choices, including paying record costs for health care, I'm wondering if that would be something that would also be found objectionable for its being a little too political.

I'll yield to find out what you think.

Mr. AKIN. It seems like the basic principle should be to respect your other colleagues and, at the same time, to also tell the truth. It sounded like what you said would be my idea of what the truth is, but then I may not pass the political correctness test.

Let's take a look at this.

Mr. GOHMERT. If the gentleman would yield, let me just say that that's on the Speaker's Web site in the reverse, meaning the Republicans took the Nation in the wrong direction, and too many Americans are paying a heavy price.

So, anyway, it sounds like, if Republicans said that about Democrats, as my friend says, it's probably true, and it would be politically inappropriate under the Franking determination, but it's okay if the Speaker does it, apparently.

Mr. AKIN. I'd like to take a look, though.

You were just talking about there being different ways to control costs. One of them is, when the government does it, they ration health care or they make various decisions to keep costs down. Here is the result of a comparison. These are 5-year survival rates for all different kinds of cancers.

This is the European Union average. They all have socialized medicine. I guess they do call it ''socialized medicine.'' Here is the U.S. system, which at least is, largely, more of a free enterprise system. It's the beige.

Now, if you'll take a look at these different kinds of cancers, one of the things that you'll notice is that the survival rates are a whole lot better in the U.S. than they are with these socialized systems, and I don't think that that's a coincidence. It's just a fact that free enterprise works a lot better than socialism does.

The particular cancer I had here was called ''prostate cancer.'' Let me see if I can see where it is. Here is ''prostate'' down here. You've got the survival rate in the United States at 90-something percent. Back over in Europe, it's only at 78 percent. I'll tell you, if I were to have prostate cancer, which I had, I'd want to be treated in America. That's what I'd want.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield for just a moment.

Mr. AKIN. We know that, for the British, for the European Union—in England—this is a 50 percent number.

Now, if I were sick, you could talk to me all you want about the government's giving me free health care, but it wouldn't do me any good if I were dead. This shows you what happens when we go to a government-run system.

I would be happy to yield to my friend.

Mr. DANIEL E. LUNGREN of California. This points out vividly the difference between a system where competition exists and where a monopoly by government exists. Where a monopoly by government exists, inevitably to attempt to try and control costs, you have to impose rationing. That's why you have these variations of survival rates among cancer patients, because they are not getting the care in those other countries that we get here, and they're not getting the care in a timely fashion.

Mr. AKIN. Timeliness. You know, in cancer, they always say, if you can diagnose it early, your probability of success goes up. As for that timely thing, you know, I think the socialized medical system says, We'll give you a free C-section, ma'am, as long as you're willing to wait 12 months.

Mr. DANIEL E. LUNGREN of California. Well, I happen to be someone who had a hip replacement about a year and a half ago. Under the rules that prevail in at least one of those countries, I would not have been able

to have it because I'm not 65 years of age. Had I needed it when I was 80, I would have been too old to get it. They have defined by age the category of people who can receive that operation. It's not just a limitation on time, on how long it's going to be.

The point is, if you look at our younger generation today and look at how active they are in certain sports, with repetitive actions affecting their joints, we are going to have younger people being in need of the replacement of joints—of knees and hips. That runs precisely contrary to what you see as being available in these other countries. That's why this debate is so important.

If, in fact, as we believe, the plan presented by the majority would inevitably lead to government-run health care, these are the consequences. That's why we ought to be able to debate that. They can argue with us and say, No, it's not government-run. We can argue how we believe it is, but at least we ought to be allowed to have that debate so that people can see what the consequences of our actions here in the House are on them and on their personal lives.

Mr. AKIN. I yield.

Mr. GOHMERT. Thank you for yielding.

I wanted to have time to ask my friend from California: Do I sense there is a concern that, if someone with the Federal bureaucracy had seen you move athletically before the hip replacement, they would have said giving you a hip would have been wasted?

Mr. DANIEL E. LUNGREN of California. Only a Texas Aggie would ask that question, and I will take that as a rhetorical question that needs no response.

Mr. AKIN. Well, gentlemen, I would call your attention to another colleague of ours, Congressman ROGERS, from Michigan.

He told the story the other day of when he was, I believe, 18 or 19 years old and had bladder cancer. Now, his doctor didn't know that, of course. He had some blood in the urine. He went to his doctor, who had known him and who had known his family for some period of time. The statistical probability of his having bladder cancer at that age was almost nothing. Yet, because he had that relationship with his doctor, she didn't let it go.

It was just like your father wouldn't, my friend.

She didn't let that thing go. There was something about her intuitive sense of knowing there was a problem there. They checked it out, and found out that he had bladder cancer. He's a Congressman now. This was some 40 years ago.

□ 1915

But you know when you have these statistics saying it just fits in this category, he held up a calculator and he said, There's nothing in this government calculator that knows anything about health care. All it is is some government agent running statistics.

There was a guy from Canada that I just read about, and he was younger than you are. He was in his fifties, and the Canadians said, You can't have a hip replacement. You're too old. So of course he used the option. He came to America and got it—the free enterprise system.

My good friend from Texas.

Mr. GOHMERT. And I do appreciate you yielding. And obviously I was being facetious and perhaps rhetorical for my friend from California because the point is no government bureaucrat should ever be able to look at any American and say, I don't think you ought to get this treatment. I don't think you ought to get this surgery. That is the last thing you want is the government intervening.

And what has really gotten outrageous and got my attention is when we got the latest numbers we could for 2007 and the total amount of Medicare and Medicaid tax dollars spent and you divide it by the number of households in America, it's about $9,200, over $9,200 per household. You look at what President Obama is proposing. CBO says it will be between $1 trillion and $2 trillion, $1 trillion to $1.6 trillion? You divide just a very conservative amount of that by 117 million households that are estimated right now in America by Census, and you have $10,000 more per household for every household in America they have to come up with to pay for this plan on top of the $9,200 in Federal tax dollars they are paying now.

Mr. AKIN. Let's do this again. Every single household in America is going to get hit with an additional $10,000 per household to make this transition to a socialized medical system that produces this kind of result? Is that what you're saying?

Mr. GOHMERT. That's on top of the $9,200 average per household in America right now. Around $19,000 per household.

Mr. AKIN. Here's something that I think is kind of amazing. Take a look at this statement. This was an amendment that was offered to the Democrats' health plan: Nothing in this section shall be construed to allow any Federal employee or political appointee to dictate how a medical provider practices medicine.

Now, I would say I think that's something that a lot of my constituents would say I don't want some bureaucrat telling some doctor what he can and can't do to take care of me. Take a look at the vote when this was done in committee. This was an amendment that was proposed by Dr. GINGREY. He spent his life going to medical school and taking care of patients. And look at the votes. Republicans, 23 votes saying we don't want to put a bureaucrat between you and your doctor, and zero voted against this, of the Republicans. Of the Democrats, only one Democrat voted for this amendment and 32 of them voted against that.

Now, I think a lot of people on Main Street America think why can't we just get along as Republicans and Democrats and just solve problems. But this is a very fundamental difference between the two parties, isn't it? This is what we've been talking about. Do we really want a Federal bureaucrat? And what they just voted to say was we think that in order to control costs, you're going to have to let some government bureaucrat make those decisions and tell a doctor and a patient that they can't get the care.

Mr. DANIEL E. LUNGREN of California. This makes about as much sense as the Vice President's recent statement that in order to avoid bankruptcy, we have to spend more Federal money.

Mr. AKIN. That's not intuitively obvious, in order to avoid bankruptcy, we've gotta spent more money.

Mr. DANIEL E. LUNGREN of California. And the President is basically telling us, by entering the Federal Government in the largest way in the history of the United States into medical care, it is going to cost less and provide more accessibility.

And I think that is—well, what I'm finding from my town hall meetings, my teletown halls, my discussion with people back home, they're not buying it because they know it just doesn't seem to make sense. Just as the gentleman has pointed out on this amendment, if in fact they're not going to put anything between you and your doctor, why would they reject an amendment that says just that?

Mr. AKIN. With only one exception of one Democrat, a straight party-line vote saying we want to put Federal employees between your doctor and you as a patient.

This is pretty serious stuff. This is very serious stuff to me. Because as I said, when I came to Congress, I had a poor health care plan. I came to Congress and found out there were some Navy doctors in this building, and those Navy doctors gave me a physical. I felt bulletproof and everything at 52. I found out that I was bulletproof and doing great except one little detail: I had cancer. And the fact that they discovered that and were able to get treatment without some bureaucrat taking that away from me, that's why I'm alive today.

I can understand why people are going to be very, very cautious entering some government-run plan that produces results for people, something like what the European Union is doing.

I yield to my good friend from Texas.

Mr. GOHMERT. Our time has expired, and I appreciate being a part of this. This is too serious to let the bureaucrats control people's lives.

Mr. AKIN. I thank you very much. I thank my many good friends who've joined us here for this discussion. I think many understand it's a very serious issue. It's better to go slow and get it right and don't mess it up as we have some of the things that have been passed at 3 o'clock in the morning.

WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 60 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise today to continue to ask the question, where are the jobs?

Well, I can tell you where they're not. They're not in my district in southern Ohio because I just got an announcement on Monday night that really shocked me and made my blood boil. I found out that the Department of Energy was going to strip away thousands of jobs in my district.

Now, I just want to give you a little background. Ohio is one of those States that has high unemployment. We're the seventh highest in the Nation. But when you look at my district, what you see is I've got really high unemployment in my district. In fact, two of my counties, Pike and Adams, have over 15 percent unemployment. Scioto County has almost 13 percent unemployment. Much higher than the national average, even higher than our State average of 11.2 percent. So we really need jobs. We need them badly.

And what has occurred to me is that I think there must be a disconnect with the administration and the President. Let me go back and explain what's going on.

I have a facility in my district in Pike County, the county that has 15½ percent unemployment, called the American Centrifuge Plant, and this represents a very early use of commercial—use of new technology that would significantly reduce emissions of air pollutants and greenhouse gasses.

The United States Enrichment Corporation, called USEC, is deploying American Centrifuge technology to provide the dependable, long-term, U.S.-owned and developed nuclear fuel production capability needed to support the country's nuclear power plants, nuclear submarines, and a robust nuclear deterrent.

Mr. Speaker, we have dozens of nuclear power plants in this country that all require nuclear fuel. And we have a Navy who, as I speak, is sailing in every ocean across the globe. And we have weapons of mass destruction that will become a useless deterrent without fresh tritium.

Without the American Centrifuge Plant, in 5 years' time, we will have no ability in the United States to enrich uranium to keep our lights on, our ships at sea, or a deterrent potential.

In 5 years, we will be forced to purchase uranium from foreign suppliers as we do with most of our oil. I don't want to depend on foreigners for this kind of product.

The American Centrifuge Plant holds great promise. Unfortunately, in order to meet this promise, USEC needed a loan guarantee from the Federal Government. Now, I want to repeat that. It needed a loan guarantee from the Federal Government. You see, USEC has already invested $1.5 billion and has offered another billion dollars of corporate support. It did this with the expectation that the Department of Energy would make available a $2 billion loan guarantee needed to finance the full-scale deployment of the American Centrifuge Plants.

Now, I want to refer to this chart here. Why were they so confident in that? Well, you see on September 2, 2008, when President Obama was running for election, he wrote a letter to our Governor, Ted Strickland. This is the full letter so you can see it. I'm not taking it out of context.

He said, Under my administration, energy programs that promote safe and environmentally sound technologies and are domestically produced, such as the enrichment facility in Ohio, will have my full support. I will work with the Department of Energy to help make loan guarantees available for this and other advanced energy programs that reduce carbon emissions and break the tie to high-cost and foreign-energy sources.

This is what this letter said.

So you understand that USEC was very, very confident that they were going to get that loan guarantee. But instead, on Monday night, the Department of Energy really pulled the rug out from all of us. I got a phone call asking me to call the White House, and I learned Monday night that the Department of Energy was going to withdraw its promise and they were actually asking USEC to withdraw its application and to try it again in 18 months.

I was actually told on the phone that if they did that, then the Department of Energy would give them $45 million, $30 million, and another $15 million if they would rescind this. And that kind of shocked me.

The next day it also shocked the folks at USEC because, you see, they had this letter that the President had given to our Governor, Ted Strickland, that said those loan guarantees would be given.

Mr. Speaker, the American Centrifuge Plant currently supports more than 5,700 jobs and will help create 2,300 more within a year of commencement of the loan-guarantee funding. That's 2,300 additional jobs to my district.

Now, because the Department of Energy has contradicted a promise that our President made in September of last year to our Governor and to those men and women in this area of the State, those jobs are in jeopardy. And I was on the phone with one of my constituents earlier today. Pink slips are being given out at the USEC plant.

The Department of Energy has told the media the reasons for their denial were threefold: the cost subsidy estimate, a new requirement for another $300 million of capital, and the questions of technology.

Well, the first question offered by the DOE is a little laughable. It turns out that the government isn't really backing these loans. Instead, the Department of Energy is charging a risk-of-failure fee to each of the folks that agrees to back the loans. These fees are pulled together to eliminate any risk to the taxpayers that actually have been given a loan guarantee.

They determined that the fee for this loan would be $800 million on a $2 billion loan. So USEC is supposed to come up with $800 million on a $2 billion loan. I don't know about you, but in my neck of the woods, we call that like loan sharking.

The second reason for denying the guarantee is a new need to set aside an additional 300 million for contingencies. Well, I can think where you and I see that that is headed. After the risk premium is paid, apparently USEC still has to come up with more money to make the Department of Energy feel more comfortable about giving these loans.

□ 1930

But the last question, I think, is the most surprising, because the last reason is one where they say they have got technical questions, and this is the one that is the most absurd of all, because, quite frankly, this technology is out there. France is using it, England is using it. Would it surprise you to know, Mr. Speaker, that Iran is using it?

But what I found most disturbing is that the Department of Energy hired a technology expert, as required by law, and they went through the technology and wrote a long report, and in fact the guy ran back to give it to the Department of Energy on Tuesday. That was the day after the Department of Energy made their decision. They made that decision on Monday night. They made it without any regard for the report they were relying on for this very important project.

It is not just a project, Mr. Speaker, that continues to help the folks in my district. And it is important to me, because, Mr. Speaker, this is my district, and these are my folks and these are my friends. I have become friends with these people.

This is the part of my community that doesn't have a lot of job opportunities, and they welcomed this job opportunity. They embraced it. And I believe that the President believes in this project, as he stated on September 2, 2008. But I think there must be some sort of disconnect with the Department of Energy.

There is a chart here, and I would like to go through the chart a little bit again so we can clearly understand what is going on.

The issue: credit subsidy cost estimated by the DOE to be $800 million. Well, let me be a little clearer. The estimate was never provided in writing. The methods of calculation were never disclosed or explained. An $800 million subsidy cost is not reasonable. I think it is outrageous, given USEC's fully

collateralized $1 billion parent guarantee, standard credit, and, yes, yield exposures of $24 million to $74 million based on credit ratings of C to BB-minus and assets recoveries of only 20 to 30 percent of the cost.

The DOE calculation clearly ignores the value of $1.5 billion invested by USEC to date and another billion of non-project collateral offered by USEC, consisting primarily of natural and enriched uranium inventories.

The second issue, an additional need for $300 million of additional capital. USEC offered a legally binding capital commitment, which DOE agreed met statutory and regulatory requirements.

USEC's fully collateralized $1 billion parent guarantee designed to permit loan to commerce while USEC raised additional equity while fully protecting the taxpayers. USEC's financial adviser stated that with the loan guarantee, $100 million to $150 million of capital could be raised in the public market. USEC has commenced discussions with strategic suppliers to obtain vendor financing for the balance.

And the final, the technical readiness of American Centrifuge Technology. The DOE LGPO concluded that ACT was not ready to move to commercial scale operations prior to receiving the independent engineer's written assessment. The independent engineer had only been working for 12 days when DOE acted. DOE was scheduled to review the classified independent engineer report on July 28, and the DOE representative traveled to Tennessee to do so, unaware of the LGPO's decision the night before.

American Centrifuge is based on technology which DOE initially developed in the 1970s and the 1980s and subsequently operated it for 10 years. USEC-approved centrifuges have been operating in the Lead Cascade for over 225,000 hours. The DOE has acknowledged that USEC met the milestone under the 2002 agreement between DOE and USEC, which requires obtaining satisfactory reliability and performance data from Lead Cascade operations, the last requirement to be met besides obtaining financing prior to commencing commercial plant construction and operations.

Mr. Speaker, I don't understand what is going on here, I don't think that this body understands what is going on here, and I am not even sure that the President even understands what is going on here with the Department of Energy.

But I am very confused. More than that, I am very outraged because I believe that we have to have energy independence, but we also have to have security for this Nation. Energy independence depends upon a variety of sources of energy, including nuclear power, but you have to have the stuff to make that nuclear power. In 5 years, we will no longer be the people that are producing the stuff that it takes to make that nuclear power. That is why this project is so important, not just for the 2,000 jobs that will be lost.

Mr. SPACE, can you join me here today? One of the other folks that is affected is my very good friend from a district right across from me, ZACK SPACE.

ZACK, I just laid out what has gone on with the Department of Energy. I have laid out the fact that our President promised that the Department of Energy would give out these loans to Governor Strickland on September 2. I have laid out what I think is a disconnect between the Department of Energy and our President, because I just truly believe the President wants to make good on this promise. I have laid out the impact it has to your community and my community in southern Ohio and also to our security across the Nation.

So, whatever you would like to add, I welcome you to the discussion.

Mr. SPACE. I thank the gentlelady. I appreciate the work that you have done in bringing attention to this very important issue. There are a couple of things I would like to speak about, and I will be as brief as I can.

Mrs. SCHMIDT. Take as much time as you want, ZACK. It is fine with me.

Mr. SPACE. First of all, what is happening in Appalachian Ohio, in fact what is happening in Appalachia America, is the same thing that John Kennedy drew attention to in the early 1960s when he visited Appalachia. He drew attention to poverty and hopelessness, suffering, a lack of infrastructure, a lack of opportunity. I think it is very important not just for you and I to understand this, we do, JEAN, but for our President and the Department of Energy and the American public in general to understand that many of those same needs that Kennedy identified so many years ago still exist.

This Piketon facility has the potential to help breathe new life into a large region in southern Ohio, a region where unemployment rates now are typically on a county-by-county basis reaching 16 percent; a region in which poverty rates in some of those counties exceed 30 percent; a region where families, working families, men and women, have to take their children to soup kitchens to eat. This is happening in America; this is happening in southern Ohio.

The second thing I would like to point out is this is our future. We have heard so much about the promise afforded by energy-related jobs, the new economic sector in our economy that I believe holds so much potential, so much potential to put people back to work, to provide good wages, to allow families to buy homes, send their kids to college and save for retirement. This project falls squarely within the promise afforded by that new economic sector.

I would like to take this brief moment that you have so graciously allotted me, JEAN, to urge the Department of Energy to reconsider, to look at this situation as one which can provide hope to many Ohioans, many Americans who don't have it right now.

I commend you again for bringing attention to this matter, to advocating for it with the passion that you have, and I pledge to work with you moving forward as we do everything we can to bring vibrancy back to the economy of southern Ohio.

Mrs. SCHMIDT. May I ask you to engage in a little conversation on this. I think it is very important, Mr. Speaker, to note that Mr. SPACE and I, while our districts do connect, we are from different sides of the aisle, and yet I find oftentimes there is as much agreement on both sides of the aisle, far from the rancorous debate that occurs on some of the issues that folks might hear.

This is an issue that is very important to not just me, but to ZACK SPACE as well, because we understand Appalachia. We understand the needs of this community and how when you lose a job in this community, it is so hard to get it back. It is not like other communities, where when you lose one, in time it can be replaced. When you lose one in this part of the world, it doesn't get replaced.

Do you agree, ZACK?

Mr. SPACE. JEAN, I see it and you see it and we all see it far too often where we allow ourselves to be separated by a political divide. This aisle that runs between us now is nothing but an empty space, and when we talk about things like this project, we are not talking about what is right for Democrats or what is right for Republicans, what is right for those who are liberal versus those who are conservative. We are talking about what is right for America.

I think not just in this case, but in all cases we should explore every opportunity to bridge that divide, to forget about the party politics, whether it is energy or health care or job opportunities, like we have here. All of us need to strive much harder to overcome those ideological differences, find common ground and work for what is right for this country.

Mrs. SCHMIDT. Mr. SPACE, I have been reminded that we are on the House floor, and my apologies that I didn't refer to you as Congressman SPACE or Mr. SPACE and talked to you as we do off the floor in a friendly tone. So now I will refer to you as Mr. SPACE.

But you and I agree on this. I think, Mr. SPACE, you will also agree about the importance of this not just to our community, but to the Nation. We need to have uranium enrichment in order to develop nuclear energy in order to keep our lights on in this country. And I don't think you and I want to rely on getting this product from a foreign nation.

We rely too much on getting our oil from foreign governments. We don't want to rely on foreign governments for this, which is so important to keeping our lights on, to our Navy, to our ability to keep the bad guys out of the United States.

Mr. SPACE. I thank the gentlelady for bringing up such an important subject, and that subject is one of national security. There are a lot of different components that go into what makes us strong as a country. Certainly the size of our Army, the money and the resources we allocate to military defense are very important. But perhaps there is no greater ingredient to our national security than developing right here at home within our borders energy independence. We have as a nation waited far too long to aggressively address this issue.

I think many of the painful votes, if you will, many of the divisive issues, many of the arguments that we have on this floor of this great House are happening right now because we have as a nation waited far too long to address the issue of energy independence.

The gentlelady and I are both old enough to remember what it was like in this country back in the early 1970s when OPEC first formed its embargo on oil. It was like a slap in the face to our country. Suddenly, and without warning, we found ourselves almost wholly dependent upon not just other nations, but other nations who meant to do us harm, for something so fundamentally important as our energy needs.

As we look back today to 35 years ago, almost 40 years ago, we think of this: What if, what if we would have done the right thing and aggressively pursued energy independence? What if we would have approached that issue like this Nation has with other issues in the past, the Manhattan Project, the Apollo project, where failure was not an option? What if we had done that?

I will tell you, we would not be having the debate, we would not be having the struggles, we would not be having the problems with our foreign relations. We would not be having nearly the problems we are experiencing today with our economy if we had done the right thing.

Now is the time to act. This project fits perfectly with what should be all of our priorities, and that is an aim toward energy independence.

□ 1945

Mrs. SCHMIDT. I totally agree with my good colleague and friend from Ohio. The time is now. I remember the seventies. I remember standing in line—because I was the even day, and my friends were the odd day—to get gasoline. We can't do that again. You and I have seen the price of gasoline last summer be twice the price that it is this summer. Thank heavens it's lower, but we can't afford the opportunity for them to put the squeeze on us and on our economy. While this isn't going to remove our dependence on foreign oil, this project is going to remove our dependence on using oil for things that we don't need to use it for.

That's why we need a total comprehensive energy policy. It has to include nuclear, and we have to have not just the technology but the stuff that it takes to make that technology happen. All I can say is, this project, the American Centrifuge Plant, is producing the uranium enrichment that we need; and if we don't allow this project to go forward, in 5 years you and I are going to be standing here screaming at the well because we're going to be beholden to France or England or another country for this uranium enrichment that we so sorely need right now.

I am so thankful that you are joining me in this fight. I don't know what we can do besides calling the Department of Energy, maybe asking our friends to call the Department of Energy, maybe asking our friends to call the President. I don't know what else you and I can do. But I'm going to fight until we can fight no more, and then I am going to continue on.

Mr. SPACE. In yielding back to the gentlelady, my friend and colleague from Ohio, I would submit that we have taken one very important step in moving in that direction, and that is by ridding ourselves of our partisan bonds and working together in a common cause. You and I both know that oftentimes we do not agree on the issues, but this is one where we can find common ground. Let this be not just the beginning of a rectification of a wrong in southern Ohio with respect to USEC plants, but the beginning of a new relationship, a new day in American politics where Democrats and Republicans work together in solving not Democratic problems, not Republican problems, but American problems.

Mrs. SCHMIDT. I thank the gentleman. I just want to say, Mr. Speaker, that I believe we can work across the aisle. I have seen us work across the aisle on other issues. This one is a very, very important issue. I am not going to belabor this point too much longer, but only to say that if we don't act now and ask the Department of Energy to reverse its course, this isn't just something that's going to put a further blight on my district, my good colleague Mr. SPACE's district and the rest of Appalachia and Ohio, but this is going to really put a cloud across our economic security, our national security and our Nation. The Department of Energy can go back. They can look at the technical data, which they didn't do when they issued their decision. They can go back and look at what they're asking USEC to cough up and recognize what USEC has already put on the table. They can go back and understand that the President made this promise to our Governor on September 2. They can go back, and they can do the right thing because it's not just the right thing for my community, Mr. SPACE's community or Ohio. It's not just the right thing because our President made a pledge to our Governor. It's the right thing for our Nation.

I yield back the balance of my time.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, JULY 16, 2009, AT PAGE H8269

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. KAGEN. Mr. Speaker, I ask unanimous consent to withdraw my cosponsorship of H. Res. 648.

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

There was no objection.

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.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following members will be recognized for 5 minutes each.

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 Ms. TITUS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today and July 30.

Mr. FORBES, for 5 minutes, July 30.

Mr. OLSON, for 5 minutes, today and July 30.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. BILBRAY, for 5 minutes, today.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 19. Joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

ADJOURNMENT

Mrs. SCHMIDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, July 30, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenamidone; Pesticide Tolerances [EPA-HQ-OPP-2008-0458; FRL-8423-8] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dichlormid; Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2005-0477; FRL-8422-2] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2870. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ethylene oxide adducts of 2,4,7,9-tetramethyl-5-decynediol, the ethylene oxide content averages 3.5, 10, or 30 moles; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0710; FRL-8425-7] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2871. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerances [EPA-HQ-OPP-2008-0556; FRL-8420-6] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2872. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — N,N,N′,N″,-Tetrakis-(2-Hydroxypropyl) Ethylenediamine; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0130; FRL-8429-3] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2873. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium monoalkyl and dialkyl (C6-C16) phenoxybenzenedisulfonates and related acids; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0665; FRL-8421-7] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2874. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium N-oleoyl-N-methyl taurine; Exemption from the Reqirement of a Tolerance [EPA-HQ-OPP-2008-0725; FRL-8426-8] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2875. A letter from the Secretary, Department of Defense, transmitting authorization of 7 officers to wear the authorized insignia of the grade of major general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

2876. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2877. A letter from the Asst. Secy. for Communications & Information, Department of Commerce, transmitting the Department's final rule — State Broadband Data and Development Grant Program (RIN: 0660-ZA29) received July 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implemention Plans; Rhode Island; Correction of Effective Date Under Congressional Review Act [EPA-R01-OAR-2008-0796; A-1-FRL-8930-2] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revision to General Air Quality Rules and the Mass Emissions Cap and Trade Program [EPA-R06-OAR-2007-0905; FRL-8931-1] received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Minor Amendments to the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8422-7] [EPA-HQ-OPPT-2005-0049; FRL-8422-7] (RIN: 2070-AJ48) received July 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2881. 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, Alabama: Birmingham 1997 8-Hour Ozone Contingency Measures [EPA-R04-OAR-2008-0592(a); FRL-8937-2] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Qualtiy Implemntation Plans; Iowa; Update to Materials Incorporated by Reference [FRL-8933-5] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2883. 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; Nebraska; Update to Materials Incorporated by Referance [FRL-8933-4] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2884. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-0296; FRL-8936-6] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2885. A letter from the Chairman, Nuclear Regulatory Commission, transmitting proposed legislation authorizing appropriations for FY 2010, pursuant to 42 U.S.C. 2017; to the Committee on Energy and Commerce.

2886. A letter from the Assistant Attorney General, Legislative Affairs, Department of Justice, transmitting the Department's report on the use of the Category Rating System during calendar year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

2887. A letter from the Director, Regulatory Management Division, Enviromental Protection Agency, transmitting the Agengy's final rule — Acquisition Regulation: Guidance on Technical Direction [EPA-HQ-OARM-2007-1115; FRL-8935-6] (RIN: 2030-AA96) received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2888. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Contribution Elections and Contribution Allocations — received July 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2889. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's Draft Strategic Plan for 2009 through 2014; to the Committee on Oversight and Government Reform.

2890. A letter from the Chair, Election Assistance Commission, transmitting the Commission's final rule — Reorganization of National Voter Registration Act Regulations [Notice 2009 — 17] received July 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

2891. A letter from the Chair, Vice Chair and Commissioner, Election Assistance Commission, transmitting the Commission's reports entitled, ''The Election Data Collection Grant Program Evaluation'' and ''The Impact of the National Voter Registration Act (NVRA)'', pursuant to Omnibus Appropriation Act for FY 2008 HAVA Section 802; to the Committee on House Administration.

2892. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 0809121213-9221-02] (RIN: 0648-AX96) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2893. A letter from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area [Docket No.: 080521698-9067-02] (RIN: 0648-XQ01) received July 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2894. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Spiny Dogfish; Framework Adjustment 2 [Docket No.: 090129076-9926-02] (RIN: 0648-AX56) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2895. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2009 [Docket No.: 090211163-9795-02] (RIN: 0648-AX69) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2896. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final

rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Closure of the Pacific Whiting Primary Fishery for the Mothership Sector [Docket No.: 090428799-9802-01] (RIN: 0648-XP82) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2897. A letter from the Deputy Assistant Administrator of Operations, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 16 [Docket No. 0808041045-9796-02] (RIN: 0648-AW64) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2898. A letter from the Deputy Assistant Administrator of Operations, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications Modification [Docket No. 090421699-91029-02] (RIN: 0648-XO74) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2899. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Deepwater Grouper Commercial Fishery [Docket No.: 040205043-4043-01] (RIN: 0648-XP56) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2900. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area II Scallop Access Area to Scallop Vessels [Docket No.: 071130780-8013-02] (RIN: 0648-XQ05) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2901. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule — Fisheries of the Exclusive Economic Zone off Alaska; Greenland Turbot, Arrowtooth Flounder, and Sablefish by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XP97) received July 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2902. A letter from the Major General, AUS (Retired), Deputy Executive Director, Reserve Officers Association, transmitting the Association's Report of Audit for the year ending 31 March 2009, pursuant to Section 16, P.O. 90-595; to the Committee on the Judiciary.

2903. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Summer 2009 Fireworks, Coastal Massachusetts [Docket No.: USCG-2009-0422] (RIN: 1625-AA08, 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2904. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on Niagara, Niagara River, North Tonawanda, NY [Docket No.: USCG-2009-0110] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2905. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Southside Summer Fireworks St. Clair River, Port Huron, MI [Docket No.: USCG-2009-0478] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2906. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sigma Gamma Fireworks, Lake St. Clair, Grosse Pointe Farms, MI [Docket No.: USCG-2009-0477] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2907. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: San Clemente Island Northwest Harbor August and September Traninig; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0522] (RIN: 1625-AA00) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2908. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York [Docket No.: USCG-2009-0045] (RIN: 1625-AA01) received July 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2909. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Mile 460.0 to 470.5, Cincinnati, OH [Docket No.: USCG-2009-0310] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2910. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Summer Nights Fireworks; Mission Bay, San Diego, California [Docket No.: USCG-2009-0268] (RIN: 1625-AA00) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2911. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Twin Falls, ID [Docket No.: FAA-2009-0253; Airspace Docket No.: 09-ANM-2] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2912. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Montrose, CO [Docket No.: FAA-2009-0042; Airspace Docket No. 09-ANM-1] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2913. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Port Clinton, OH [Docket No.: FAA-2009-0188; Airspace Docket No. 09-AGL-5] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2914. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Devine, TX [Docket No.: FAA-2009-0089; Airspace Docket No. 09-ASW-4] received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska [Docket No.: FAA-2008-0926; Airspace Docket No. 08-AAL-24] (RIN No.: 2120-AA66) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2916. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal and Modification of VOR Federal Airways; Alaska [Docket No.: FAA-2008-0940; Airspace Docket No. 08-AAL-25] (RIN No.: 2120-AA66) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2917. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Reduction of Fuel Tank Flammability in Transport Category Airplanes [Docket No.: FAA-2005-22997; Amendment Nos. 26-3, 121-345, 125-57, and 129-47], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2918. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30675; Amdt. No. 2239], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2919. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300, and A340-200 and -300 Series Airplanes [Docket No. FAA-2009-0137; Directorate Identifier 2008-NM-201-AD; Amendment 39-15967; AD 2009-15-04] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2920. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model BD-700-1A10 and BD-700-1A11 Airplanes [Docket No.: FAA-2009-0138; Directorate Identifier 2008-NM-216-AD; Amendment 39-15966; AD 2009-15-03] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2921. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No.: FAA-2008-0832; Directorate Identifier 2008-NM-067-AD; Amendment 39-15965; AD 2009-15-02] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2009-0638; Directorate Identifier 2009-CE-038-AD; Amendment 39-15968; AD 2009-15-05] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2923. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate previously held by Raytheon Aircraft Company) Model G36 Airplanes [Docket No.: FAA-2009-0633; Directorate Identifier 2009-CE-037-AD; Amendment

39-15964; AD 2009-15-01] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2924. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12, PC-12/45, PC-12/47, and PC-12/47E Airplanes [Docket No.: FAA-2009-0437; Directorate Identifier 2009-CE-018-AD; Amendment 39-15963; AD 2009-14-13] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2925. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives, Turbomeca S.A. ARRIUS 2F Turboshaft Engines [Docket No.: FAA-2009-0330; Directorate Identifier 2008-NE-43-AD; Amendment 39-15961; AD 2009-14-11] (RIN 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2926. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No.: FAA-2009-0518; Directorate Identifier 2009-SW-22-AD; Amendment 39-15940; AD 2009-13-01] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2927. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Models PW2037, PW2037(M), and PW2040 Turbofan Engines [Docket No.: FAA-2009-0417: Directorate Identifier 2009-NE-13-AD; Amendment 39-15955; AD 2009-14-05] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2928. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS-PZL ''Warszawa-Okecie'' S.A. Model PZL-104 WILGA 80 Airplanes [Docket No.: FAA-2009-0446; Directorate Identifier 2009-CE-024-AD; Amendment 39-15960; AD 2009-14-10] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2929. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No.: FAA-2009-0044; Directorate Identifier 2008-NM-132-AD; Amendment 39-15953; AD 2009-14-03] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2930. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200,-200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2008-1116; Directorate Identifier 2007-NM-231-AD; Amendment 39-15954; AD 2009-14-04] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2931. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000EX Airplanes [Docket No. FAA-2009-0380; Directorate Identifier 2008-NM-153-AD; Amendment 39-15959; AD 2009-14-09] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2932. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No.: FAA-2008-0933; Directorate Identifier 2007-NM-261-AD; Amendment 39-15956; AD 2009-14-06] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2933. A letter from the Administrator, Research and Innovative Technology Administration, Department of Transportation, transmitting the Transportation Statistics Annual Report 2008, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

2934. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) Models PW305A and PW305B Turbofan Engines [Docket No.: FAA-2009-0046; Directorate Identifier 2008-NE-05-AD; Amendment 39-15962; AD 2009-14-12] (RIN: 2120-AA64) received July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2935. A letter from the Program Analyst, Department of transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 20-C5, 20-D5, 20-E5, and 20-F5 Airplanes [Docket No.: FAA-2009-0263; Directorate Identifier 2008-NM-137-AD; Amendment 39-15957; AD 2009-14-07] (RIN: 2120-AA64) Recieved July 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2936. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's third quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

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. WAXMAN: Committee on Energy and Commerce. H.R. 2749. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes; with an amendment (Rept. 111–234). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 691. Resolution providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes (Rept. 111–235). Referred to the House Calendar.

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. DAVIS of Alabama (for himself and Mr. BOUSTANY):

H.R. 3370. A bill to permit qualified withdrawals from a capital construction fund account for the maintenance or repair of United States-flag vessels provided that the maintenance or repair is performed within the United States; to the Committee on Ways and Means, and in addition to the Committee on 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. COSTELLO (for himself, Mr. OBERSTAR, Mr. MICA, Mr. PETRI, Mr. CARNAHAN, Mr. COBLE, Mr. MCMAHON, Mr. DUNCAN, Mr. DEFAZIO, Mr. EHLERS, Mr. FILNER, Mrs. CAPITO, Mr. HOLDEN, Mr. GERLACH, Mr. CAPUANO, Mr. DENT, Mr. LIPINSKI, Mrs. SCHMIDT, Mr. HALL of New York, Mr. COHEN, Mr. ALTMIRE, Mr. SCHAUER, Ms. SLAUGHTER, Mr. LEE of New York, Mr. HIGGINS, Mr. HOLT, Mr. PASCRELL, Ms. NORTON, and Ms. HIRONO):

H.R. 3371. A bill to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PRICE of Georgia:

H.R. 3372. A bill to establish Medicare performance-based quality measures, to establish an affirmative defense in medical malpractice actions based on compliance with best practices guidelines, and to provide grants to States for administrative health care tribunals; 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. CHAFFETZ:

H.R. 3373. A bill to provide for a study relating to the feasibility of using postal employees as census enumerators; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Washington (for himself and Mrs. MCMORRIS RODGERS):

H.R. 3374. A bill to provide for a demonstration project relating to the impact of health information technology on chronic disease management under the Medicare and Medicaid programs; 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. KRATOVIL (for himself and Mr. HARPER):

H.R. 3375. A bill to amend title 18, United States Code, to increase penalties for certain fraud offenses committed to facilitate terrorism, and for other purposes; to the Committee on the Judiciary, 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. LOBIONDO (for himself and Mr. CUMMINGS):

H.R. 3376. A bill to amend title 46, United States Code, to ensure the traditional right of self-defense of United States mariners against acts of piracy, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 3377. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance the Nation's disaster preparedness, response, recovery, and mitigation capabilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LATHAM (for himself, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. BOSWELL, and Mr. KING of Iowa):

H.R. 3378. A bill to authorize the Secretary of the Interior to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. OBERSTAR, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. RAHALL, Mr. BOSWELL, Mr. CAPUANO, Mr. LIPINSKI, Mr. CUMMINGS, Mr. DICKS, Mr. HINCHEY, Ms. HIRONO, Mr. THOMPSON of California, Mr. KILDEE, Mr. HARE, Mr. BAIRD, Ms. KAPTUR, Mr. MOLLOHAN, Mr. STARK, Mr. WU, Mr. COSTELLO, Mr. PASCRELL, Mr. FILNER, Mr. PERRIELLO, Mr. BISHOP of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. LARSON of Connecticut, and Mr. OLVER):

H.R. 3379. A bill to amend the Internal Revenue Code of 1986 to impose a tax on transactions in oil futures and options and to deposit the revenues from the tax into the Highway Trust Fund; to the Committee on Ways and Means.

By Mr. KANJORSKI (for himself and Mr. ROYCE):

H.R. 3380. A bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CASTLE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. MITCHELL, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Ms. SPEIER, Mr. STARK, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. LANCE):

H.R. 3381. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of Georgia (for himself, Mr. DEAL of Georgia, Mr. SHULER, Mr. LATTA, Mr. CLAY, Mr. BARROW, Mr. BISHOP of Georgia, and Mr. PASCRELL):

H.R. 3382. A bill to amend the Internal Revenue Code of 1986 to encourage individuals to purchase building products and home furnishings, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself and Ms. GRANGER):

H.R. 3383. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 3384. A bill to remove the testing provisions in the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Mr. BARTON of Texas (for himself, Mr. UPTON, Mr. TERRY, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. BRADY of Texas, Mr. BURGESS, Mr. WHITFIELD, Mr. POE of Texas, Mrs. MYRICK, Mrs. BONO MACK, Mr. GALLEGLY, and Mr. PITTS):

H.R. 3385. A bill to authorize the use of amounts in the Nuclear Waste Fund to promote recycling of spent nuclear fuel, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, 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. BOSWELL (for himself, Mr. LATHAM, Mr. KING of Iowa, Mr. BRALEY of Iowa, and Mr. LOEBSACK):

H.R. 3386. A bill to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the ''Iraq and Afghanistan Veterans Memorial Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CASTLE (for himself and Mr. LYNCH):

H.R. 3387. A bill to reiterate that the Secretary of the Treasury is required to submit a report on terrorism financing in accordance with the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Financial Services, and in addition to the Committee on Intelligence (Permanent Select), 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. FORBES:

H.R. 3388. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, 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. FORBES:

H.R. 3389. A bill to amend title 37, United States Code, to ensure that members of the Armed Forces stationed outside the United States during 2009 can take full advantage of the credits available for first-time home buyers, to provide for the waiver of recapture of the credit for members who are restationed, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, 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. HOEKSTRA:

H.R. 3390. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty on distributions from certain retirement plans during periods of high unemployment; to the Committee on Ways and Means.

By Ms. JENKINS (for herself, Mr. MORAN of Kansas, Mr. MOORE of Kansas, and Mr. TIAHRT):

H.R. 3391. A bill to allow for the continuation of critical access hospital designation for certain hospitals in geographic areas experiencing population growth; to the Committee on Ways and Means.

By Ms. KOSMAS (for herself, Ms. TITUS, Mr. KLEIN of Florida, Mr. MICA, Mr. GRAYSON, Ms. CORRINE BROWN of Florida, and Mr. POSEY):

H.R. 3392. A bill to prohibit any department or agency of the Federal Government from establishing a travel or conference policy that takes into account the perception of a location as a resort or vacation destination in determining the location for an event; to the Committee on Oversight and Government Reform.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. BILBRAY):

H.R. 3393. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Oversight and Government Reform.

By Mr. PAUL (for himself and Mr. BURTON of Indiana):

H.R. 3394. A bill to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases involving dietary supplements and dietary ingredients; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself and Mr. BURTON of Indiana):

H.R. 3395. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3396. A bill to amend title 5, United States Code, to prohibit agencies from enforcing rules that result in a specified economic impact until the requirements of those rules are enacted into law by an Act of Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. SABLAN:

H.R. 3397. A bill to establish a program that enables college-bound residents of the Northern Mariana Islands to have greater choices among institutions of higher education, and for other purposes; to the Committee on Education and Labor.

By Mr. TIERNEY:

H.R. 3398. A bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes; to the Committee on Education and Labor.

By Mr. KLEIN of Florida:

H. Con. Res. 171. Concurrent resolution authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National

Weekend of Remembrance; to the Committee on Transportation and Infrastructure.

By Mr. POSEY (for himself, Mr. DANIEL E. LUNGREN of California, Mr. SHADEGG, Mr. HERGER, Mr. MCCAUL, Mr. PITTS, Mr. BARTLETT, Mr. PUTNAM, Mr. BRADY of Texas, Mr. LINDER, Mr. BURTON of Indiana, Mr. BURGESS, Mr. SOUDER, Mr. LUCAS, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. GRAVES, Mr. LATHAM, Mr. SULLIVAN, Mr. INGLIS, Mr. BILBRAY, Mr. BROWN of South Carolina, Mrs. BACHMANN, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. KLINE of Minnesota, Mr. LUETKEMEYER, Mr. LATTA, Mr. MCHENRY, Mr. BROUN of Georgia, Ms. FALLIN, Mr. SCALISE, Mr. FLEMING, and Mrs. LUMMIS):

H. Res. 689. A resolution amending the Rules of the House of Representatives to ensure that Members, Delegates, and the Resident Commissioner have a reasonable amount of time to read legislation that will be voted upon, and for other purposes; to the Committee on Rules.

By Mr. BOEHNER:

H. Res. 690. A resolution raising a question of the privileges of the House.

By Mr. ARCURI (for himself, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mrs. LOWEY, and Mr. CARDOZA):

H. Res. 692. A resolution supporting the goals and ideals of Tay-Sachs Awareness Month; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania (for himself, Mr. GERLACH, Ms. SCHWARTZ, Mr. ANDREWS, Mr. SESTAK, Mr. LOBIONDO, Mr. DENT, Mr. HOLDEN, Mr. FATTAH, Mr. CASTLE, and Mr. PATRICK J. MURPHY of Pennsylvania):

H. Res. 693. A resolution honoring the life and accomplishments of Jim Johnson and extending the condolences of the House of Representatives to his family on the occasion of his death; to the Committee on Oversight and Government Reform.

By Mr. FORBES:

H. Res. 694. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on a rule or order that dispenses with the first reading or considers a measure as read; to the Committee on Rules.

By Mr. RODRIGUEZ:

H. Res. 695. A resolution supporting an international park between Big Bend National Park in the United States and the protected areas of the Coahuila and Chihuahua States across the border in Mexico; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

139. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 62 MEMORIALIZING CONGRESS TO PROVIDE FOR WAIVERS FROM REQUIREMENTS ATTACHED TO STIMULUS FUNDING THAT WOULD HAMPER THE STATE'S EFFORTS TO MEET ITS CONSTITUTIONAL OBLIGATION TO BALANCE FUTURE BUDGETS; to the Committee on Appropriations.

140. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to HOUSE RESOLUTION No. 275 memorializing the Congress of the United States to designate the Honor and Remember Flag as a national emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty; to the Committee on Armed Services.

141. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to HOUSE RESOLUTION No. 311 urging the Congress of the United States to pass and the President to sign legislation instituting a national maximum interest rate for credit cards; to the Committee on Financial Services.

142. Also, a memorial of the House of Representatives of the State of Texas, relative to HOUSE RESOLUTION No. 798 expressing opposition to any federal legislation that would create an optional federal charter for insurers; to the Committee on Financial Services.

143. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 244 urging the United States Congress to designate the month of March, 2010 as National Essential Tremor Awareness Month for the purpose of raising awareness about the nation's number one neurological condition, affecting approximately 10 million Americans; to the Committee on Energy and Commerce.

144. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 11 declaring the week of April 19 to 25, 2009, inclusive, as ''National Multicultural Cancer Awareness Week'', and encouraging promotion of policies and programs that seek to reduce cancer disparities and as a result, improve cancer prevention, detection, treatment, and followup care for all Californians; to the Committee on Energy and Commerce.

145. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE CONCURRENT RESOLUTION NO. 137 memorializing the Congress of the United States to enact legislation preventing unintended consequences of the Medicaid Federal Medical Assistance Percentage calculation on Louisiana's and other states' Medicaid programs caused by the substantial and temporary infusion of the public and private funds into state economics following major disasters such as hurricanes, floods and earthquakes; to the Committee on Energy and Commerce.

146. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 2 urging the United States government to urge the Mexican government to extend the deadline for submitting a claim; and urging the United States government to urge the Mexican government to accept a variety of documents, including, but not limited to, affidavits or copies of original documents, to prove that a bracero or his or her heir or beneficiary has a valid claim; to the Committee on Foreign Affairs.

147. Also, a memorial of the Legislature of the State of Arizona, relative to HOUSE CONCURRENT MEMORIAL 2009 URGING THE UNITED STATES CONGRESS TO OPPOSE ANY FEDERAL LEGISLATION THAT IMPINGES ON THE INDIVIDUAL RIGHT TO KEEP AND BEAR ARMS; to the Committee on the Judiciary.

148. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No.: 106 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RECTIFY THE IMBALANCE IN FEDERAL TRANSPORTATION FUNDING THAT HAS CONSISTENTLY PUT MICHIGAN NEAR THE BOTTOM OF THE 50 STATES IN THE PERCENTAGE OF FEDERAL TRANSPORTATION TAX DOLLARS RETURNED TO THIS STATE EACH YEAR; to the Committee on Transportation and Infrastructure.

149. Also, a memorial of the House of Representatives of the State of Louisiana, relative to HOUSE RESOLUTION NO. 120 memorializing the United States Congress to establish an additional classification for airports; to the Committee on Transportation and Infrastructure.

150. Also, a memorial of the House of Representatives of the State of Louisiana, relative to HOUSE CONCURRENT RESOLUTION NO. 173 memorializing the United States Congress to take such actions as are necessary to restore the Medicare-Medicaid crossover payments nationally so all Medicare beneficiaries in Louisiana and nationwide have equal access to Medicare benefits; jointly to the Committees on Energy and Commerce and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. ALEXANDER.
H.R. 122: Mr. MASSA.
H.R. 197: Mr. GRAVES.
H.R. 211: Mr. NADLER of New York, Mr. MARSHALL, and Mr. JOHNSON of Illinois.
H.R. 528: Mr. HIGGINS.
H.R. 574: Mr. SOUDER.
H.R. 707: Mr. SCOTT of Georgia, Mr. MAFFEI, Mr. AUSTRIA, and Mrs. MCMORRIS RODGERS.
H.R. 959: Mr. NYE.
H.R. 1020: Mr. MEEK of Florida, Mr. PRICE of North Carolina, and Mr. BLUMENAUER.
H.R. 1103: Mrs. BLACKBURN and Mr. PAYNE.
H.R. 1134: Mr. MOORE of Kansas.
H.R. 1137: Mr. FILNER.
H.R. 1147: Mr. BISHOP of New York.
H.R. 1173: Mr. BERRY.
H.R. 1182: Mr. COSTA, Mr. BRADY of Pennsylvania, Mr. NYE, Mr. HOLDEN, and Ms. KAPTUR.
H.R. 1255: Mrs. MCMORRIS RODGERS.
H.R. 1283: Mr. ADLER of New Jersey.
H.R. 1327: Mr. MILLER of North Carolina, Mr. AUSTRIA, Mr. YOUNG of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GINGREY of Georgia, Mr. RYAN of Ohio, Mr. DAVIS of Alabama, Ms. SLAUGHTER, Mr. TURNER, Mr. MICA, and Mr. GALLEGLY.
H.R. 1346: Mr. FARR.
H.R. 1362: Mr. BISHOP of New York.
H.R. 1402: Mr. MARCHANT and Mr. WU.
H.R. 1431: Mr. WAMP.
H.R. 1466: Mr. HOLT.
H.R. 1485: Mr. GEORGE MILLER of California.
H.R. 1548: Mr. TEAGUE.
H.R. 1670: Mrs. MCMORRIS RODGERS.
H.R. 1691: Mr. GUTHRIE.
H.R. 1710: Mr. MORAN of Kansas.
H.R. 1826: Mr. MCGOVERN, Mr. COSTELLO, and Mr. LEWIS of Georgia.
H.R. 1831: Ms. KILROY, Mrs. MCMORRIS RODGERS, Mr. LOEBSACK, Mr. SIRES, Mr. WAMP, Mr. PETERS, Mr. LANCE, and Mr. GUTIERREZ.
H.R. 1881: Mr. PETERS, Ms. SCHAKOWSKY, and Mr. FRANK of Massachusetts.
H.R. 1969: Mr. CONNOLLY of Virginia.
H.R. 1970: Mr. TERRY.
H.R. 1974: Mr. MASSA.
H.R. 2026: Mr. SOUDER.
H.R. 2030: Mr. COHEN and Mr. CONNOLLY of Virginia.
H.R. 2058: Mr. MCCARTHY of California.
H.R. 2125: Mr. CARNEY and Mr. NADLER of New York.
H.R. 2139: Ms. SLAUGHTER, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. PERRIELLO, and Mr. SCHOCK.
H.R. 2149: Mr. MASSA.
H.R. 2214: Mr. HONDA.
H.R. 2222: Mr. JACKSON of Illinois.
H.R. 2296: Mr. NUNES, Mr. MICA, Mr. GRAVES, and Mr. DEAL of Georgia.
H.R. 2304: Mr. KLINE of Minnesota.

H.R. 2329: Mr. HINOJOSA.
H.R. 2413: Mr. TIAHRT and Mr. BISHOP of New York.
H.R. 2414: Mr. KAGEN.
H.R. 2452: Mr. SMITH of Washington.
H.R. 2460: Mr. TIERNEY and Mr. HASTINGS of Florida.
H.R. 2478: Mr. MCCOTTER and Mr. SCHOCK.
H.R. 2480: Mr. TIERNEY.
H.R. 2578: Mr. JACKSON of Illinois.
H.R. 2699: Mr. BOREN.
H.R. 2819: Ms. WOOLSEY.
H.R. 2852: Ms. SCHAKOWSKY.
H.R. 2866: Mr. MCCOTTER.
H.R. 2882: Mr. MEEKS of New York.
H.R. 2891: Mr. STUPAK.
H.R. 2894: Mr. HOLDEN.
H.R. 2935: Ms. ROS-LEHTINEN, Mr. MITCHELL, Ms. LINDA T. SÁNCHEZ of California, Mr. CROWLEY, and Ms. JACKSON-LEE of Texas.
H.R. 2941: Mr. HOLT and Mr. GRIFFITH.
H.R. 2964: Mr. LATTA.
H.R. 3017: Mr. LARSON of Connecticut.
H.R. 3042: Mr. PETERS.
H.R. 3093: Ms. NORTON.
H.R. 3147: Mr. CLEAVER.
H.R. 3167: Mr. MCCLINTOCK.
H.R. 3218: Mr. MCCAUL.
H.R. 3257: Ms. BORDALLO.
H.R. 3266: Mr. CLAY, Mr. HALL of New York, Mr. YOUNG of Florida, Mr. FILNER, and Mr. MCNERNEY.
H.R. 3308: Mr. ROGERS of Michigan, Mr. MARCHANT, and Mr. WAMP.
H.R. 3309: Mr. PAUL.
H.R. 3350: Mrs. BACHMANN and Mr. MARIO DIAZ-BALART of Florida.
H.J. Res. 1: Mr. BRIGHT.
H.J. Res. 41: Mr. DUNCAN.
H.J. Res. 42: Mr. GARY G. MILLER of California, Mr. POE of Texas, Mr. BILBRAY, and Ms. GRANGER.
H.J. Res. 47: Mr. WAMP and Mr. DOYLE.
H. Con. Res. 59: Mr. FORBES.
H. Con. Res. 74: Ms. SCHWARTZ and Mr. FRANK of Massachusetts.
H. Con. Res. 94: Mr. STARK and Mr. HOLT.
H. Con. Res. 158: Mr. BISHOP of New York and Mrs. MCMORRIS RODGERS.
H. Con. Res. 167: Mr. POSEY.
H. Con. Res. 169: Mr. ADERHOLT, Mr. LATTA, Mr. GALLEGLY, and Mr. CHAFFETZ.
H. Res. 6: Mr. KRATOVIL and Mr. DOYLE.
H. Res. 90: Mr. WAMP.
H. Res. 111: Ms. WOOLSEY, Mr. GOODLATTE, Mr. RUPPERSBERGER, Mr. COURTNEY, and Mr. SALAZAR.
H. Res. 376: Mr. PAYNE, Mr. MCKEON, Mr. ROE of Tennessee, and Mr. SHULER.
H. Res. 494: Mr. FILNER, Mr. COHEN, and Mr. MARSHALL.
H. Res. 558: Mr. KENNEDY and Mr. HOLT.
H. Res. 605: Mr. MARKEY of Massachusetts, Mr. SOUDER, and Mr. SMITH of Texas.
H. Res. 619: Mr. MICA.
H. Res. 630: Mr. LEWIS of Georgia.
H. Res. 659: Mr. AL GREEN of Texas and Mr. MEEKS of New York.
H. Res. 686: Mr. WEINER, Mr. HARE, Ms. WATSON, Ms. CLARKE, Ms. BERKLEY, Mr. FALEOMAVAEGA, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Mr. GRIFFITH, Mr. WELCH, Ms. BALDWIN, Mr. RAHALL, Mr. HOLT, Ms. ROS-LEHTINEN, Mr. WALZ, Mr. DOYLE, Mr. HOEKSTRA, Mr. ABERCROMBIE, Mr. CLEAVER, and Ms. BORDALLO.

PETITIONS, ETC.

Under clause 1 of Rule XXII,

62. The SPEAKER presented a petition of City of Miami Commission, FL, relative to Resolution: R-09-0283 URGING PRESIDENT OBAMA TO GRANT TEMPORARY PROTECTIVE STATUS TO HAITIANS IN THE UNITED STATES; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS AS STATED HEREIN; which was referred to the Committee on the Judiciary.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, JULY 29, 2009 No. 116

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, our Father, thank You for eyes to see and hearts to feel the wonders of Your world. Fill our Senators today with fresh faith in Your power to protect and sustain our Nation and world. May they face challenges with the triumphant confidence that no weapon that has been formed can prevail against Your eternal purpose. Lord, keep them calm in temper, clear in mind, sound in heart, and strong in faith. Enable them to perform faithfully and well what You require, even to do justly, to love mercy, and to walk humbly with You. When this day's work is done, give them refreshment of mind, spirit, and body.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 29, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following the remarks of the two leaders, the Senate will resume consideration of the Energy and Water appropriations bill. Cloture motions were filed last night. As a result, there is a 1 p.m. filing deadline for first-degree amendments. Rollcall votes are possible throughout the day. I would hope that people who want to offer amendments will do so, so we can complete this legislation. There is no reason we should not finish it today.

As I announced last night, I am going to turn to the Agriculture appropriations bill as soon as we complete the action on the bill that is now on the floor of the Senate.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK VIII, DAY III

Mr. MCCONNELL. Mr. President, throughout the debate on health care reform, the administration has made a point of asking various stakeholders to come together and do their part: Doctors and hospitals are being asked to find significant savings, seniors are being asked to make major sacrifices, and so are the States. Every week, it seems, the White House hosts an event aimed at showcasing some sacrifice being made by one group or another—every group, that is, except personal injury lawyers.

It is a glaring omission, since everyone knows that the constant threat of lawsuits is one of the reasons health care premiums for families have skyrocketed more than 100 percent over the past decade and the primary reason many doctors today spend a literal fortune on malpractice insurance even before they open their doors for business. To take just one example, neurosurgeons in Miami can expect to spend more on malpractice insurance every single year than many families in Miami can expect to spend on a new home.

This is a very serious problem, and everyone knows it. Yet we do not hear a word about it—not a word—from any of the Democratic-led committees in Congress that are working on reform. It is not because the administration has not raised the issue. Last month, the President himself acknowledged the widespread use of so-called defensive medicine or the practice of prescribing drugs or tests that are not really needed just to protect oneself from the threat of a lawsuit. During the same speech, the President said we need to explore a whole range of ideas about how to scale back defensive medicine. Well, Democrats in Congress must not have been paying much attention to that part of the speech because I have not heard a single word on this issue from any Democrat since—not one. One exception was the recent suggestion by some in the administration that doctors are performing unnecessary surgeries just to make an extra buck. I think a better explanation is the one the President gave last month when he said doctors often

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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perform certain procedures just to protect themselves from frivolous lawsuits.

The costs associated with ever-increasing malpractice insurance and defensive medicine are indeed substantial, and both are simply, of course, passed along to consumers in the form of higher costs for even basic treatments and procedures. Many Americans pay an even higher price when doctors decide the threat of lawsuits and the cost of insurance just is not worth it and decide to close down their practices altogether. Every State feels the effect of out-of-control malpractice suits. One study suggests that Kentucky alone is 2,300 doctors short of the national average—a shortage that could be reduced, in part, by getting a handle on malpractice suits.

I have spoken before about the effects a culture of jackpot lawsuits has on everyday Americans, on people such as Rashelle Perryman of Crittenden County, KY. According to an article in the Louisville Courier Journal, Rashelle's first two babies were born at Crittenden County Hospital, which is about a 10-minute ride from her home. But her third child had to be delivered about 40 miles away. Why? Well, the rising malpractice rates had forced doctors at Crittenden County Hospital to stop delivering babies altogether. They just could not afford the malpractice insurance.

When the threat of lawsuits drives insurance premiums so high that many doctors are forced to go out of business, that mothers across the country cannot find a local obstetrician, and that health insurance costs for everyone continue to go up, we have a problem that needs to be addressed. Yet every single one of the so-called comprehensive health care reform proposals Democrats are currently putting together in Congress completely and totally ignores this issue.

The only people who benefit from the current system are the personal injury lawyers who can end up taking up to a third of every settlement and, frankly, if it is appealed, an even greater percentage, and protecting them is not what health care reform was supposed to be about. Yet it is hard to escape the conclusion that this is precisely what is going on here. If the administration wants to be comprehensive in its approach, it should ask the personal injury lawyers to make a sacrifice, just as they have asked America's seniors, doctors, Governors, and small business owners to make a sacrifice.

Americans do not want a government takeover of health care. They want reforms that everyone can understand and that all of us can agree on. And nothing could be simpler or more straightforward than putting an end to the junk lawsuits that drive up costs and put doctors out of business. Americans do not want grand schemes, they want commonsense proposals. Medical liability reform would be a very good place to start.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3183, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Dorgan amendment No. 1813, in the nature of a substitute.

Reid amendment No. 1846 (to amendment No. 1813), to modify provisions relating to the Department of the Interior.

Alexander amendment No. 1862 (to amendment No. 1813), to limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

HEALTH CARE

Mr. DORGAN. Mr. President, we are waiting to proceed on the legislation that has come from the Appropriations Subcommittee on Energy and Water, which I chair. We are on the bill, but we are waiting for amendments and discussion.

But I want to make a point. We have had people coming to the floor of the Senate yesterday, now this morning, incessantly over a long period of time, talking about health care. Health care is, obviously, very important; no question about that. The relentless increase in the cost of health care hurts families. It hurts business. It hurts government programs that provide for health care. So we need to do something about that.

But it is interesting. What I hear on the floor of the Senate from the critics of these issues is: What is wrong? What is wrong? Well, it does not take a lot of energy or a lot of time to determine what is wrong and be a critic. I understand that.

I have often told the story of Mark Twain, who was asked to debate once, and he said: Of course I will be engaged in that debate, as long as I can take the negative side.

They said: Well, we have not even told you the subject of the debate.

He said: Oh, it doesn't matter. The negative side will take no preparation.

So it is with these discussions on the floor that I have just heard a moment ago and heard all day yesterday as I sat here on the floor, talking about what is wrong. Well, do you know what, we know what is wrong. What is wrong is that we have this relentless rise of health care costs. We spend more on health care than anybody else in the world, by far, and we rank somewhere around 41st in life expectancy. We spend twice as much per person than almost everybody else in the world spends on health care.

I notice that all those critics who come out here talking about what is wrong with this plan or that plan never talk about prescription drugs because most of those who have been out here criticizing the various plans are people who vote against legislation to put downward pressure on prescription drugs. Yet one of the fastest rising areas of health care costs is prescription drugs.

Let me, if I might, ask unanimous consent to show on the floor of the Senate two bottles that would contain prescription drugs.

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

Mr. DORGAN. These two bottles I hold in my hand, which I have shown many times, contain Lipitor. It is medicine produced in Ireland and then shipped all around the world. This Lipitor, as you can see, comes from identical bottles. The same tablet, the same medicine, produced in the same plant by the same company, FDA-approved by our Food and Drug administration in our country, is put in two different bottles. One is shipped to the United States, this one, and the other is shipped to Canada. What is the difference? Well, there is no difference in the medicine. It came from the same place, produced by the same company. The difference is price. The Canadians get to pay half the price the Americans pay.

It is not just Lipitor, the most popular cholesterol-lowering drug that exists out there. It is not just Lipitor. It is prescription drug after prescription drug. The American people get to pay the highest prices in the world. You want to talk about how you cut health care costs? How about taking a whack at this and saying it is not fair that the American people should pay the highest prices in the world for prescription drugs. Why are they required to pay the highest price in the world? Because there is kind of a sweetheart deal in law that says the only entity that can reimport prescription drugs is the drug manufacturer itself.

Much of the ingredients in these drugs come from all around the world—China, just as an example. The manufacturers can produce these drugs in Ireland, using ingredients from all around the world, and then bring them in to sell to the American consumer. But the American consumer cannot access the same FDA-approved drug sold in virtually every other industrial country at a fraction of the price the American consumer is charged.

Why, when we hear these critics come to the floor on health care issues, do we not hear them suggest: Here is an area where we could substantially cut costs and give the American consumer the opportunity everybody else has; that is, to shop for these FDA-approved drugs in areas where you see much lower prices?

The pharmaceutical industry will say: Well, if you allow the American people to do that and if we can't charge the highest prices to the American people for prescription drugs, we will not have the money to do our research to find new drugs. Well, that is not true. The fact is, the pharmaceutical industry spends more money on research in Europe than they do in the United States and in virtually every European country, the European consumers get to pay less money for the same drugs that American consumers are now charged.

A bipartisan group of us has offered legislation to give the American consumer the right to access these lower cost prescription drugs from areas where you can pay a fraction of the price for the identical drug the American consumer pays the highest price in the world for. But we have a staunch bunch of folks in this Chamber who support the pharmaceutical industry and who decide that the American people shouldn't have this right. I would say to those who are the critics of virtually anything anybody talks about in health care: Maybe you ought to decide to support those of us who have introduced bipartisan legislation to deal with the issue of the prescription drug prices in which the American people are charged the highest prices in the world. It is not fair; it has gone on too long; and it needs to be changed.

With respect to health care, generally, this issue is one of those issues that is very important. We are in the middle of a very deep recession. I think job one in this country, by far, is to put the country back on track so people can get back on payrolls, get back to work, and have jobs. That makes almost everything else possible. This is the deepest recession since the Great Depression, and we have a lot of work to do. This President inherited a mess, no question about that. He inherited a $1.3 trillion deficit this year. It is now going to be $1.9 trillion because the President advanced and the Congress passed an economic recovery program to try to stimulate the economy. But we need to get this economy back on track and then we need to begin trimming back these budget deficits. We cannot, for any length of time, continue to provide a level of government the American people are either unable or unwilling to pay for. That is not a path that is sustainable. It is not a path that works. But the President, when he took office, said there are a number of other things we need to do—one of which is to try to get some control over these escalating health care costs.

I don't know exactly how this is going to end up. I don't know what plan might or might not exist at the end of the day, but I think Congress is going to find a way through this. I think it is useful and important and productive for us to be working and working hard to see: What are the solutions? How do we put downward pressure on prices? How do we try to provide broader coverage for those who don't now have health care coverage? I think we can do this. It might well be it has to be done in a couple phases, the first of which is to put downward pressure on the pricing and the second of which is to extend coverage. However we do it, we need to decide that health care costs are rising far more rapidly than is sustainable. They blow a hole in the federal budget deficit because the Federal Government, through Medicare and through Medicaid, is the largest consumer of health care, so we don't have much choice but to find a way to do this.

I understand there is a lot in this health care system that wants to protect what is, one of which is prescription drugs. I mentioned this prescription drug called Lipitor. Most people would know the name of this. Why? Because when they leaf through Newsweek or Time magazine, they will see a full-page ad for Lipitor. When they shave in the morning or brush their teeth in the morning, if they have a television near their bathroom, they will understand about Lipitor. They will understand about the purple pill. They will understand about prescription drugs because relentless advertising is driven toward the consumer to say: Go ask your doctor if you shouldn't be taking this drug. Go check with your doctor. Isn't the purple pill right for you? There is relentless consumer advertising for something you can't buy unless a doctor believes you need it and a doctor prescribes it for you. Is that something we ought to take care of maybe? I think so.

There are a whole range of areas that I think are very important in health care that we need to try to do something about. I think we can. It is horribly complicated, very difficult, a very heavy lift, and we need to do it in a way that first and foremost puts downward pressure on health care pricing. The fact is we cannot and should not be spending twice as much as anybody else in the world per capita on health care only to find out that we rank 41st in life expectancy. That means we are spending much more than anybody else and not getting the outcome or the results.

So I would say to the people—including this morning, the first thing out of the box is the critics of health care, once again, relentlessly on the floor telling us what is wrong. As I have said, Mark Twain knew the negative side requires no preparation. So I am not sure these are well-prepared arguments, but they are certainly relentless. It is nice to hear what is wrong. Maybe as 100 Senators who dress up in suits in the morning, we could come and spend the entire day talking about what is right. This is a great country, one of which we have the privilege to live in freedom, we have the privilege to be engaged in public debate. Maybe let's spend a little more time trying to figure out what is right about this country and find out what kinds of solutions can unite us rather than divide us and find out how we get the best of each rather than the worst of both when we talk about the political parties.

If we can do that, maybe we will advance this country's interests.

The fact is we all stand in the same hole. It is a very deep economic hole, the deepest since the Great Depression, and we will all be well advised, it seems to me, to find ways to begin working together to address these issues.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORKER. Mr. President, I ask unanimous consent to set aside the pending amendment, in no way to disrupt the order—to come back to that.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, and I will not object, let me further ask unanimous consent that following the presentation of this amendment, we have a unanimous consent agreement to set aside this amendment for a Democratic amendment that is about to be offered.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Tennessee is recognized.

AMENDMENT NO. 1865 TO AMENDMENT NO. 1813

Mr. CORKER. Mr. President, I thank the Senator from North Dakota for his agreeing to let me do this.

I wish to call up amendment No. 1865.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 1865 to Amendment No. 1813.

Mr. CORKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated automobile manufacturers, and for other purposes)

At the appropriate place, insert the following:

SEC.____. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT; CREATION OF MANAGEMENT AUTHORITY FOR AUTOMOBILE MANUFACTURERS ASSISTED UNDER TARP.

(a) AUTHORITY TO DESIGNATE MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

(b) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or to carry out the Advanced Technology Vehicles Manufacturing Incentive Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated automobile manufacturer to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(c) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(d) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated automobile manufacturers—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated automobile manufacturer; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(e) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011.

(f) DEFINITIONS.—As used in this section—

(1) the term ''designated automobile manufacturer'' means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78e).

Mr. CORKER. Mr. President, this is an amendment to deal with the ownership that I think many Americans have concerns about in private companies. What this amendment would do is for any company that the U.S. Government owns more than 20 percent of, it would place—such as, by the way, General Motors—what it would do is place those companies into a trust and that trust would be managed by three very professional individuals known to be leaders; people such as, I would hope, Jack Welch and others who have shown—Warren Buffett—people who have shown the ability to actually look at assets of this nature and they would manage this particular stock ownership through December 24 of 2011. They would dispense these assets in a way that benefits the U.S. taxpayers. In the event that at that time they were able to come to Congress and let us know it was not in the taxpayers' interests for this to be done, then we could certainly grant an extension.

The point is to make sure the taxpayers benefit from what has happened but at the same time keep all of us—as the Senator from North Carolina alluded to the other day, 100 people in suits—from actually being involved and keeping the administration from being involved, in any way, from managing these companies. I think all of us are very concerned about governmental ownership. This amendment, again, would allow the taxpayers who were sold TARP on the basis that they would get a return on their investment—and, in essence, this company—for instance, General Motors has over $50 billion in taxpayer money in it today. What this amendment would do is it would separate the line between government and these companies but at the same time allow the taxpayers of this country and our U.S. Government to recoup those moneys to pay down this ever-building debt that our country has.

Other companies would come into this category once we got to the 20-percent level: Citigroup, AIG, obviously, would fall into this category. This amendment solves the issue for the long haul because as companies such as General Motors and others come into ownership by U.S. taxpayers—again, we are uncomfortable with that—it separates that ownership and puts it into a trust. It would be something the administration and this Congress can have nothing to do with. Yet the taxpayers' assets, these companies that we put lots of money in, are managed to the best interest of the U.S. taxpayer.

With that, I thank my colleague for letting me call up this amendment. I realize this will be set aside, and we will be moving to other business. I hope, at some point during this debate, we will have a vote on this amendment.

I thank you very much for the time and I yield the floor.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1865, AS MODIFIED

Mr. CORKER. Mr. President, I ask that amendment No. 1865, which I called up earlier, be modified as presented at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1865), as modified, is as follows:

At the appropriate place, insert the following:

SECTION I. SHORT TITLE.

This Act may be cited as the ''TARP Recipient Ownership Trust Act of 2009''.

SEC. 2. AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.

Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: '', and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act''.

SEC. 3. CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.

(a) FEDERAL ASSISTANCE LIMITED.—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Troubled Asset Relief Program, or any other provision of that Act, on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States taxpayers.

(b) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection—

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and

(C) shall serve without compensation for their services under this section.

(c) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated TARP recipient—

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated TARP recipient; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(d) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011, unless the trustees submit a report to Congress that liquidation would not maximize the profitability of the company and the return on investment to the taxpayer.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term ''designated TARP recipient'' means any entity that has received financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), such that the Federal Government holds or controls not less than a 20 percent ownership stake in the company as a result of such assistance;

(2) the term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary; and

(3) the terms ''director'', ''issuer'', ''securities'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

Mr. CORKER. I thank the Chair.

If there is no objection from the managers, I might expand on the amendment one more time, since there is no activity on the floor.

Mr. DORGAN. If the Senator will yield, let me say that I happen to be a cosponsor of the amendment. It is being offered to the Energy and Water appropriations bill. There may well be a rule XVI against it. It appears to be legislating on an appropriations bill.

Before the Senator expands on his remarks, I think he and Senator WARNER have offered a constructive idea, one that I support and have cosponsored prior to it being on the floor. I think it is useful for Senators to hear a complete description of the proposal. If it is not resolved on this bill—and it probably will not be—my hope is it will be resolved on another piece of legislation.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, I thank the Senator for his comments. What I have tried to do in this amendment with Senator WARNER—both of us serving on the Banking Committee—is to create a solution that solves the issue of us having U.S. Government ownership in companies, which I think makes most everybody in this body very uncomfortable.

At the same time, we can deal with the issue of this massive Federal deficit. I mentioned earlier that the taxpayers of this country were sold the TARP package, and we voted it into activity last fall on the fact that this $700 billion that was being invested in financial institutions at the time—as we know, it evolved to General Motors and other companies—that money was going to be invested in these companies, and 100 percent of the repayment was going to be used to pay down the Federal deficit. That is what we all thought we were doing at that time. That bill passed out of this body with 74 or 75 votes, with all of us present in the Chamber.

Again, the American people and all of us in this body have become concerned about what types of political activities can take place when the U.S. Government owns a bank or automobile company. I have seen it up close and personal, and I understand that political decisions can be made that are not in the best interests of the company and certainly not in the best interests of the taxpayers.

How do you solve that, create a scenario where these companies are separate from us, where Representatives and Senators are not calling up trying to help the companies decide what transactions they are going to be involved in but at the same time make sure the proceeds of sales from these companies or the securities we own in them actually end up reducing the deficit?

This is a balanced approach. Senator WARNER has joined me in this, a bipartisan effort to, again, move away from this body, move away from the administration and the House of Representatives any ability to affect these companies politically but at the same time to ensure that any proceeds coming from the sale of these securities ends up going to pay down the Federal deficit, which I think all of us are concerned about.

We are all aware that under the 10-year budget that is proposed, our deficit doubles from what it has been the entire history of our country—doubles over 5 years and triples over 10 years. I think people around this country, rightly so, are worried. I got a town-hall phone call last night, and people are concerned about the deficit. We are all concerned. This bill will help solve that, not make it worse, and at the same time remove us from any kind of politicization of these companies.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HEALTH CARE REFORM

Mr. WYDEN. Mr. President, I wish to spend a few minutes this morning talking about some of the positive developments that are taking place right now on this issue of health care reform. For example, this morning, the President is out talking to workers who already have insurance about how health care reform will work for them. He is spending his political capital. He is using the bully pulpit that is the White House. It is clear that this is a priority for the President of the United States.

A second positive development is in the Senate Finance Committee. We have a bipartisan group of six Senators. They are putting in killer hours at this point. I have been kidding them that I suspect they are being fed intravenously, but they are trying to put together a bipartisan health reform effort, and I appreciate what they are doing.

Third, I note my good friend from Utah on the floor of the Senate this morning. He and I have made it clear that the sponsors of the Healthy Americans Act, a bipartisan group of 15 of senators, are very open to working with Chairman BAUCUS, Chairman DODD, and the President of the United States in a bipartisan fashion to fix health care.

So the question that is front and center in all of these discussions with the President, with the bipartisan group in the Finance Committee, with the bipartisan group of Healthy Americans Act sponsors that Senator BENNETT and I are part of, is how we control costs in health care. What are we going to do to make health care more affordable?

It is our judgment that the key to making health care more affordable is to make sure people have bargaining power and people have choice—the same choice that Members of Congress have. The distinguished Senator from New Mexico, the Senator from Utah, and myself actually belong to something that is pretty much an exchange, which is like a farmers market for health insurance. But essentially what we in the Senate have is the opportunity to choose from a menu of private health policies. We get rewarded for making an economical selection to save on our premiums, and we get rewarded when we choose a program that puts more emphasis on prevention and health. So when Senators shop wisely, they end up being wealthier and healthier as a result of being able to participate in a big exchange.

What Senator BENNETT and I wish to do today is extend that kind of bargaining power to everybody in our country. After a period of time, a phase-in over a few years, everybody in our country ought to have a chance to have the kind of bargaining power and the kind of clout that Members of Congress have. Everybody in our country ought to be in a position to choose a policy that works for them. And when they make a good choice, when they

shop wisely, the extra money should go into their own pockets. That is the kind of approach Senator BENNETT and I have advocated. It is a way to focus on these exchanges, these farmers markets which, in my view, are the key to getting health reform right.

What these exchanges do, if we set it up right, is they give all the middle-class people who are insured today in New Mexico, Utah, and Oregon a chance to come out winners under health reform at the get-go. And if you are already insured, the President has said he is going to let you keep the coverage you have. Now that makes a lot of sense. We senators hear that at every meeting back in our states.

But if, for example, in Utah, Oregon, or New Mexico, you don't like the coverage you have and you can get a better deal at the exchange, something that puts more money in your pocket, something that helps you and your family, let's let people do that under Free Choice.

Under the Free Choice proposal Senator BENNETT and I have advocated, that we have presented to Chairman BAUCUS, Chairman DODD, and the President of the United States, this is something we can do for the insured that helps them save money right at the get-go.

Regrettably, a number of the bills that have been considered in the Congress do not give people those kinds of choices. And when we look at how these bills are set up, there are what are called ''firewalls'' that restrict people from getting these choices. A lot of the people who are advocating for a public option are not even going to get the choice to enroll in one.

The key to helping people who already have insurance, the 160 million who get coverage through their employer today, is to get these exchanges right and to make sure that everybody has bargaining power within these exchanges as part of a big group.

I have a private policy as a Member of Congress. The people in Oregon, in effect, are my employer. They pay a portion of it. We have a million people in our group. That is the way to spread a lot of cost and risk through a group so you can get real value. Let's set these exchanges up at least so they contain big groups through a regional approach. Senator BENNETT and I said we are open to a variety of ways of doing this. But let's make sure that everybody has some clout in the marketplace. If you are a small business in New Mexico today, you get strangled by the administrative costs of health care. You don't have much clout in the marketplace. As a small employer, you may be paying 30 percent of your health care dollar for administration. It should not be that way. We should be giving those small businesses relief.

What Senator BENNETT and I have said with our free choice proposal is if you are an employer in New Mexico or elsewhere in this country, you may want to take your workers to the exchange. This is employer-sponsored insurance. This is an employer taking their workers to the exchange. As an employer, you can go to the exchange in New Mexico and say you want a discount because you are taking your group of workers to the exchange. That is playing hard ball with the private insurance business. That is saying to the insurers in New Mexico you are not doing good enough; you are not giving me a good enough deal, so I am going to have a chance to go to the insurance exchange and get a better one. We call it Free Choice: more options for employers and more options for workers. Options that look like what Members of Congress have.

I fear if we do not set up a system that gets this exchange right so that people have bargaining power—employers and employees—we are not going to be able to get the kind of cost containment the President of the United States has identified correctly as the heart of health care reform. It is about holding down costs. It is about making coverage more affordable.

I urge colleagues to look at the article that was written in this morning's Washington Post by Ezra Klein talking about the importance of the exchange and what it can mean for the bargaining power of middle-class people and businesses if it is set up right.

We know how to set it up right because it resembles the system that all of us enjoy in the Senate. At the beginning of the year, senators have a choice, a menu of options. If you make a good one, the money goes right into your pocket.

One last point with respect to Free Choice. Sometimes the best choices are not the most expensive choices. Senator BENNETT knows a lot about this because in Utah they have a system, intermountain, that has illustrated that the best choices are not always the expensive choices. Let's make it easier for people to choose an Intermountain program or a Mayo program or any of the other integrated systems that are regarded as the gold standard in terms of quality.

One of the concerns I have about all of these firewalls in the legislation that is being considered is that Americans around this country, after a big push in the Congress to choose quality, are not even going to have the opportunity to choose a program like Mayo or Intermountain that gets more value for the health care dollar.

There are some positive developments in the health care debate going on today. To highlight some of these developments, the President is out talking to workers; negotiations are going on in the Senate Finance Committee; and there is the very gracious approach that Senator BENNETT and a number of Republicans are taking in terms of saying: Look, we want this to be bipartisan, we want to meet the President halfway.

Each of those developments, it seems to me, is very positive. Fixing health care is absolutely key to fixing the economy.

As Ezra Klein pointed out this morning in the Washington Post, the reason people's take-home pay isn't going up is because medical costs are gobbling up everything in sight. So the key to fixing health care is promoting free choice; getting these exchanges right so employers and employees have more opportunities to hold costs down.

I think, in view of these positive developments I have highlighted, there is reason for Senators to stay at it and keep working in a bipartisan way, and real progress is going to be made before this body leaves for the August break.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, I have listened with interest to my friend from Oregon outline his relentless determination to get a solution to this problem, and I pay tribute to him for his willingness to do that. I am happy to follow his leadership, as we do our best to support what has been known colloquially around the country as the Wyden-Bennett bill, although in Utah we refer to it as the Bennett-Wyden bill.

We have heard a lot of debate during the time when we should have been dealing with energy and water. Senator after Senator comes down and asks for permission to speak as in morning business, and they always speak about health care. Since we haven't anybody else to speak about the bill on the floor, Chairman DORGAN has indulged them in that bit of morning business.

The one thread that has run through much of the statements about health care has been that we must get rid of the present system, as if that were a debatable issue. Everybody recognizes we must get rid of the present system. The proposal Senator WYDEN and I have been behind gets rid of the present system. And coming to the floor and giving example after example of how the present system has failed Americans is not the same as putting forward a legitimate proposal as to how to deal with the present system. We discussed that a little yesterday, so I will not go into it again.

I wish to make one slight addition to the comments Senator WYDEN made with respect to choice. When I first got here, and the First Lady of the United States, Hillary Clinton, was proposing a health care program, one of the mantras we heard on the street from people who would demonstrate was: We want what Members of Congress have. We want the plan you have.

And I said—half facetiously but half seriously—I want the plan I had before I came here. Because the plan I had was better than the one we got as Members of Congress.

I point out the reason I wanted that plan is that I got to pick what that plan would be. How did I get to pick what that plan would be? I got to pick because I was the CEO of the company

that made the choice. I was the only person in that company who got to pick, because once I made the decision that this is what we will have in the company, everybody else in the company was dependent upon my wisdom.

Senator WYDEN has pointed out we do have a wide range of choices in the plan that are available to us as Federal employees. I underscore, when I discuss this with people in Utah, that because I am a Senator, I have the same plan people at Hill Air Force Base have. This is the plan of all Federal employees. Yes, there are a number of choices and, yes, I am satisfied with it and I like it. But it is still true it is my employer—in this case the Federal Government—who designed the plan.

I am glad it is a good plan. I don't think I would want to change it. I think I would take advantage of the promises that have been made in this debate; that if you like what you have, you can keep it. But the point is that someone who is an employer, who has not made that available, is frozen out of the opportunity for choice by virtue of the decision that the CEO of his company made. The one sure-fire question I can ask and know the answer I will get at every town meeting I hold on this is to say: How many of you—in the group gathered—either know somebody or are somebody trapped in a job he or she hates because they are afraid to lose their health care benefits? Every time I ask that question, hands go up all over the room.

That is the kind of thing Senator WYDEN and I are trying to change. These people are locked in a job they hate because they are afraid they will lose their health care. They are not allowed the choice of deciding what their health care dollars will be spent for. It is determined for them by their employer. If we go the direction in which Senator WYDEN and I want to go, employers that continue to offer plans the employees like will find that their employees will exercise their right of choice to stay with that plan. But employers that say: No, we are going to cut corners a little and cut back on things, just because we think it would be better for our bottom line if we do this, will discover that if our legislation passes, their employees will be empowered to say we are taking our health care dollars and going someplace else and making another choice.

That is the fundamental reason why we have been scored as having the bill that will turn the cost curve down rather than up. We change the present system in a way that will allow market forces to get into the mix and allow people to exercise their free choice and start to save money as a consequence; whereas, all the other plans that are being scored as turning the cost curve up do so because they eliminate any power of individuals in the marketplace to exercise their choice.

I wish we were discussing energy and water. We seem to have turned this into a discussion of health care because the other folks will not come down. I won't intrude upon that any further. But having heard my colleague, I felt it appropriate for me to make these additional comments.

With that I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me make a point because we have heard a lot of discussion about health care. My colleague from Oregon and my colleague from Utah talked about this yesterday and today and I think it is important to point out.

When people talk about the choices Members of Congress have, I think it is giving the impression that somehow Members of Congress have some gold-plated health care system that other Federal employees do not have. In fact, I believe the choices available to Members of Congress are the choices available in the Federal Employees Health Benefit system for millions of other Federal employees.

The reason I make that point is we have had a lot of people talk about the choices Members of Congress have with their health plan. This Federal Employees Health Benefit Plan is available to all Federal employees. All Federal employees have the same choices, by and large, and those are the choices Members of Congress have.

Last weekend, I had several people talk to me about the extraordinary health insurance Members of Congress have, and I think part of that comes from this discussion about Members of Congress have all these choices. It is very important for people to understand that we have the same health care plan other Federal employees have—millions of them—and the same choices they have. I just wanted to make sure the RECORD shows that because I think it is important.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, let me pick up on the point made by the Senator from North Dakota because he is very accurate in his assessment.

One of the reasons they like so much this idea of trying to set up a model as we have in the Congress, with our exchanges, is because, for example, somebody who is working for the Forest Service in the State of Oregon has essentially the same kinds of choices I have for the Wyden family.

I think Senator DORGAN's point about trying to make clear to the American people that these choices Members of Congress have, somebody, for example, who works for the Forest Service in Oregon, has essentially the same choices, which involve basic health care—what we think of as preventive care, primary care, being able to go see a doctor, being able to get hospital coverage, and a reasonable catastrophic benefit. That is what Members of Congress can essentially choose from, and that is what somebody has an opportunity to get if they work at the Forest Service.

I think Senator DORGAN's point is very valid. The reason I have come back to this is because, under our free choice proposal, people in this country would, in effect, be able to go to one of these exchanges, which is similar to a farmer's market, and choose from a menu of private policies, not unlike what a Member of Congress has and somebody who works for the Forest Service. So I think the Senator from North Dakota has made a good point.

We, of course, have a lot of bargaining power because we go into these big groups, and that bargaining power can hold down administrative costs and get a better deal for somebody who has insurance. I would like to see, as we go forward with this legislation, that these exchanges are set up around a lot of the same principles Members of Congress have. Because if you do that, that is going to hold costs down for people who have insurance, and it is going to make their coverage more affordable. For example, the workers the President is going to see today would have additional choices in the future and save money when they are purchasing quality health care.

With that, I thank the Senator from North Dakota for making an important point.

The PRESIDING OFFICER (Mr. BENNET). The Senator from North Dakota.

AMENDMENT NO. 1846 TO AMENDMENT NO. 1813

Mr. DORGAN. Mr. President, we are ready to clear several cleared amendments, so I ask unanimous consent to immediately consider amendment No. 1846, which is already pending.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DORGAN. My understanding is the amendment is cleared on both sides. I believe there is no further debate, and I ask for its immediate consideration.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1846) was agreed to.

AMENDMENTS NOS. 1844 AND 1845, EN BLOC

Mr. DORGAN. Mr. President, I ask unanimous consent to call up amendments Nos. 1844 and 1845, en bloc; further, I ask unanimous consent to dispense with the reading of the amendments.

I believe there is no further debate. These are technical amendments that have been cleared by both sides, and I ask for their immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 1844 and 1845) were agreed to, as follows:

AMENDMENT NO. 1844

(Purpose: Provides a technical correction to a Corps of Engineers project)

Provided further, That the Chief of Engineers is directed to use $1,500,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of the

project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008:

AMENDMENT NO. 1845

(Purpose: Provides transfer authority for the Corps of Engineers and the Bureau of Reclamation)

SEC. ____. Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by adding at the end of the Title, the following new section 411:

'Section 411.— Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: Provided, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: *Provided further*, That funds set aside under this section shall remain available for obligation until September 30, 2012.'

Mr. DORGAN. Mr. President, I believe we will have an amendment by the Senator from Nebraska in a few minutes. But let me say, with the Senator from Utah, we need to have Senators come over and offer amendments. If you have amendments you want to add to this bill, offer, and debate, we expect you to be here. Ultimately, those who have amendments and don't come to offer them are probably going to be precluded at some point because we will move to complete this bill.

We have sat here the day before yesterday, yesterday, and now today. This is a very important piece of legislation that deals with the energy and water projects across the country, and we want to complete this bill, preferably this evening, if we can. In order to do that, we need to at least have some semblance of cooperation, which has been little evident, at least in the past couple days.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I would ask the chairman, since cloture has been filed, doesn't there arise a time at which there is a cutoff by which amendments can be offered?

Mr. DORGAN. I would say to the Senator from Utah there is a 1 p.m. filing deadline today. But the fact is we already have amendments filed but aren't offered. So I expect we will get additional amendments filed. The key is to get people down here to offer their amendments, but there is a 1 p.m. filing deadline.

The cloture motion was filed last evening, and I understand why the Senator from Nevada, the majority leader, filed it. I don't think he had much choice. We bring an appropriations bill to the floor that has very widespread support and then it largely comes to a standstill. It would not make much sense for us to be here in this position all week.

I think Senator REID had very little choice but to file a cloture motion. My hope is we would not need it. If people will come and offer their amendments, we will work with them. Senator BENNETT and I will work to accept the amendments we can and get the votes and perhaps this evening get this bill completed.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I ask to set aside the pending amendment.

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

AMENDMENT NO. 1874 TO AMENDMENT NO. 1813

Mr. NELSON of Nebraska. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 1874 to amendment No. 1813.

The amendment is as follows:

(Purpose: To express the sense of the Senate that the investment by the Federal Government in the automotive industry of the United States is temporary)

In the appropriate place, insert the following:

SEC. ____. (a) The Senate finds that—

(1) the United States is facing a deep economic crisis that has caused millions of workers in the United States to lose their jobs;

(2) the collapse of the automotive industry in the United States would have dealt a devastating blow to an already perilous economy;

(3) on December 19, 2008, President George W. Bush stated: ''The actions I'm announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination and bounce back from tough times and emerge stronger than before.'';

(4) on March 30, 2009, President Barack Obama stated: ''We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it's an emblem of the American spirit; a once and future symbol of America's success. It's what helped build the middle class and sustained it throughout the 20th century. It's a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It's a pillar of our economy that has held up the dreams of millions of our people. . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state.'';

(5) the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC in order to provide economic stability to the United States;

(6) the Federal Government should work to protect the investment of the taxpayers of the United States;

(7) the Federal Government should not intervene in the day-to-day management of General Motors or Chrysler; and

(8) the Federal Government should closely monitor General Motors and Chrysler to ensure that they are being responsible stewards of taxpayer dollars and are taking all practicable steps to expeditiously return to viability.

(b) It is the sense of the Senate that—

(1) the Federal government is only a temporary stakeholder in the automotive industry of the United States and should take all practicable steps to protect the taxpayer dollars of the United States and to divest the ownership interests of the Federal Government in automotive companies as expeditiously as practicable; and

(2) the Comptroller General of the United States, the Congressional Oversight Panel, and the Special Inspector General for the Troubled Assets Relief Program should continue to oversee and report to Congress on automotive companies receiving financial assistance so that the Federal Government may complete divestiture without delay.

Mr. NELSON of Nebraska. Mr. President, the amendment I propose serves to address the government's significant ownership and puts the Senate on record and makes absolutely clear that the Federal Government is a temporary shareholder in General Motors and Chrysler and should divest its shareholder position as expeditiously as possible.

It is pretty clear no one ever wanted the government to be in the car business, but the alternative was worse and the turmoil in the auto industry extends far beyond Detroit, as most Americans know.

Dealerships across my State of Nebraska, and I am assuming across your State as well, are feeling the impacts of decisions made by automakers following their bankruptcies. Chrysler has terminated franchise agreements with 9 dealerships in Nebraska, and GM is terminating franchise agreements with 21 dealerships in Nebraska. These decisions are affecting dealerships, their employees, and communities across my State.

However, now that investment has been made, we owe it to the American taxpayer to be clear about what will happen with their money. My amendment states that the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible.

The government should not be involved in day-to-day operations, and as soon as the auto companies have regained their financial footing, the government must divest.

Further, this resolution calls on the Government Accountability Office and inspector general for the Troubled Assets Relief Program, or TARP, to continue to provide oversight and report to Congress on the automakers' progress so the Federal Government may complete divestiture without delay.

This is not a partisan issue. We have had Presidents of both political parties recognize the need to address the current downfall of the auto industry and recognize the need to remove government involvement as quickly as possible.

Our sense-of-the-Senate resolution affirms what the President has already made clear. Taxpayers should be protected and the government should get out of the auto business as soon as possible. Through this amendment, the Senate leaves no question about the government's future role in the U.S. auto industry. In the event there has been an uncertainty about that ownership, this resolution will clear that up.

I yield the floor.

Mr. BENNETT. 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. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, we are awaiting some word from Senator ALEXANDER. He was here earlier this morning to offer an amendment. We indicated we would very much like to have a vote at 11:30 this morning. We are trying to contact Senator ALEXANDER and his staff. There will be a budget point of order against the amendment offered by Senator ALEXANDER, so the vote would be on the point of order that will be made with respect to the budget.

Senator BENNETT and I hope we can get this vote so we can get people to the floor and determine which amendments are going to be offered and when. The majority leader has been extraordinarily patient. He is trying to schedule bills to the floor of the Senate. We bring an Energy and Water appropriations bill to the floor of the Senate, people say they have amendments but they do not come to the floor to offer them, so the majority leader filed cloture last evening, a cloture motion that will ripen tomorrow.

He did not have much choice but to do that, and I think what is happening today demonstrates the requirement that the majority leader had to file a cloture motion. It would be far better for everybody if we can dispose of the amendments.

I think we have three amendments dealing with TARP funds. I think we can dispose of the three of them. If we can have Senator ALEXANDER come and reach an agreement on time and have a vote at 11:30, at least we would at that point get Senators to the floor, dispose of that amendment on a budget point of order. There will be points of order against the other two TARP amendments as well—different points of order, I might add.

Mr. BENNETT. Mr. President, I have just spoken with Senator ALEXANDER. He is on his way over and is amenable to having a rapid vote. So he would come over and discuss with us the unanimous consent agreement with respect to time.

Mr. DORGAN. Mr. President, we appreciate the cooperation of Senator ALEXANDER. I know he cares a lot about his amendment. As I indicated, there will be a budget point of order that lies against the amendment. I will make that point of order, but then we will have a recorded vote on that point of order. My hope would be that we can do that at 11:30 this morning, for the information of other Senators and their staffs, and we will determine that when Senator ALEXANDER arrives on the floor momentarily.

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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1862

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Alexander amendment No. 1862 and that Senator DORGAN be recognized to raise a Budget Act 302(f) point of order against the amendment; that once Senator ALEXANDER has moved to waive the relevant point of order, debate on the waiver extend to 11:25 a.m., with the time equally divided and controlled between Senators DORGAN and ALEXANDER or their designees; that at 11:25 a.m., the Senate proceed to vote on the motion to waive, with no amendments in order to the amendment during its pendency.

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

Mr. DORGAN. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. ALEXANDER. Mr. President, I move to waive the applicable section of the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The yeas and nays are ordered.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, we have the time equally divided between now and 11:25; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I would like to reserve the last minute of my time, if I may, for use before the vote. But I will go ahead now.

I thank the managers of the bill for creating the opportunity for this vote. The American people want the government, the Federal Government, out of the auto business. I believe Democrats and Republicans in the Senate would like to have the government out of the auto business. President Obama has said he would like to have the government out of the auto business. Yet we are in the auto business in a big way for the foreseeable future unless we take some action.

The taxpayers have paid almost $70 billion for 60 percent of the stock in General Motors and about 8 percent of the stock in Chrysler. My amendment is identical to legislation which is cosponsored by the distinguished Senator from Utah, Mr. BENNETT, and Senator MCCONNELL, Senator KYL, and others. What this amendment would do, most importantly, is have the Treasury, within a year, to declare a stock dividend, which means to give the stock the government owns in General Motors and Chrysler to the 120 million Americans who pay taxes on April 15.

They paid for it. They should own it. Why is that a good idea? Polls show that 95 percent of Americans disagreed ''that the government is a good overseer of corporations such as General Motors and Chrysler.'' We know that. We have seen the incestuous relationship that develops. We own the company, so we call up the managers and say: Change your dealer contracts. Don't close a warehouse in my district. Put your plant in my State. Why are you buying a battery from South Korea when you could be buying one from my congressional district?

We can, and are, summoning the executives of General Motors and Chrysler to the more than 60 committees and subcommittees in Congress that have some say-so over these companies we own, one of which we own a big majority of. So the executives have to drive in their congressionally approved methods of transportation to Washington, DC, and spend time talking to us, who know nothing about building cars, but that doesn't stop us from giving them a lot of advice. Then these executives go back. During that day they have talked to us, they haven't designed or built or sold a car.

We need to get the stock out of the hands of the government and into the hands of the taxpayers. Several Senators have suggested a way to do that. The simplest way is the corporate spinoff or spinout. A spinoff is a new organization or entity formed by a split from a larger one. It typically happens when we have a corporation that has a subsidiary which increasingly doesn't have any relevance to the major corporation's business, so we simply give the ownership to the owners of the major corporation. That is what Procter & Gamble did with Clorox in 1969. Procter & Gamble decided Clorox didn't have anything to do with Procter & Gamble anymore, so they gave all the stock in Clorox to the owners of Procter & Gamble. In March 2009, Time Warner gave all the stock in Time Warner Cable to the people who paid for the stock in Time Warner. In 1997, PepsiCo gave all the stock in KFC and Pizza Hut and Taco Bell to the people who own stock in PepsiCo. Why should we not do that with General Motors and Chrysler? The taxpayers paid for it. They own it. We should give the stock back to all the taxpayers who paid for it on April 15. We should stop this incestuous political meddling with

major American corporations. The only alternative, other than this, is to slowly sell down the stock over a period of years. Over that time, we will meddle so much, General Motors will never survive.

This is the best thing for General Motors. It is the best thing for the country. If we want to reverse this trend of Washington takeovers of banks, insurance companies, and car companies, this is the simplest thing to do.

I urge colleagues to vote yes on the motion to waive the budget point of order.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Illinois.

Mr. DURBIN. Mr. President, I commend my colleague from Tennessee for his ingenuity, creativity, but not necessarily for his wisdom. I don't agree with this amendment, and I am going to oppose it and urge my colleagues to do the same.

The U.S. Government never wanted to get in the automobile business. President Obama has said that. He said he will not run these companies. That is not why he ran for President. What he tried to do is to save some major companies in America and, more importantly, save jobs as well. What he tried to do was create incentives for the companies to make some decisions they needed to make: Chrysler to ally with Fiat for the future; General Motors to basically gear down the number of cars they are going to make and the number of brands, try to be a leaner company that is going to be more responsive to American consumers. That is why we are in the automobile business. The President, nor any member of his Cabinet, is not sitting down on a day-to-day basis making decisions when it comes to the future of the automobile companies.

The Senator from Tennessee wants to take the taxpayers' investment in General Motors and other companies and basically turn it into a couple shares of stock, maybe 10, 20—I am not sure—for every American. That may be an approach, but I don't think it is one that is well thought out. What happens then at the next General Motors shareholders meeting, after Senator ALEXANDER's wish comes true? Who stands up to the management of the company? Does each of us give up a day of work and go to the meeting to sit down and help make these decisions? Not likely. What is more likely to occur is that the ownership of General Motors will feel no obligation. This stock ownership being distributed across America is going to dilute the impact of shareholder rights and the impact of shareholder power. I would rather have at least the prospect and the possibility that if the administration and management of General Motors goes too far in one direction, they know that TARP, the money being spent there, is going to be a factor they have to take into consideration.

What could they possibly do that would enrage the taxpayers of America who have saved their company? They could do what some of the banks did: They could declare multimillion-dollar bonuses for the people who work for them. What is holding them back? Their largest lender, the U.S. Government, which doesn't exactly like that idea, as most Americans do not. This is going to end up liberating General Motors in many respects—maybe some positive but also some negative, terrible decisions which they could make with impunity after the amendment passes.

There is a reason this was defeated in the Appropriations Committee. There is a reason it should be defeated on the floor of the Senate. Before we embark on this idea of providing a couple shares of stock to every citizen, we ought to step back and ask ourselves: Is this the best outcome to make sure this company and its workers' and retirees' rights survive or is this kind of an ingenuous, creative idea that ought to be thought through? This needs to be kept in the pot, boiling on the stove a little bit longer, before we decide we are going to embark on what is a first of its kind in America. Every example Senator ALEXANDER gave involved shareholders receiving shares in companies. They weren't given to the public at large, which is what he is proposing here. That is a dramatic difference. We are diluting the impact on the shareholders with the Alexander amendment. I hope my colleagues will join me in opposing it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. The Senator from Illinois made an eloquent argument about why he believes it is better for the government to run the auto companies. I believe it is better to put it in the hands of the stockholders. Those are the people who pay taxes on April 15.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. A minute and a half remains under the control of the Senator from North Dakota.

Mr. DORGAN. I understand what Senator ALEXANDER wants to do. I have some of the same instincts. The President does as well. I don't want the Federal Government running America's corporations. We want to divest as quickly as we can. We want the companies to recover. But whatever we do here, we need to do it in a way that protects the interests of the taxpayers. Theirs are the interests that are at risk. To set a date within 1 year does not protect the interests of the taxpayers.

I happen to support a Corker amendment. I was a cosponsor of the Corker amendment that talks about the establishment of trustees, three trustees to actually be engaged in running these companies so the government is not running them. It talks about liquidating that trust by December 2011. But they would submit a report to Congress. That liquidation would not happen unless it maximizes the profitability of the company and the return to the shareholder. That is one thing missing in the Alexander amendment, the question of what maximizes the return to the American taxpayer. They are the ones who are at risk. What do we do to maximize the return, or are we going to leave tens of billions of dollars on the table because somebody simply wants to pass a piece of legislation with an artificial end date?

I don't disagree with the intent of wanting to get out from under this issue of the Federal Government being engaged in these corporations. That is why I cosponsored the Corker amendment.

Mr. LEVIN. Mr. President, I strongly oppose Senator ALEXANDER's amendment, No. 1862. This amendment would undermine the hard work and painful sacrifices that have been made over the last several months by GM, Chrysler, hundreds of auto parts suppliers, thousands of dealerships, and millions of families. It would destroy the viability of the domestic automotive manufacturers, and would cost America thousands of jobs at precisely a time when unemployment is sky-high, and likely to go higher.

This amendment would force the government to divest its interests within an arbitrary timeframe, even if doing so would be detrimental to the taxpayers, the automobile companies, and the country as a whole. If the government has not divested its interest within that timeframe, it would be faced with a choice: it could divest the government's ownership quickly—before the reorganization efforts are complete and benefits realized—or be forced to direct the companies to issue millions of fractional ownership interests to taxpayers.

Approximately 138 million Americans file tax returns, and under this amendment, they would all become shareholders. The automakers will be faced with enormous administrative difficulties and unknown tax consequences. For example, how much would it cost to distribute proxy materials to 140 million ''owners''? How about keeping track of ownership interests and tax filings? Berkshire Hathaway famously hosts its annual meetings in a massive sports and entertainment complex. There is not a venue on the planet that could host a shareholder meeting with nearly 140 million owners.

Further, an extremely diffuse ownership base could lead to significant corporate governance concerns, with a management structure that may be less accountable to shareholders, not more. Because there would be so many shareholders, each would have extremely limited ability to affect change. That is exactly the wrong direction. The taxpayers deserve to have a strong voice in return for their significant investments. These penalties would be disastrous for the taxpayers and could be fatal to the companies.

This amendment would impose fiduciary duties onto administration officials, with their goals to be ''maximization of the return.'' The amendment would then also subject these officials to potential civil suits. This obvious attempt to co-opt traditional corporate law fiduciary duties is simply inappropriate here. The Secretary and his designees have duties to uphold the Constitution and the laws of the United States; they are not simply members of boards of directors. They are officials of the government. And they cannot be forced to take actions that may be contrary to their governmental duties.

Of course, imposing this liability would also come with some great costs. The legal costs on the companies would likely be enormous, as would the time demands upon the administration officials, which would keep them from their critical governmental duties.

The amendment would also prohibit the Secretary of the Treasury from spending or obligating any more funds under the Emergency Economic Stabilization Act of 2008 to any automobile manufacturer. Restructuring an entire industry takes patience, sacrifices, and capital. And while we all hope that the capital requirements are behind us, the administration's ability to ensure the success of the restructurings should not be unnecessarily and arbitrarily restricted.

This amendment is a recipe for disaster that could undo the efforts that have gone into preserving the domestic auto industry these past several months, and I urge my colleagues to join me in voting against it.

Mrs. STABENOW. I wonder if I might ask unanimous consent for 1 minute before we go to a vote?

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. If I may have an additional minute?

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I know there is a point of order against this amendment, but despite the intent, which I appreciate and agree with, of protecting taxpayer dollars, unfortunately, the way this is designed, it would actually put taxpayer dollars at risk by creating an end deadline so that we would have all of the taxpayers' interests coming up at the same time. It would lower the value. It would put the companies at risk of a takeover, which I don't believe my colleague or anyone in this body would want.

It is incredibly important that we not try to intervene with end dates that are, in a way, going to backfire in terms of putting taxpayer investment in these companies at risk.

The PRESIDING OFFICER. The Senator from Tennessee has 1 minute.

Mr. ALEXANDER. Mr. President, I am surprised by this. I thought we all wanted to get the stock out of the government and into the hands of the taxpayers. The argument I am hearing is that the government is wiser than the marketplace, that it is dangerous to give the stock to the 120 million taxpayers who paid for it. It is their taxpayer money. They should own it. General Motors had 610 million shares before it went bankrupt and 51 percent of American families own stock. This is a classic difference of opinion. Do we want the government to run companies? Do we trust the government or do we trust the shareholders? I trust the shareholders.

I urge colleagues to vote aye.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Alexander amendment No. 1862. The yeas and nays have been ordered. 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), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays, 59, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—38

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Cornyn	Klobuchar	Wicker
Crapo	Kyl	

NAYS—59

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Voinovich
Dodd	Lugar	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment fails.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—S. 1344

Mr. VITTER. Mr. President, I rise to talk about something I have brought up several times on the floor of the Senate, which is the fact that the highway trust fund, essential to continuing to build out our highway infrastructure, and particularly essential in the midst of a recession, is about to run out of money. We need to do something about that and we need to act responsibly; not merely increase debt, increase deficits, borrow more money but act responsibly to replenish this trust fund in a way that doesn't drive up yet more the public debt and the Federal Government debt. I have a proposal to do that, but it is essential we consider this issue now, this week, and not wait until next week when the House of Representatives will not even be in session so we can correctly address this issue and act in a responsible way.

Again, it is very clear the highway trust fund is running out of money. I think it is a near universal consensus that we need to act, we need to do something about it so the highway program doesn't end and essential construction in all our States around the country doesn't come to a screeching halt. But how do we do that? That is the issue.

There is absolutely no reason we need to do this by driving up the debt yet more, borrowing yet more money from our lenders, whoever they may be, including the Chinese Government. We can do this with already appropriated dollars. How do we do it? Well, let's move some of the stimulus dollars—a very small percentage of the stimulus bill which is already passed, dollars which have already been appropriated—to the highway trust fund. This solves the problem and does it in a responsible way, without increasing our debt level, without borrowing yet more money from all sorts of sources, including foreign sources.

I summarized this proposal in a letter to Senator REID, cosigned by about 35 of my colleagues, and we sent the distinguished majority leader this letter on July 21. We urged him to get behind in support of this proposal, but we also urged him to take up this matter of the highway trust fund now—sooner, not later—so we can have a full and fair debate on the issue and come to a proper resolution.

Why does it matter when we take this up? Well, for a very simple reason:

This week we could address the issue; we could have a full, fair debate; we could amend House action and send it back to the House and include the proposal that funds be shifted from the stimulus to meet this essential need. Next week, we can do the same thing, but I can tell my colleagues the first thing that will come out of the mouth of the majority leader and others will be: Well, the House is gone. The House has left town. It is take it or leave it. It is accede to everything they want. We can't amend it one comma, one period.

That is bogus. We can amend it. We can, in particular, amend it if we act this week. That is what we should do, as soon as we conclude consideration of the Energy and Water appropriations bill, which is on the floor now.

I urge all my colleagues to come together in a reasonable, responsible debate to consider this commonsense solution of replenishing the highway trust fund but doing it out of stimulus dollars, so we don't increase the debt yet more. After all, highway construction is exactly the sort of stimulus we can all agree on. It is precisely the sort of stimulus spending that has very broad, near universal, bipartisan support. So it is fully consistent with the broad goals of the stimulus.

With all that in mind, I would repeat a unanimous consent request that I proffered several days ago. Several days ago, I asked for unanimous consent that the Senate call up and pass S. 1344, my bill to use stimulus funds to protect the solvency of the highway trust fund. This request was objected to on the Democratic side.

I would now renew that request and specifically ask unanimous consent that the Senate enter a unanimous consent agreement that would provide for a time certain, immediately following the conclusion and consideration of the Energy and Water appropriations bill, to consider this bill and allow for relevant amendments.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, I wish to spend about a minute to explain why I will object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I know Senator VITTER serves on the Environment and Public Works Committee with me. We have worked closely on many issues. I know he is aware that our committee has already voted out an 18-month extension of our highway program, our transportation programs, and he also knows other committees have acted on that same extension—the Banking Committee as well as the Finance Committee.

The Finance Committee has already made sure they can find about $27 billion and they have acted on that. So the first thing I wish to say is nobody should worry about this. This Senate is acting and we have acted responsibly to extend the fund for 18 months while we write a transformational bill.

I think the Senator knows there is a lot of what he says that has merit.

I certainly say that at the end of the 18-month period, after which the stimulus program was supposed to act, if there are funds left over, I think it makes eminent sense to put them into the trust fund. But to take them out at this time, while we are in this deep recession—and my friend says what better way than to put it in the highway trust fund. We have billions going to highways that have yet to be spent. There could be money taken out of that.

I am going to object to this. The Senate is doing its work. We voted for the 18-month extension. The Finance Committee has come up with $27 billion of the trust fund assigned. We always have the opportunity to look back when the stimulus program is set to complete and see if there are leftover dollars. Why would we want to take money out of this economy right now, when we still have the job loss rate going up, when we found the money—Senator BAUCUS did—as an intergovernmental transfer of funds.

Therefore, I object to this.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Will the Senator yield before she gets off the floor?

Mrs. BOXER. Sure.

Mr. VITTER. I ask the Senator, through the Chair, to consider the fact that if we don't take up this matter—however you want to fund it or consider it—take it up now, this week, then the argument will be made next week that we have to accede to whatever the House has done, and we cannot do anything differently. That includes a much shorter extension.

I support the idea of an extension for 18 months, as does the distinguished chair of the authorizing committee. But the House is going to pass and is passing now a much shorter extension.

Would the Senator not agree it is a good idea to take up the general matter now, immediately following the Energy and Water bill, and not have the terms of our action dictated to us next week simply because the House has gone out of session?

Mrs. BOXER. Mr. President, I respond to the Senator this way: I agree we should take up the highway bill now with the fix as proposed by Senator BAUCUS. I think it is totally responsible. We have hotlined this reauthorization. If we can get some cooperation on both sides of the aisle not to load that measure with extraneous amendments and we can reach a time agreement, Senator REID has told me to come to him. So we have, in fact, sent out a hotline on both sides.

I would be happy to work with Senator VITTER to see if we can clear the way for a time agreement because, as he knows, these appropriations bills are very important. The first people to object that we are not doing our appropriations bills are some of my friends on the other side. So if we are going to take time out and do the highway bill reauthorization—and I hope it would be 18 months—believe me, I want to do it as much as anybody here, if not more, given that I am chairman of the committee responsible for ensuring that the fund is viable. I hope the Senator can help me.

I ask him, through the Chair, if he would be willing to work with me to get a clean bill forward and a time agreement that we can get moving on this. I agree it is a great idea to do it.

Mr. VITTER. I very much agree with that plan forward. In that cooperative spirit, I would amend my unanimous consent request and ask unanimous consent that immediately following consideration of the Energy and Water appropriations bill, the Democratic proposal the Senator is referring to, which has been hotlined, be made the order on the floor and a time certain to consider that bill and allow relevant amendments, including the Vitter amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, first, I asked if we could get something done without amendment, and now my friend says we have to have the Vitter amendment. What about the Boxer amendment, the Landrieu amendment, and the rest of the amendments?

Maybe my friend misunderstood me. I said I want to go to a clean 18-month extension, the way it passed out of all the committees, get this done, and have a time agreement on both sides. What my friend is proposing is that we allow amendments, and we don't have the agreement.

I will object to this in the hopes that we can work it out between us and the leaders—a time agreement, hopefully, with no amendments; and that if we have to have one or two, we have agreements on those, with side by sides. Then I think Senator REID would be very open to it.

Obviously, if we are going to bring this up and have 30 Senators filibustering here, that will not help the highway trust fund. I think what we need to do is work together to get a bipartisan agreement, where we can get a time agreement, a couple narrow amendments, if we have to, and then have a vote.

So I will object. I will not object if we can come back with a time agreement, but I object at this time.

Mr. VITTER. Mr. President, I renew the plea that we work on that sort of agreement to consider the matter this week immediately following the Energy and Water appropriations bill.

Yes, I absolutely want a Vitter amendment considered because that is the whole issue I have been pushing—to fund this out of the stimulus, not to run up debt. I believe we can have an agreement for a very limited number of

germane amendments. But it is essential for that discussion to be meaningful and that it happen this week.

I renew my encouragement of the chairman to help put together an agreement for consideration of the bill this week, a limited number of amendments, including the concept of funding it out of the stimulus. I believe that is the way we can act responsibly and not be held hostage and be married to whatever the House says is the right answer, simply because they are leaving town at the end of this week.

I look forward to working with the chair of the authorizing committee toward that end. With that, I yield the floor.

Mrs. BOXER. Mr. President, to tie this up, let me make it clear that I have been working with the majority leader. He is very anxious to get this done. If we can get cooperation on both sides of the aisle on a time agreement, we can move this very quickly.

I think Senator VITTER makes the point that is urgent and important. I agree. That is why we hotlined this, and any Senators listening, please don't object to letting us go to this 18-month extension. We have it figured out and paid for. Let's move forward on it.

Mr. DORGAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 1874.

Mr. DORGAN. Mr. President, pursuant to the Lott precedent, I make a point of order that the amendment is not germane.

The PRESIDING OFFICER. Pursuant to the precedent of May 17, 2000, the amendment violates rule XVI. The point of order is sustained and the amendment falls.

Mr. DORGAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 1865, as modified, offered by Senator CORKER.

Mr. DORGAN. I make a point of order that the amendment is legislation on appropriations.

The PRESIDING OFFICER. The amendment violates rule XVI. The point of order is sustained and the amendment falls.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

HEALTH CARE REFORM

Mrs. SHAHEEN. Mr. President, time and time again, we have heard that our health care system is not working. Costs are too high, outcomes are too poor, and access is too limited. I agree with so many of my colleagues who have spoken out over the last several weeks that the status quo is not sustainable. We must take action. We must all work together to ensure that every American has access to quality and affordable health care.

Everyone deserves stable health care coverage that they can count on, regardless of the job they hold or the curveballs that life may throw. All Americans should be able to count on insurance premiums and deductibles that will not continue to rise and eat away more and more of their paychecks. All Americans deserve stable health care that lets them keep their doctor and their health care plan, especially if they trust their doctor and their plan and they have built a relationship with both.

Let me be clear. Health care costs are too high. Every day, in New Hampshire and across our country, families are struggling. The crushing costs of health care threaten their financial stability, threaten leaving them exposed to higher premiums and deductibles, and put them at risk for possible loss of health insurance coverage and, too often, even bankruptcy. Studies have shown that medical problems contribute to over 40 percent of the personal bankruptcies in the United States today.

Unfortunately, too many of us are just one heart attack away from a potential personal financial disaster due to the cost of health care and inadequate coverage.

In 2007, our Nation spent $2.2 trillion, or 16.2 percent of the gross domestic product, on health care. This is twice the average of other developed nations. As a country, the quality of care we receive is no better. We still lag behind other countries when it comes to efficiency, access, patient safety, and adoption of information technology.

I have one proposal that I think will help with our current health care situation and, along with Senator SUSAN COLLINS, we have introduced a bipartisan piece of legislation that we are calling the Medicare Transitional Care Act of 2009. It would help address our health care crisis.

The Medicare Transitional Care Act would improve quality of care while saving money. This bill aims to reduce costly hospital readmission and improves the care patients receive while cutting Medicare costs. The legislation will help keep seniors who are discharged from the hospital from having to go back. Simply put, it provides transition planning for seniors on Medicare who are leaving the hospital and, in doing so, it will improve the health care we offer our seniors, while saving money; savings that experts estimate to be $5,000 per Medicare beneficiary.

According to a report from the New England Journal of Medicine, almost one third of Medicare beneficiaries discharged from the hospital were rehospitalized within 90 days. One-half of the individuals rehospitalized had not visited a physician since their discharge, indicating a real lack of followup care.

The study also estimated that, in 2004, Medicare spent $17.4 billion on these unplanned rehospitalizations. This problem is costly for our government and troublesome for our seniors. The good news is, it is avoidable.

Research shows the transition from the hospital to the patient's next place of care—whether that is home, a nursing facility or a rehabilitation center—can be complicated and risky. This is especially true for older individuals with multiple chronic illnesses. These patients talk about difficulty in remembering instructions for medications, confusion over the correct use of medications, and general uncertainty about their own condition. Seniors need support and assistance to manage their health during the vulnerable time after discharge from a hospital to ensure they are not rehospitalized. This legislation provides that support. This is the type of commonsense legislation that needs to be included in our health reform. It saves money and it improves quality.

I am proud that in New Hampshire we have two exciting health reform initiatives underway to address health care costs and improve quality. We have a medical home pilot project with close to 40,000 patients across the State. The medical home pilot is changing the way health care is delivered and the way we think about health care, making it much more patient centered. It is encouraging doctors to collaborate with other providers to create health care plans for each patient. They also utilize electronic medical records to reduce errors, improve quality, and contain costs. It is a new way of practicing medicine, and it is one that will deliver better care for less money.

New Hampshire is also the home for the Dartmouth Institute for Health Policy, which is the leader in comparative effectiveness research. It helps empower patients to make vital health care decisions.

The research provided by the Dartmouth Atlas Project has provided critical analysis about the difference in the amounts of money we spend on health care in different regions of the country. The research also shows that these differences in spending have no impact on health outcomes. I want to repeat that because I think this goes to the crux of one of the problems we are having with our health care system. What the research at the Dartmouth Atlas Project and other places around the country has shown is that differences in spending have no impact on health outcomes.

It is amazing to me that regions that spend more money on health care do not necessarily produce better health

care results. We must address this inadequacy as we turn to health care reform, and we must empower patients to make them equal partners in their health care decisions. Research supports this point. In fact, it shows that up to 40 percent of the time, patients who participate in decisions related to their care will choose procedures that are less invasive and less costly. These choices produce better outcomes with higher rates of satisfaction. We must remember to keep patients at the center of this debate on health care reform.

Finally, people are struggling because of the high cost of health insurance. It is a burden to families in New Hampshire and across the country. In my State, there are nearly 150,000 people who have no health insurance, even more who are underinsured with policies that do not provide the coverage they need. For those who do have insurance, the costs are very high.

Over the past 9 years, premiums for employer-sponsored health insurance have more than doubled—a growth rate that is four times faster than cumulative wage increases. This has created a huge burden on middle-class families.

In my State of New Hampshire, from 2002 to 2006, there was a 41.6-percent increase in the premiums businesses paid for an individual plan for their workers. For our smallest businesses, those with fewer than 10 employees, the increase was almost double that, a 70.6-percent increase. That is staggering, and that disturbing increase in premiums caused what one would expect: Many small businesses dropped their coverages. That is unacceptable. Health care costs and insurance costs must be contained.

Chuck Engborg from Ashland, NH, talked about the high cost of insurance and the instability of the insurance market at a recent health care roundtable I attended in New Hampshire.

Almost 30 years ago, Chuck was diagnosed with type 2 diabetes. He suffered a mild stroke, a heart attack, and he has had five bypass surgeries. He also developed a complication from his diabetes that required him to walk on crutches for 3 years. Despite all of that, Chuck has lived to tell his tale, but the turning point for him came 2 years ago when his wife Kathy was laid off from her job. They had to purchase COBRA health insurance and found that the cost of COBRA, plus high copays, amounted to 50 percent of their annual income. In the meantime, Kathy also suffered a heart attack that resulted in her own bypass surgery. They are two of the lucky ones because Kathy has found new employment and they have health insurance through her job. But that health insurance comes with a very high annual deductible.

I heard a similar situation from a woman named Laura Mick from Manchester who also struggles with high insurance costs. While she has not had surgery in 16 years, the insurance companies are able to target her and charge her outrageous rates under a preexisting condition loophole.

Laura was born with a cyst on her brain. Fortunately, it was recognized by doctors a few weeks after she was born, and at 1 month old she underwent surgery. A shunt was inserted into her brain to drain fluid and another surgery at 16 years old to relieve the pressure. She is currently an active young woman in her late twenties, and she works hard to maintain a healthy lifestyle. But she is not being rewarded for it. She has been denied from every insurance company in New Hampshire unless she accepts the high-premium, high-deductible plans.

We need to enact health care reform to help people like Chuck and Laura. We need to ensure that every American has access to affordable, quality health care they can count on when they need it. This is a basic principle on which many business groups, labor organizations, and medical professionals now agree. We must take steps as a nation to reduce the costs of health care while improving the quality of care Americans receive.

Health care reform is economic reform, and I believe that for our economy to truly recover and prosper, we must help middle-class families, businesses, and Federal, State, and local governments cope with the skyrocketing health care costs. The status quo is not working, and it is clearly not sustainable.

We need to act, and we need to act soon. I look forward to working with my colleagues on both sides of the aisle to enact health reform that addresses the health care cost crisis and ensures quality, affordable health care for everyone in New Hampshire and across this country.

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. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise today to join my colleagues in addressing one of the biggest issues facing our economy and our country; that is, the threat posed by global warming. This challenge presents us with an opportunity as well. It is the opportunity to revitalize our economy while simultaneously changing our national energy policy to reduce our dependence on foreign oil and to increase our energy efficiency and conservation, which will save money for the people of Pennsylvania, as well as people across the United States.

We have a long debate ahead and a lot of issues to discuss, but I believe it is critically important, in these weeks in the summer leading up to the break Congress will take, to begin the debate, which I know will continue into the fall and maybe beyond that.

I do agree with a majority of accredited climatologists and scientists that human-caused global warming is a threat. Specifically, global warming is a threat to our economic and national security. It threatens our economic security because the problems we face become more expensive the longer we do not act.

If the past is any indicator of our future, we should be concerned that over the past 28 years—1980 to 2008—the cost of the 90 largest weather events that happened in that time period was $700 billion—$700 billion attributable to those weather events. If we do nothing and the worst-case scenarios become a reality, mitigating the change in our climate will be expensive and difficult.

Global warming threatens our national security by setting off a chain of events that could lead to decreased food production, relocation of large numbers of people, an increase in extreme weather events, and a rise in sea levels.

Like many Americans, I came to understand this challenge in a way that was very poignant. I remember reading a Time magazine story a few years back, and it talked about the percentage of the Earth that has been the subject of drought. That percentage of the Earth's surface that has been the subject of drought doubled in about 30 years. That is all we need to know. We know what drought means: it means disease and hunger and darkness and death. That is the threat posed by global warming.

The threat is real enough that we are now currently assessing the readiness of our military to protect us and keep the peace should global warming continue unchecked. One area of the world we are examining in that analysis to determine the impacts is the region that encompasses Pakistan, India, Afghanistan, and the Indus River that is fed by the Himalayan glacier which all three countries share. The changing global climate is causing that glacier to retreat; that is, to melt and disappear. Once the glacier is gone, the Indus River is expected to lose 30 to 40 percent of its waterflow. India, Pakistan, and Afghanistan are already water-stressed countries that rely heavily on that river. I don't think I have to explain to this Chamber or anybody else the national security implications of that threat, especially with regard to Afghanistan and Pakistan.

What a permanent drought would mean for countries is those countries not having enough drinking water and not able to grow food in those countries as a result of that threat.

I understand this may seem a long way off to the people in Pennsylvania or in other States around the country who at this time, and at a time of economic stress, are leading lives of struggle and sacrifice and real hardship. They are struggling to keep their jobs,

pay their mortgages, put their kids through college, or pay for this week's groceries. What we do on climate change does affect their lives directly—not indirectly, directly.

I wish to talk this morning about the economy and jobs as it relates to this issue. We all know things are tough for so many people right now in our country. We are suffering through the worst recession since the Great Depression. But I think it is time—instead of talking about how we got here on a day like today—to focus on the future.

One of the solutions is transforming the way we produce and use energy, which saves bill payers money and creates new jobs along the way. The good news is that these jobs are not the same hazy concept as relates to the future. We are creating clean energy jobs right now in Pennsylvania. To give one example among many I could cite, Aztec Solar Power in Philadelphia employs a team of solar experts, certified electricians, installers, and energy consultants to build systems for residential and commercial buildings. Not only is Aztec employing Pennsylvanians in clean energy jobs now, they plan to expand their business. The company is constructing a $10 million manufacturing facility in York, PA, and will create over 100 new jobs.

I believe we in this country on this issue are right at a crossroads. One direction we could take—and some people in Washington want to take this direction—is business as usual, keep losing jobs, keep losing our competitive edge to countries such as China, which is outinvesting us and outinnovating us when it comes to new energy technologies and the jobs that come from that.

I believe we can take a different direction. We should move down a different path, a path where America will reclaim its competitive edge, bring manufacturing jobs back home to Pennsylvania and States across the country, give us the opportunity to manufacture new technologies for exporting those technologies to other countries, and create a new economic engine that will put people back to work.

This is a strategy for economic renewal. Creating a new energy policy with a focus on building clean energy jobs and innovative energy technologies will take time. Indeed, it will take time, but it will also take leadership. It will take the dedication, the know-how, the ingenuity, and the innovative skills of the American worker. A lot of those workers are in Pennsylvania.

So the choice before us is clear: We can stay on the road we have been on, which we know leads to not just more drought and darkness and death but also leads to job loss in the end because our economy won't have the dynamism to compete with places such as China, or we can take a different path—the path of change, the path of reform, the path of not doing business as usual. I think it is time we create policies that will rebuild our economy and create permanent new energy technology jobs in Pennsylvania and in States across the country. We know how to do this. We have done it before, throughout our entire history in our State as well as States across the country. We have to do it again.

Madam President, 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. KAUFMAN. 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. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

IN PRAISE OF DAVE DIBETTA

Mr. KAUFMAN. Madam President, I rise once more to recognize our great Federal employees. Many Americans can recall from memory the acronyms of several Federal law enforcement agencies—FBI, DEA, ATF, and TSA, to name a few. These are more than just acronyms. These agencies are composed of thousands of hard-working men and women who risk their lives to ensure our safety. Today I will share the story of one such law enforcement agent from my home State of Delaware.

When speaking about someone from Delaware who has spent a career risking his life in service to others, I cannot help but think of the generation of Delawareans who fought for independence. They, in particular, are part of the tradition of public service and courageous sacrifice that has always characterized the people of the First State.

I am reminded of Caesar Rodney who, on the 1st of July, 1776, rode his horse 80 miles through a thunderstorm from Dover to Philadelphia to cast a decisive vote in favor of independence. I can only imagine the look on the faces of the other delegates when Rodney burst into Independence Hall, soaking wet in his riding boots, eager to do his part for liberty.

Rodney had already risked his life for the cause of American independence. A month before his famous night ride to Philadelphia, he joined with fellow patriot Thomas McKean at the old courthouse in New Castle. There, before the Delaware Colonial Assembly, the two made the case for separation from Great Britain.

The unanimous resolution by the Delaware Assembly in favor of separation was the first of its kind. By this brave act, its members became traitors to the Crown, punishable by death. This went a long way in encouraging the delegates to the Continental Congress to vote for independence.

Delaware has a long legacy as a pioneer among States. We are recognized as the First State because, as many Americans know, Delaware was the first to ratify the Constitution. Just as we took the first step toward independence, we led the way in accepting the ideas about government that were radical in 1787 but which are recognized today as fundamental to preserving our liberty.

So many Delawareans continue in this tradition of service today. One of them is Dave DiBetta of Wilmington, who has been a special agent for the Bureau of Alcohol, Tobacco, Firearms, and Explosives for over 20 years.

Prior to his service with the ATF, Dave served as a military policeman in the U.S. Army, stationed at Fort Miles in Lewes, DE. He also worked as a customs inspector at JFK in New York. In 1988, Dave joined the ATF as a special agent in New York. Two years later, he was transferred to the Houston Division's Special Response Team, which focuses on high-risk missions.

While serving as an agent in New York and Texas, Dave participated in over 350 high-risk operations, and he was decorated with the ATF's Distinguished Service Medal in 1993. In 1996, Dave began work at ATF headquarters, helping to lead large-scale investigations and managing the bureau's photography program with a $57 million budget. He also taught undercover investigation techniques at the Federal Law Enforcement Training Center.

Dave returned to Delaware in 1999, where he continues his work in the Delaware office, overseeing tobacco and firearm investigations. Dave has assisted in providing security for the 1996 Republican Convention, the 2000 Democratic Convention, as well as the 1996 and 2004 Olympic Games. In the days following the September 11 attacks, Dave was assigned to special duty as air marshal for 6 months, helping to restore public confidence in air travel and serving on the front line against terror.

As part of his duties in Wilmington, Dave represents the ATF at the Dover Downs raceway. He has trained staff how to identify and prevent improvised explosive devices, ensuring the safety of spectators.

Over the course of his two-decade career, Dave has been awarded eight special service awards, the ATF Director's Award, and several letters of commendation. He currently represents the ATF in the leadership of the Federal Law Enforcement Officer Association, and he helped restart the association's Delaware chapter.

When asked about why he decided to work in public service, Dave pointed to the value of voluntarism he learned as an Eagle Scout. He also said he wanted a life characterized by a sense of adventure. Dave said:

> I have never had 2 days in my career that were the same. I have traveled to just about every State, been overseas to four countries, I have seen the good and the bad, but one thing I can never say is that it was boring.

Dave and his wife are active in the Wilmington community, volunteering

their time for community service projects with St. Anthony's Church and a number of charitable organizations. I had the privilege of meeting Dave last month at the St. Anthony's Italian Festival in Wilmington, and I am so glad he and his family could be here today at the Capitol.

Dave DiBetta's story is one of so many in Delaware and across the country. His willingness to risk his own safety and serve the common good recalls the heroism of our revolutionary forebears, such as Caesar Rodney, Thomas McKean, and those other Delawareans who were the first to vote for separation and who fought for freedom.

I hope my colleagues will join me in honoring the contribution made by Dave and other Federal law enforcement agents who daily risk their lives to keep our citizens safe. They all deserve our gratitude.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before he departs from the floor, I commend our colleague from Delaware, our new colleague from Delaware, Senator KAUFMAN.

Senator KAUFMAN was appointed to fill the seat of my great friend and colleague and seatmate for many years, JOE BIDEN. And while he has only been here about 6 months as a new Member of the Senate, what a wonderful contribution he has made. I have watched him over the last number of weeks, with his focus and attention on people who work for our country every single day but who probably will never get much credit for showing up every day and doing a wonderful job on behalf of the American people. Whether they be civil servants, police officers or others—the military—the fact he has taken as much time—almost on a daily basis, I say to my colleagues and others who may be watching these proceedings—Senator TED KAUFMAN of Delaware has made it his business to express our collective gratitude to these people who serve our country every single day to keep us safe and secure and to keep us functioning as a society.

It may not seem like much to some, but I will guarantee there are thousands of people today who are at work who appreciate it. And there are millions more, I suspect, whose family members, whose neighbors, whose coworkers, and others appreciate the recognition he has given them, as well as some ideas he has brought to the table legislatively to make a difference for people.

So I commend my fellow colleague. For a relative newcomer and a short timer, he has made a substantial contribution to our country, and I thank him for it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I wish to say that this has been a labor of love for me, talking about great Federal employees. And I must admit that one of the truly great Federal employees, who embodies everything I talk about when I talk about the other Federal employees—in terms of dedication, in terms of sacrifice, in terms of commitment, in terms of intellect, in terms of participation—is the Senator from Connecticut. I have admired him for many years, and watched how he has done us all proud, and makes every Federal employee proud of the fact that they are a Federal employee, and demonstrates how important our Federal employees are.

I thank the Senator from Connecticut for his kind remarks and for his long and honorable service.

Mr. DODD. I thank the Senator. I did not intend to turn this into a recipient compliment, but I thank him tremendously, and if he wants to talk a little longer, that is fine.

Mr. DODD. Madam President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. DODD. Madam President, I have been on the floor every day and speaking about health care, for a few minutes anyway, although I know there are other matters of business before this body.

I am privileged to work with the Presiding Officer on the Health, Education, Labor, and Pensions Committee—a new member who has made a tremendous contribution as well to our efforts—and as she knows, back a few weeks ago, we went through that marathon session to try to at least fulfill our obligation on the health care debate and to deal with the matters over which we have jurisdiction—things such as prevention and the quality of health care, the workforce issues, the fraud and abuse questions, as well as other matters. Obviously, the Finance Committee has to grapple with these as well. So I thought it would be worthwhile, over these last number of days, to talk about things we have done in our bill. It will be a part, I hope, of a combination of efforts when we meet hopefully in the next few weeks, depending upon the outcome of the efforts in the Finance Committee, which we are all waiting for with anticipation, and confidence, I might add, as well.

I have a lot of confidence in KENT CONRAD, and MAX BAUCUS, CHUCK GRASSLEY, and JEFF BINGAMAN, and others involved in these negotiations to try to reach some understanding that will allow us to move forward. But I thought in the meantime it would be helpful to talk about various constituencies in the country and what this means to them. Because I think we all want to know how does this affect me and my family—what we are doing here. People are saying: I know you are talking about access, and you are talking about quality of health care, talking about the cost of health care, but I wish to get some idea of what are you doing and how it affects me and my family, and where is this all heading.

So while we are only in the first stages of developing what we hope will be a comprehensive proposal on health care reform, it is important that we at least communicate with people where we are coming from and how we look at these issues.

We have all heard the numbers, that 47 million Americans have lost or do not have health care today—a statistic I bring up every day, because I think it is important to point out. We completed our work about 2 weeks ago on the Affordable Health Choices Act. Since we completed our work 2 weeks ago, 196,000 fellow citizens have lost their health insurance. About 14,000 a day lose their health care coverage. About 100 people in Connecticut lose their health coverage, for one reason or another—they lose their jobs or their employers decide to drop their coverage; all sorts of reasons that can cause someone to lose their health care. Overall, it is about 14,000 a day.

These are people who have health insurance but are losing it. These are not people who have no insurance. They are just added to the rolls. And some people get health insurance as well and come off the rolls. So it is important to point out that happens as well.

But it is worthwhile to note that every single day we go forward in this process—and it is an important and deliberative process. I am not in favor of rushing something through. We need to get this thing right. It is a terribly complex matter. We have all noted that almost every single Congress over the last 70 years, along with almost every administration over the last 70 years, has tried to solve this issue. Some have succeeded in part. But there is a reason this has not happened up to now. It is because it is not easy. I commend our colleagues for trying as well as commend the Obama administration for insisting this issue be such a high priority.

Why is that the case? It is not just because it would be nice to get it done. It is because if we do not get something done, the status quo is debilitating, to put it mildly—first, in macroeconomic terms of what it does to our country, in terms of consuming such a large part of our gross domestic product, that easily could jump to 35 percent. What does that mean to the average family? That gross domestic product number, which may not mean much to many people—what does that mean? It means the average family could, in 8 to 10 years, if we did nothing and let the status quo continue, that about 50 percent of your gross income would be consumed in paying for health care premiums if you wish to have your family covered. Obviously, that is unacceptable and unsustainable. If we were to end up consuming that much of our gross domestic product and our incomes each year, families could not survive.

Today I would like to speak for a few minutes about a group of Americans who are being cheated by the current system. Those are the very people who are affected by this number, people who have health coverage but lose it every day because of various economic circumstances or other problems they face and for whom I would also say the status quo is unacceptable. These are Americans who have insurance but are underinsured. Their numbers are roughly 25 to 30 million of our fellow citizens. Obviously, it changes every day as many lose their coverage. These are about 25 to 30 million people who cannot get the care they need. These people paid good money for health insurance, and they think in exchange they are going to receive at least some guarantee that if things go wrong—if someone in their family gets a cancer diagnosis or is hit by an automobile or some other injury occurs—at least they will not have to be concerned about whether they can afford to pay for the care they need.

They worry, obviously, about getting better, getting back on their feet. But there is that sense of stability and certainty that I have a health care plan. I am not going to get wiped out. I am not going to get ruined economically. I have insurance. It may not be great, but I am in pretty good shape. I feel pretty confident, if something tragic happens, I will be OK. That is what insurance literally is supposed to mean.

Life is uncertain. Unfortunately, things happen to all of us. People get ill, injured, people get hurt. While you expect to get better, you want to be sure you are not going to get wiped out. But in our Nation, the wealthiest in the world, of course, nobody should lose their home or their economic security because of an illness or injury, in my view. We write checks to insurance companies every month or see premiums deducted from our paycheck and what do we expect in return? We expect that if something happens, we at least will not have to worry about anything but getting better, getting back on our feet again.

Unfortunately, for tens of millions of our fellow citizens, that is not how it works at all. These are people who have insurance, but they cannot be sure about anything. There is the uncertainty of what will happen. Some find out the hard way that their insurance does not cover what they thought it covered. That fine print you kind of glazed over when you signed onto that contract, I know we all wish we had read it better, understood it better, but the reality is, when you finally are in some situation and you go to this company and say I think I am covered, they say: I am sorry, but if you had read this more carefully you would have understood that fact situation is not covered, that your preexisting condition that you didn't properly let us know about excludes you from the kind of coverage in these situations. You may have high deductibles and copays. You may have an injury that can be taken care of for $5,000 or $10,000, but your insurance doesn't kick in until after that.

Five or ten thousand dollars may not seem like much for some, but for a working family, that can also be a major economic crisis.

Some who suffer from serious illnesses, such as cancer, hit an annual or lifetime benefit cap; thus, the sickest Americans find themselves cut off entirely.

Our legislation, by the way, that we adopted, the Presiding Officer, myself, and 21 other Members of the Senate, we eliminate preexisting conditions so you never again have to be excluded from coverage because of that preexisting condition. We will not exclude you because of portability. Today if you moved you could lose your coverage. And we will not allow these caps either. Today you could find out that while you have a serious illness, your coverage will take care of you for a week or two, or three or four or five visits, but that is it. Our legislation eliminates those kinds of concerns that people have worried about for a long time.

Many of our fellow citizens, of course, have children. Children have different health care needs than adults. For millions of children who fall under insurance provided by their parents' employer, those needs are not covered. Some have that coverage taken way by a profit-hungry bureaucrat at the moment when they need it the most, and many of our fellow citizens watch as skyrocketing premiums slowly consume more and more of their family budget until they have to choose between having their kids uninsured or having them receive the kind of benefits they ought to be receiving as children.

When we talk about health care reform, we are not talking about a free gift for the American people. We are talking about keeping a promise to our fellow citizens. We are talking about guaranteeing that insurance actually insures against economic ruin for working families. As it stands today, millions of our fellow citizens with health insurance are spending their life savings on care; 50.7 million insured Americans spent more than a dime out of every $1 they earned on health care last year. That is, more than 10 percent of their income today is spent on health care; last year, more than 50 million of our fellow citizens. For almost 14 million of our fellow insured Americans it was more than 25 cents out of every $1 of their income that was spent on health care. As it stands, millions of our fellow citizens, not just the uninsured, are unable to get the care they need when they need it.

Let me share some numbers, if I can. I am always reluctant to do this because numbers can glaze over the eyes of people, but people can find themselves in these situations. These numbers affect people with insurance primarily. Some here are without insurance but primarily with insurance. Today I wish to focus on the underinsured—not the people, the 47 million without insurance, I am talking about the 30 million now underinsured or those who have insurance but have high deductibles and expect out-of-pocket expenses.

Thirty-seven percent of people insured in our country took home remedies or over-the-counter drugs instead of seeing a doctor. They decide to go that route rather than getting the kind of care that would reduce their health care problems; or 31 percent postponed getting health care they need because of cost; or they skipped a recommended test or treatment, 27 percent; or they did not get a prescription filled, around 25 percent; and close to 20 percent cut pills in half or skipped doses altogether in order to try to meet their health care obligations. Obviously, in doing so they put themselves at greater risk for even more problems medically, thus raising the cost for care when they end up going back in to treat a problem that could have been contained if, in fact, they were taking the medication as prescribed.

This gives you some idea of the kind of choices people make who are insured. These are not the uninsured now, these are insured. This is in terms of what they need in order to provide for themselves.

When we talk about health care reform, I think it is very important we talk about the many people in this country who believe they are in good shape and are not worried they are going to lack coverage if, in fact, a health care crisis confronts them. The reality is, this constituency of our fellow citizens with insurance has much to worry about with the status quo; thus, the necessity for reforming a system in areas where it is broken and leaving alone those areas where it works pretty well.

This is not just people, again, who do not have insurance. These numbers include people, obviously, who have insurance. Americans with health insurance are forced into bankruptcy, as we know, as well. The numbers are not ones I make up; 62 percent of the bankruptcies in our country over the last several years occur because of a health care crisis in that family. That statistic is alarming. The next statistic is even more alarming to me—75 percent of that 62 percent are people with insurance. Here are people with insurance who ended up in bankruptcy because of a health care crisis. That is the last thing you would assume to have happen to you. If you have health insurance and you run into a major health care problem, you are assuming because you paid those premiums you are not going to be put into bankruptcy or financial ruin. Three out of four people in that 62-percent number had health insurance and still ended up being bankrupt or put into a bankruptcy situation.

Fifty percent of foreclosures—there are 10,000 foreclosure notices every day in the country, roughly. Those have been rather static for a long time. But 50 percent of those notices went out to families who are losing their homes because of a health care crisis.

I don't know the number of how many of that 50 percent had insurance or not. I don't have the same statistic as I did for the numbers of bankruptcies. We ought to try to get that number if we can, to find out what percentage of the 50 percent actually had insurance at the time they got the foreclosure notice.

Americans with health insurance give up the financial foundation they have worked a lifetime to build because we have not taken the action to fix the system that too often is designed to deprive them of the coverage they thought they bought at the very critical moment they need it. What I discovered over the years is there are sort of two groups of people within the insured category. Everyone in that category has insurance. As long as you have never had to deal with it, then you feel pretty secure about it—and you should—because you think you are covered. If all of a sudden you find yourself dealing with it and you thought you had the coverage, that is when it drives you to frustration, to put it mildly, when you discover that condition was a preexisting condition; there were caps on how much you could get for that; that, in fact, the very illness you have was never covered under the insurance policy.

That is where an awful lot of people discover, despite that sense of security they had, that the present system is more designed to deprive them of the coverage they need rather than to help out during those crises. That is why this issue is so important.

Again, this is a complicated one. There are no simple answers to it. We are not going to resolve all those problems even with one bill. It will be a perpetual struggle for us to get this right in the years ahead, but we need to from an economic standpoint, as well as serving the needs of individual people.

This debate is not just about the uninsured. I think we make a huge mistake if we leave that impression with our fellow citizens. This is not just about the 47 million without insurance. We would all like to do something to see to it that people who are uninsured get coverage, but it is about the millions of people who have insurance, the 30 million underinsured, and the many more who have insurance but could find themselves without the kind of coverage they anticipate having.

Each one of us, of course, insured or not, is hurt by inaction. Premiums are rising faster than wages. One insurance company in my State of Connecticut the other day announced they were raising their rates by 32 percent. Imagine that, a 32-percent increase in premium cost for health insurance coverage.

The average family writes a check for $1,100 in our country, $1,100 to cover the uninsured because we in this country take care of people. If you are uninsured in Connecticut or North Carolina and something terrible happens to you and you show up in a hospital in Charlotte or Hartford, we take care of people. That is because of who we are. If you walk into the emergency room, we do not throw you out, we take care of you. I am proud I live in a country that does that. But Americans need to know it is not free when people show up without insurance, with no ability to pay for the care they get in North Carolina, Connecticut or anywhere else. That bill gets passed on.

To whom does it get passed on? To the insured who get added costs in premiums to get covered. That is a tax you are paying each year, about $1,100 to pay because of uncompensated care. We try to address that because we ought to.

That is one way to bring down the costs for the insured in our country. There are other ideas as well that our committee worked on: prevention; the quality of care; reducing some of the problems with the five chronic illnesses that consume 75 cents of every $1 in our Nation for health care. These are measures we take to try to move that curve, if you will, downward when it comes to affordability and cost, as well as, of course, improving the quality of health for all our fellow citizens.

Of course, in this body, we all have health insurance—I made that point over and over again, every Member of Congress, every Member of this body. I never had to go to bed at night with one eye open, wondering whether, if something happened to my 4-year-old or 7-year-old daughters, I would be able to pay for it in the morning with the policies we have. I am glad we do have good health insurance. I just think it is important, as we are here, to remember a lot of the people we represent are not in that situation, to remember the uncertainty and lack of stability they live with. When a crisis happens—and it happens every single day to people—when that happens, they ought not to have a sense of free-fall: I will get wiped out; I can't possibly take care of this; I can't even provide the care my child needs.

I will never forget Senator KENNEDY—who is the chairman of the committee I have been asked to help, to temporarily step in and write this legislation because of his own illness. Senator KENNEDY has told the story over the years of when his 11- or 12-year-old son, Teddy Kennedy, Jr., developed cancer, and it was a serious form of cancer, one that was very dangerous and could take his life. He had to have his leg amputated. But there were some protocols to determine whether they could treat that cancer. They let Senator KENNEDY's son be part of that protocol because during that kind of test they welcome you into it. It doesn't cost anything.

Halfway through that test, that protocol, it was determined that treatment actually worked. It could save Senator KENNEDY's son's life, as it could the lives of the other children who were utilizing that drug. The difference was, of course, once the protocol was determined to be successful, it no longer was free, and it was very expensive—thousands and thousands of dollars.

Senator KENNEDY, obviously, as he tells the story, comes from a family who had the resources to be able to write that check to continue to make sure his son would get the treatment that allowed Teddy, Jr. to recover, to lead a very healthy life. Today he lives in my State of Connecticut with his wife Kiki and their children, and he got that kind of medicine.

But he tells the story of other families at that time, years ago now, who did not have the money and begged the hospitals and doctors: Could they get a quarter of the treatment, could they get a half of it, to see that their child may have the same chance to succeed and recover as Senator KENNEDY's son did.

It was that moment that Senator KENNEDY, some 40 years ago, 35 years ago, decided this would be the cause of his life, when his child, because they had the resources to get the treatment, could get back on his feet but some other child, through economic circumstances, could not.

In the United States of America, no child ought to be deprived the opportunity—or that family—to get back on his or her feet again. I think that is what joins us here together. I think this is hard. We realize that. It is difficult. But I believe it demands our attention and time.

So for those who are insured today, and while they are feeling pretty secure—and I hope you do—understand that these moments can happen. If you are uninsured, obviously it is a frightening feeling of what can happen in your family. I know these are difficult questions and there are not going to be easy answers. There is going to be some shared responsibility in all of this. But I believe we have an obligation, as U.S. Senators, at this moment in our history, to rise to that challenge and not to fail, as others have in years past because it is too hard.

There was a great line Edward R. Murrow once used when talking about another subject matter. He said: The one excuse history will never forgive you for is that the problem was too difficult.

I do not think history will forgive us if the answer we give is: It was just too hard. We just could not figure out how to come together. I think history will judge us harshly if that is the excuse we use for not rising to the moment and dealing with this issue in a comprehensive and thoughtful manner. It can never be too difficult. It is hard. We ought to have the ability to resolve this issue. That is my plea today.

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. SCHUMER. 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. SCHUMER. First, let me compliment my colleague from Connecticut for his great leadership on the issue of health care. As the acting head of the HELP Committee, he has done a great job on a bill that has garnered wide support and praise from the one end of the country to the other. So I salute him for his work and his diligence.

I rise today to speak in support of the critical resources provided in the Energy and Water bill, the bill we are debating, for Federal hydrogen and fuel cell research technology which will give America's automotive industry a much needed shot in the arm that it needs to revitalize and compete in the global market for fuel-efficient vehicles.

In June, I joined a bipartisan coalition of 17 Senators, and we wrote to protect the funding for this critical technology after hearing that the administration had significantly cut the budget for hydrogen research.

I generally agree with the administration on energy policy, but in this area, they are wrong. Hydrogen research is one of our futures. As a result, I thank Chairman DORGAN for helping. The fiscal year 2010 Energy and Water appropriations bill contains $190 million in much needed investment in hydrogen technology and fuel research and development. The $190 million that is included in the bill for hydrogen technology and fuel cell research is $37 million more than the House appropriations bill.

It is my hope that some of this money, particularly given the fact that we have added extra money, will go to the General Motors Honeoye Falls, NY, fuel cell facility. It has the potential to create 400 clean energy jobs. The facility is ideally situated to play a leadership role in transforming this technology into reliable and affordable options for all American drivers.

The bottom line is, the facility at Honeoye Falls is the only GM hydrogen fuel cell research facility in North America. There will not be another facility with its potential or progress. It is one of only four facilities in the world that can go from research to application in fuel cell development, and the only one in America. There is one in Germany and there are two in Japan.

If we are going to abandon this vital area of research, several years from now it will create real problems for our automobile companies which we hope can get back on their feet.

This is the only facility in the United States that can go directly from science to vehicle, as it did for General Motors in Project Driveway, where at Honeoye Falls the researchers there developed, designed, and engineered GM's Equinox fuel cell fleet. As I said, these are good-paying jobs in the Rochester area. Honeoye Falls is a suburb of Rochester where we desperately need jobs and have a great educated workforce. It will keep us globally competitive with Japan and Germany, which are ahead of us in fuel cell development and infrastructure—something we cannot afford. At Honeoye Falls, zero tailpipe emissions and research, development, and engineering are all under one roof and are an American treasure.

Let me now talk a little more generally, not simply about Honeoye Falls but about hydrogen fuel research and the need for us to move forward.

As the United States forges a global relationship role in the development of new energy ideas and initiatives, it is critical that we protect the areas where we are already leading the competition. That includes hydrogen and fuel cell technologies. Any compromise in our Nation's investment in this cutting-edge area of research will diminish our accomplishments to date, hamper our ability to compete with other nations, and hamper the ability of companies such as General Motors and Chrysler to come back and be at the competitive edge. We have come too far to close the door on this important research, only to hand over the gains we have made to other nations such as Japan and Germany. By cutting this kind of research, by not funding Honeoye Falls, we would do just that.

In confronting the daunting challenge of climate change and dependance on foreign oil from dangerous areas of the world, we need to have all of the tools in our arsenal to achieve our long-term goals. No one should question the fact that hydrogen technology has a clear and important role to play.

As we all know, hydrogen is the most plentiful element in the universe. We are never going to run out of it. Fuel cell vehicles are gasoline free, representing a dramatic opportunity to break from our current addiction to foreign oil. And fuel cell vehicles are emission free.

The National Research Council found that fuel cell vehicle technology should be a necessary part of our energy portfolio for achieving the target of 80 percent global greenhouse reduction in 2050. In fact, it is hard to see, if we do not do this, how we will meet that goal. That is an important goal.

In short, cars running on hydrogen have the potential to revolutionize onroad transportation, change our everyday travel experience, and clean up our environment by eliminating tailpipe emissions. Our Nation's automotive companies have made significant strides in meeting or exceeding the administration's interim goals for fuel cell cost, but they still have much work to do.

Meanwhile, while the United States—and I have just seen the chairman of the Energy and Water Subcommittee come on the floor, and I salute him for understanding the need for hydrogen fuel cells. As I said, this is one area where the administration has a hard-to-explain blindspot.

While we are twiddling our thumbs in this area, debating whether we should fund it, other countries understand the importance of this technology and are aggressively moving ahead to develop hydrogen vehicles. By protecting our Nation's investment in this program, we can protect our current leadership position and develop hydrogen and fuel cells on a faster timeline than competing nations. The alternative—to abandon a promising technology and allow our work to be the foundation of our competitors' success—is not acceptable.

In conclusion, I hope this legislation, with its increase in hydrogen fuel cell funding, passes. I hope that in its wisdom the Energy Department will understand the necessity of continuing the research at Honeoye Falls and fund it accordingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HEALTH CARE REFORM

Mr. BROWN. Madam President, in 1945, President Truman delivered a speech to a joint session of Congress in which he declared:

> Millions of our citizens do not have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection.

Unfortunately, little happened after President Truman's speech. It is my hope that 64 years later, we will finally be able to achieve the health reform President Truman envisioned and our country deserves. We cannot settle for marginal improvements. We must fight for substantial reforms that significantly improve our health insurance system.

Every day, Ohioans are frustrated with health insurance that is nearly impossible to afford. Every day, Ohioans are stuck with health insurance that fails to protect them from catastrophic health costs. Every day, Ohioans deal with health insurance that too often discriminates based on age and gender and location and medical history. Millions of Americans are one illness away from financial ruin. Some 14,000 Americans lose their coverage every day, and 45 million Americans are uninsured and tens of millions more are underinsured.

We can find a way for Americans who have coverage to keep it and for those Americans who lack coverage to buy it. We can find the will to boost our health care system so that it is far less costly, is inclusive, and it is far more patient centered. We can make historic improvements in our health care system which harken back to the day, 44

years ago tomorrow, July 30, 1965, when President Johnson signed Medicare into law.

What lessons can we learn from Medicare and from its passage? The Medicare experience taught us that progress in this country does not come easily, especially in the face of false claims, inflammatory rhetoric, and twisted facts. It also taught us that progress is not always a function of bipartisanship, as much as we would like it to be. Most Republicans today will not support fundamental reform regardless of what form it takes. We learned that lesson from Medicare. If you go back to key congressional votes on Medicare in 1965, an overwhelming number of Republicans voted no and an overwhelming number of the Democratic majority vote yes. Gerald Ford voted no, Strom Thurmond voted no, Donald Rumsfeld voted no, and Bob Dole voted no. In fact, Bob Dole said in the 1965 debate, speaking for the great majority of Republicans in the House and Senate—he bragged:

> Fighting . . . voting against Medicare . . . because we knew it wouldn't work.

It is no surprise that the only time Republicans had a chance to make meaningful reform to Medicare, when the stars aligned, when they had a conservative Republican President and large Republican majorities in both Houses for the first time since Medicare was formed—in 2003, they partially privatized Medicare. They did it—I was there in the House of Representatives—literally in the middle of the night, literally by one vote, when most Americans were asleep. I do not blame them in those days for hiding that bill from the American people. It was a Medicare bill written for the insurance companies and by the insurance companies, and it, purely and simply, started Medicare down the road to privatization 6 years ago when it happened.

We are seeing the same tactics today. Many Republicans want to defeat health care reform in order to break President Obama, making it, in the words of one of my conservative colleagues, his Waterloo—a fine example of partisanship trumping the national interest. Special interests groups, the health insurance industry, and the drug industry are spending millions of dollars—millions of dollars—to influence health reform legislation. They are deriding anything that does not inflate their profits. Special interests are pulling out all of the stops to subvert sound public policy.

It is the same page out of a tired playbook that informed then-private citizen Ronald Reagan in the early 1960s when he warned Americans that if Medicare were enacted, ''one of these days, you and I are going to spend our sunset years telling our children and our children's children what it was like to live in America when men were free.'' That is what he thought of Medicare.

The American people didn't share Ronald Reagan's opposition to Medicare but influential special interests did. They played every card in an attempt to derail health care coverage for seniors. Before Medicare was signed into law, 50 percent of senior citizens were uninsured; 44 years ago today, 50 percent of senior citizens were uninsured. Today only 3 percent are.

In 1995, Speaker of the House Newt Gingrich said he wished Medicare would ''wither on the vine.'' That was the beginning of privatization efforts.

Progress has never come easily in our history. Passage of the Civil Rights Act in 1964 was not easy. Passage of the Voting Rights Act in 1965 was not easy. Enactment of Medicare and Medicaid in 1965 was not easy. Every major step forward in our Nation's history, every progressive move forward is never easy.

As Senator HARKIN said, passage of legislation to prohibit discrimination against women, the elderly, and people with disabilities was not easy. That doesn't mean we stand down. It doesn't mean a popular President or Democratic majorities in Congress should give in on every major principle as we enact health care reform. Medicare changed our Nation. It helped pull millions of seniors out of poverty, fostered independence, helped fuel our economy, and helped retirees live long and healthy lives. The United States does not rank particularly high in life expectancy compared to other rich industrial democracies, but if you reach 65 in America, we rank near the top for life expectancy. So if you get to be 65 in the United States, you are likely to live a longer, healthier life than the great majority of people around the world, even in rich industrial countries.

Health care reform will change our Nation. It will end uncertainty about health care coverage because public and private insurance will always be available. That is why we have the public option that is supported by so many of us, including the Presiding Officer. It will confront the needless redtape, medical errors and the fraud and abuse that inflate health care costs and compromise quality. It will harness the power of market competition to drive premiums down and customer satisfaction up. We want competition. We want a public option competing with private plans. Both will get better as a result. It will finally allow our Nation to move on from the human tragedy, from health care-related bankruptcies, from the endless march of double-digit premium increases, from the competitive disadvantages American businesses face as health care expenses explode.

The HELP Committee made the first strong step toward health insurance reform that keeps what works and fixes what is broken. Our work will not be done until crucial national priorities are no longer crowded out by health care spending. Our work will not be done until exploding health care costs no longer cut into family budgets, no longer weigh down businesses, and no longer drain tax dollars from local and State coffers and from the Federal budget. We must keep working and keep fighting for the change people demand.

We will keep fighting for the Ohioans I met in Cleveland last week at MedWorks, where hundreds of people were provided free medical care from volunteer doctors, nurses, and hospitals, when Zac Ponsky, a young banker in Cleveland, decided to put this MedWorks program together.

None of this will be easy. When President Johnson signed Medicare 44 years ago tomorrow in Independence, with Harry Truman alongside him, he demonstrated that the hardest fought battles yield the greatest victories. When our 44th President signs health care reform into law later this year, we will finally realize Harry Truman's vision six decades and 10 Presidents later.

I yield the floor.

AMENDMENT NO. 1855 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent to set aside the pending business and call up amendment No. 1855.

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

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1855 to amendment No. 1813.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

> (Purpose: To require all agencies to include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter, and for other purposes)
>
> At the appropriate place, insert the following:
>
> **SEC. _____. AGENCY ADMINISTRATIVE EXPENSES.**
>
> (a) DEFINITIONS.—In this section:
>
> (1) ADMINISTRATIVE EXPENSES.—The term ''administrative expenses'' has the meaning as determined by the Director under subsection (b)(2).
>
> (2) AGENCY.—The term ''agency''—
>
> (A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch; and
>
> (B) shall not include the District of Columbia government.
>
> (3) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.
>
> (b) ADMINISTRATIVE EXPENSES.—
>
> (1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.
>
> (2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

Mr. DORGAN. Madam President, this amendment has been cleared on both sides. I believe there is no further debate. I ask for its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1855.

The amendment (No. 1855) was agreed to.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. While Senator BENNETT and I await our colleagues to offer amendments on the underlying appropriations bill, I ask unanimous consent to speak in morning business for 10 minutes.

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

THE ECONOMY

Mr. DORGAN. Madam President, our country is in a very deep economic hole, the most significant economic decline since the Great Depression. Much of it is attributable to the fact that we have created an economy in recent years, especially the last two decades, in which we have responsible business men and women engaged in casino-like gambling. They do it under the rubric of business.

In 1994, I wrote a cover story for the Washington Monthly magazine titled ''Very Risky Business.'' The subtitle of that article was about the banks trading very risky derivatives, which I said I believed could lead to taxpayers being on the hook for a bailout. That was 15 years ago. At that point, there was $16 trillion of notional value in derivatives. And banks, even then, which prompted me to write the article, were trading very risky derivatives on their own proprietary accounts, which I believed was unbelievably ignorant of the risk involved.

The $16 trillion in notional value of derivatives exploded way beyond anyone's expectation. Then at the same time that the trading of derivatives was exploding, new instruments were being developed, credit default swaps and CDOs and all kinds of exotic instruments to be traded back and forth, creating a dramatic amount of additional risk.

Even as that was occurring, we saw the development of a subprime loan scandal in which we were watching brokers and mortgage banks provide entreaties to those who had homes or those who wished to buy homes: Come and get a mortgage from us. You have bad credit, slow pay, no pay, you have been bankrupt, come to us. We would like to give you a loan. Subprime home loans—some called liars loans—you don't even have to tell the person giving you the loan what your income is. By the way, you don't have to pay any principle. We will wrap that around the backside, just pay interest. Can't pay interest, then name your own payment. Don't want to do that, then don't pay any principle and don't pay all your interest. We will wrap it around the backside, and you don't even have to describe what your income is. By the way, when you get a mortgage from us, we will not tell you it is going to reset in 2–3 years because we are giving you a 2-percent teaser rate right now, which means your home loan payment will be way down here, and it is going to look good. But the reset that will happen in 24 or 36 months, you will never be able to make the payments.

Everybody was fat and happy, making a lot of money putting out bad loans and then slicing them up into mortgage-backed securities and then trading them up to the hedge funds and investment banks, and everybody was making a lot of money, not asking any questions. Then the whole thing collapsed. And it is derivatives, it is swaps, it is mortgage-backed securities. It all collapsed in a sea of greed with unbelievable risk, and it brought down with it some of America's largest financial institutions.

I describe all of that gambling and all of that risk because something else happened last year that has the American people concerned and worried—and they should be wondering: What was the cause of it?

Here is what happened last year. I have this chart in the Chamber that shows the price of crude oil. It actually went from $60 a barrel, in October of 2006, up to $147 a barrel in July of 2008. It went up like a Roman candle, and then came right back down. By the way, the same folks who made the money on the upside made the money going back the other way, starting last July. It was unbelievable speculation in a market called the oil futures market.

This is not an abstract graph. This means right up here someplace, as shown on the chart, every American who went to the gas pump to fill up their vehicle with gasoline was paying through the nose—$4, $4.50 a gallon.

So the question for them, and the question for other users—airlines, for example, were hemorrhaging in red ink, unable to pay the cost of this kind of oil price—the question was: What has caused all of this? What has resulted in this unbelievable spike in oil prices?

The answer? An orgy of speculation in the oil futures market by interests that were never before—at that point—manipulating that marketplace. Investment banks, for the first time, were actually buying oil storage and holding it off the marketplace until the price rose, as an example.

The oil futures market, it is estimated, was populated in terms of the trades by somewhere between two-thirds to three-fourths of the trades coming from speculators—not people who were moving the physical commodity back and forth, at least people who would want to sell the physical commodity to somebody who wanted to buy the physical commodity because they want oil. Instead, it was speculators who were simply betting on this. They could have gone to Las Vegas. They did not need to. They were able to go to the oil futures market and make a lot of money going up and a lot of money going down; and, meanwhile, the victims were the American drivers who had to fill their gas tanks with gasoline.

I am describing this because yesterday there was a hearing in this town by the Commodity Futures Trading Commission, a commission that has largely been dead from the neck up for some while, uninterested in regulating—despite the fact that is their charge—sitting on their hands, doing nothing. And all of last year while this was going on, while the price of oil was going up, up, up, the CFTC largely explained it away as saying: Well, this is supply and demand. That is what is going on.

There is another agency other than the Commodity Futures Trading Commission that did not do its job. This is an agency we are actually funding. Senator BENNETT and I are actually funding it in this bill. It is called EIA, the Energy Information Administration. It has several hundred people working there. It is a very important agency. It provides substantial amounts of information to our country, to policymakers, about what is happening with energy.

I want to show you what has happened with the EIA. We spend about $110 million a year on this agency with several hundred people. They are good people, smart people, the best in the business, we assume. Here is what happened. In May of 2007, they had to make an estimate. That is what they do. They make an estimate: What is the price of oil going to be? Well, they started here, as shown on the graph, and they said: Here is where we think the price of oil is going, right that way. So in May of 2007—I do not know what they had to eat back then, but something was affecting the brain. Here is what happened to the price of oil. Here is where they estimated the price of oil would be.

These are smart people. These are the best. We are spending a lot of money getting their advice. So let's pick January of 2008. They made a new estimate: Here is where we think the price of oil is going to go. Well, the price of oil did not do this. The price of oil went like this—almost straight up. So what did they get wrong? In April of 2008: Here is what we think the price of oil will be. Here is what it was.

My point is, this agency, along with the Commodity Futures Trading Commission, would come to our committee at a hearing, and I would say: What is it that you get it so unbelievably wrong? They said: Well, it is supply and demand.

That is total rubbish. The fact is, even while this was happening, the supply was going up and demand was going down, which meant that the price of oil would not be going up like a Roman candle. In fact, the price would be moderating. Instead, speculators captured that market. That is why EIA got it so wrong. They did not have the foggiest idea what they were doing. Supply and demand—total nonsense. But we know what happened to these prices.

The reason I want to discuss this for a moment is because yesterday the Wall Street Journal had a story. The Commodity Futures Trading Commission—this is the commission that last year spent all of their time telling us this was just supply and demand. We knew better. But either they knew better as well and would not admit it or they did not know better. That agency was insisting it was supply and demand. Well, the very same agency now, with a new head, is going to issue a report next month, according to the Wall Street Journal, ''suggesting speculators played a significant role in driving wild swings in oil prices.''

Three people in my hometown café—I come from a small town of 300 people—3 people, over a strong cup of coffee, knew that last year. Wild swings in oil prices as a result of speculators.

Last year, the same U.S. futures market agency pinned oil price swings primarily on supply and demand. But the new report will say that analysis was based on ''deeply flawed data.''

So the question is, What does all this mean? It means if we are going to have some impact on an economy where we put it back on some solid foundation, we have to have markets that work, and we have to have regulators who are not blind.

I happen to think the free market system is the best system of allocating goods and services that I know of. I taught economics ever so briefly in college, and I always say I was able to overcome that, nonetheless, and lead a productive life. But the field of economics is something that is so important in terms of understanding how markets work. I believe the free market system is an incredibly good system—not perfect. The free market system needs effective oversight and regulation from time to time. That means we have regulators who are supposed to be wearing the striped shirts, blowing the whistle, and calling the fouls because, yes, there are fouls in the free market system.

Go back and ask Teddy Roosevelt, when he was a big trust buster. What was he doing? He was busting those interests that were trying to subvert the free market system. The same thing happens today. We have interests—and I described it earlier—that want to subvert the system by getting engaged in substantial risk and establishing mechanisms by which they can control a market at the expense of the rest of the American people.

That is what I believe has happened in the oil futures market. The oil futures market is very important, and we need to make it work the right way. It ought to work responding to the urges of supply and demand. But, regrettably, that has not been the case. My hope is now the Commodity Futures Trading Commission will be able to take the kind of action necessary to straighten this market out.

Every market needs liquidity. That means some speculators will play a role in the market. But when speculators capture the market, and begin to play the kind of games that were played last year, that has a profound impact on this country's economy. We should expect the agencies that are hired to do the regulatory oversight do their jobs, and do it properly. That has not been the case for some while.

So my hope will be—with the new report coming out that will finally assign the responsibility of excess speculation in this perversion of the marketplace—my hope will be we will have effective regulators who will take action. What should that action be? My own view is the Commodity Futures Trading Commission should designate a distinction between the traders in this marketplace: those who are truly trading a physical commodity because they are engaged in the marketplace because that is the business they are in and those who are just speculators. The Commodity Futures Trading Commission could at that point determine what kind of margin requirements, what kind of speculative limits should exist so that activity does not subvert the marketplace.

Let me be quick to say there are people who will listen to me, and who hear what I say, and they will say: Do you know what. You don't have the foggiest idea what you are talking about. All of this system works. None of that which you describe existed. All of that risk by the smartest people in the room, the top investment banks that took on this massive amount of risk, the investment banks that were buying oil storage, to buy oil and take it off the market until it goes up in price—all of that is just business.

It is not just business. Just business is running a business the right way. Does anybody believe it was just business to have the biggest financial enterprises in the country run into the ditch because of bad behavior by those who were running the companies—by the way, some of whom are still running the same companies?

By the way, with respect to solutions, does anybody think it is just business to decide we had institutions in this country that were too big to fail—that loaded up with risk and then failed—and the taxpayer is told they cannot be allowed to fail, they are too big, and you have to bail them out? And now we say to those same businesses: We are not going to get rid of ''too big to fail.'' In fact, we are going to allow you to merge with other firms, which makes you much too big to fail—too much bigger to fail.

We have a lot of work to do this year to address these issues and address some of the causes that caused the economic collapse last year. I want us to put this economy back on track. First and foremost, it starts with jobs and restoring confidence. Confidence is everything about this economy. When people have confidence, they will do the things that are expansive to this economy: buy clothes, buy a car, take a trip, buy a house. That expands the economy. When they are not confident, they do exactly the opposite.

I want the American people to have confidence. I want them to have confidence in believing that Federal agencies that hire regulators are going to look over the shoulder and provide the oversight to make sure this is not going to happen again, to make sure someone is not going tp subvert a marketplace that makes the rest of the American people victims.

All of this, in my judgment, with good government, can be done. But it will not be done if we have regulators who boast about being willfully blind. It will be done if we understand our responsibility to make sure the free market system is indeed free.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Madam President, it is nearly 2 o'clock on Wednesday. We have been on this bill since Monday. Senator BENNETT and I have spent a lot of time on the floor waiting for amendments to be offered. We have had several and we appreciate that, but we have many filed but not offered.

I know the majority leader has filed a cloture motion which would ripen tomorrow, so we would have a cloture vote tomorrow. Our hope has been we would not get to that point.

Inasmuch as we have waited and waited very patiently for Senators who do have amendments that they wish to offer but have not come to offer them, Senator BENNETT and I have talked about perhaps going to third reading this afternoon at 5 o'clock. So I ask, if there are those Senators and/or staff who have amendments they wish to have considered on this legislation they would keep that in mind.

We have a couple of hours here. Senator BENNETT and I have talked about going to third reading by 5 o'clock. I would ask people to come and offer

amendments, let's have debates on the amendments and have votes and see if we can resolve this legislation this afternoon.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE REFORM

Mr. CARDIN. Mr. President, I have taken the floor before to talk about the need for health insurance reform, health care reform. I talked about the high cost of health care and how we need to get a handle on the amount of resources we spend as a nation on health care. I have talked about the need to improve prevention and wellness programs. I have talked about the public insurance option and why I think it is so important to have a public insurance option.

But today I want to talk about a different issue. I want to talk about what happens if we do nothing because I think the people of this Nation need to understand that our current health care system is causing huge challenges for the people of our Nation. Whether you have health insurance or do not have health insurance, you are impacted by the fact that your options are limited.

Let me give an example. Maryland citizens will continue to lose health care coverage every day if we do not reform our health care system. There are currently 760,000 Marylanders who have no health insurance. That number has been growing during this economic crisis. And now 230 Marylanders are losing their coverage every single day.

There are people in our community who currently have adequate health insurance—at least they think they do—but they are liable to wake up tomorrow and find out that because their company is going out of business or because their employer can no longer afford to provide health coverage for their employees, they no longer have health insurance to count on.

Marylanders have seen an 11-percent increase in the number of uninsured since 2007. What does this mean? As the number of uninsured increases, there is more and more cost shift. That means those of us who have health insurance are paying higher premiums than we otherwise would have to pay because we are paying for those who do not have health insurance. It means those of us who pay our doctor bills or our hospital bills are paying more than we should because we are paying for those who cannot pay their bills, who have no health insurance, who are part of uncompensated care. It is a never-ending struggle because as we cost shift more to those who have insurance, insurance becomes more expensive, and therefore fewer people can afford insurance and we have a higher number of uninsured. And that is happening today.

Marylanders with health insurance are paying more. If we do not fix the system, those in my community and in your community who have health insurance are going to end up paying more.

The average family premium in Maryland costs $1,100 more each year because our health care system fails to cover everybody, because we have the cost shifting, because we have not gotten health care costs under control. The fact is, health insurance premiums for Maryland families have been increasing rapidly over the last 8 years, going up by 64 percent from 2000 to 2007. Whether you pay that premium directly or your employer helps contribute to it, it is part of your family cost. It reflects in the compensation you would otherwise receive in salaries as an employee. It has been a 64-percent increase for Marylanders since 2000.

For family health care coverage, the average annual premium rose from $7,200 to almost $12,000 during that period of time from 2000 to 2007. For individual health coverage, the average premium rose from $2,600 to $4,100.

If we fail to enact health care reform and if we do nothing to control the escalating cost of health care, if we do nothing to deal with those who are uninsured and an increasing number of those who do not have health insurance, if we do not deal with wellness and prevention, if we do not deal with medical technology and with a more cost-effective system, then these trends are going to continue and we are going to see these types of double-digit increases in health care costs, which means more Marylanders, more people in this country will not be able to afford their current insurance coverage.

Let me mention one other fact which is something we all talk about. We want to maintain choice. One of the prime objectives of health care reform is to maintain choice—choice so you can choose your doctor; choice so you and your doctor make decisions concerning your medical needs; and choice, I would hope, in terms of what type of health coverage is out there to meet your needs.

Right now, two insurance companies in Maryland hold 71 percent of the Maryland market. For most Marylanders who have health insurance through work, they do not have a choice today. We want to offer more choice so we can keep costs down. You can tailor a health care plan to meet your family needs.

We can do better. The current status quo should be unacceptable to everyone in my State, whether they currently have good health care insurance or they are uninsured, whether they are a small business owner or work for a large company.

Let me give a couple examples of stories from Maryland. Let me give you this one. A constituent named Catherine from Baltimore wrote me a letter:

> Mr. CARDIN: I just received my health insurance bill from [an insurance company]. The premium for next year went from $666 to $968. This is a quarterly bill. . . . We have high medical expenses and I cannot afford this increase. I cannot go to another insurance company because I am high risk and I have been turned down from other medical insurance [companies]. I cannot receive medical assistance because they say we make too much. . . . I am 51 years old. When I called my insurance carrier and asked about the increase, I was laughed at and told either accept it or go somewhere else. When I asked if I could pay monthly, I was told, ''Indeed not.'' What am I to do? I need medical help, but no one wants to help. Please, could you please look into this matter and see what you can do for me?

This is a person who has health insurance, and if we don't do anything, that person is going to lose her health insurance and, quite frankly, access to quality care will also be jeopardized.

I will give another story about a small business owner, Alexis from Baltimore, who owns a small software production company that oversees IT for the city of Baltimore. He competes against much larger companies for business. He wants to do the right thing, so he has health insurance for his employees. He has 20 employees. He paid half of the cost of the employees' coverage. Some of his employees came in and said: Hey, look, can't you help us with family coverage? He would like to provide family coverage for his employees; he just cannot afford to do it and be able to compete against larger companies. He goes on to tell me that his premiums are increasing much faster than what is happening with the larger companies against which he has to compete. He doesn't have the options the larger companies have. The status quo discriminates against small companies in their health care plans.

What we need to do in health reform is to deal with these issues. That is why I come to the floor. I know there are different views as to what we need to do with health care reform, but I hope the one option that would not be on the table is the status quo. We cannot say to the Catherines of our community: We are not going to do anything to help you. We have to listen to the Catherines who are telling us: Look, get a handle on what is happening with health costs, whether we have health insurance or we do not have health insurance. Get a handle on helping those who don't have insurance so we don't have the cost shifting that goes on, that we can provide quality health care for all, that we can bring down the cost of health care in our community. Listen to Alexis, who says: Help the small business owner do the

right thing for their employees. Help bring down the cost of health care.

I urge my colleagues, we can have a robust debate as to what should be included in health care reform, but I hope at the end of the day we will listen to our constituents and provide the type of reform that will allow for people in our communities to have access to affordable, quality health care, make health care costs manageable, bring down the cost of health care, and provide prevention and wellness programs to keep people healthy. If we do that, then we are really listening to our constituents and will help our economy and help our Nation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. MERKLEY. Mr. President, I rise today to address one of the defining challenges of our time—the restructuring of our Nation's energy supply. Reforming our energy policy is critical for multiple reasons: to improve our national security, to create jobs and rebuild our economy, and to protect our children and our communities from the damaging effects of carbon pollution. Today I want to focus on just the first of these—improving our national security.

It has been said before and it will be said again, but it deserves repeating until we in Congress act to change it: Our Nation is addicted to foreign oil. This dependence makes us vulnerable to the whims of nations that do not have our best interests at heart.

This afternoon, I will examine this problem in some detail and consider the implications for a national energy policy that will strengthen our national security and end our addiction to imported oil. I emphasize that there is a cure. If we as a nation focus on smarter, wiser use of energy and aggressive development of homegrown renewable energy sources, we can indeed greatly reduce or eliminate dependence on imported oil, improve our national security, and strengthen our national economy, all at the same time.

Well, let's talk about dependence on foreign oil. Our dependence on foreign oil comes from two intertwined factors: First, our economy depends upon oil for transportation. Cars, trucks, trains, planes, boats that we use to move ourselves and our goods around the country are entirely dependent on oil. Indeed, 95 percent of the energy used in our transportation sector comes from oil. Second, our oil addiction relies on foreign imports: 58 percent of the oil we consume is imported. Thus, access to foreign oil is essential to the vitality of our economy. The result is that maintaining access to this oil becomes a very high priority for our national security.

Exactly whom do we depend on? The good news is, nearly 30 percent of our imported oil comes from our democratic neighbors to the north and south in North America. But that is where the good news ends. Take a look at this chart. Seventy percent of our imported oil comes from outside North America, and this chart shows the top four nations outside North America from which we import oil.

All four of these countries represent security challenges for the United States. Saudi Arabia is No. 1 on the list. It is the source of one in nine barrels of imported oil. Before addressing the fact that it presents national security challenges, it should be noted Saudi Arabia has often been a significant ally to the United States in our interests, in a relationship going back decades. Nevertheless, the dependency on their oil creates two national security issues:

First, the oil infrastructure and delivery systems of Saudi Arabia are vulnerable to terrorist attack or to manipulation by governments in the region. Consider the Strait of Hormuz. The Strait of Hormuz is a vulnerability for all Persian Gulf oil, 90 percent of which moves through the Strait. The Strait is 21 miles wide, with a narrow shipping channel. So, geographically, it is vulnerable to disruption, and Iran has explicitly threatened to put pressure on traffic going through the Strait or attempt to control it outright.

Second, the wealth we send to Saudi Arabia in exchange for petroleum has not always served us well. Former CIA Director James Woolsey testified in the Senate a few years ago that over the last three decades the Saudis have spent between $70 billion and $100 billion to support conservative institutions that often promulgate viewpoints and actions hostile to the United States. The wealth dispensed in this manner has, in some cases, migrated into terrorist organizations such as al-Qaida to recruit and build institutional capacity. This has led former CIA Director Woolsey to say of our current military conflicts: This is the first time since the Civil War that we have financed both sides of a conflict.

Venezuela is No. 2 on the list. It is, of course, led by President Hugo Chavez, a vocal critic of our country who has expressly threatened to cut off U.S. oil supplies. He told an Argentine newspaper that Venezuela has:

> A strong oil card to play on the geopolitical stage . . . a card that we are going to play with toughness against the toughest country in the world, the United States.

The third nation on this list is Nigeria. Nigeria has had a series of disruptions just this year due to civil unrest. In February, oil companies reported to Reuters that 17 percent of the country's oil capacity was cut off from export because of attacks and sabotage by militants. According to testimony given to our Senate Foreign Relations Committee by the National Defense Council Foundation in 2006, Nigeria loses 135,000 barrels per day to theft.

Iraq, No. 4 on our list, has gone through enormous upheavals. Saddam Hussein's forces destroyed much of the nation's oil infrastructure when President Bush launched the Iraq war in 2003. That infrastructure has been subject to ongoing sabotage over the last 6 years. A significant share of Iraqi oil, similar to its neighbors, moves through the Strait of Hormuz, an additional point of vulnerability. Moreover, Iraq has not succeeded yet in passing a national law to share oil wealth among the ethnic groups in the nation, and the friction that comes from this continues to allow the possibility of factional conflict and disruptions in supply.

Iran isn't on this list. We have an embargo against Iran. We don't import oil from there, but it is still worth mentioning. Many of our allies get oil from Iran and their oil supplies are large enough to affect the world markets and thereby the stability and cost of our own supply. Again, turning to former CIA Director Woolsey testifying in the Senate, he noted that Iran derives 40 percent of its government budget from oil exports. According to the RAND Corporation, higher oil revenues have not just emboldened the Iranian Government to defy the United Nations regarding their nuclear program but also helped Iran to finance the activities of Hezbollah and Hamas.

Our dependence on foreign oil makes us vulnerable to a disrupted energy supply, and the risk is heightened because most of the world's proven reserves are controlled by just a few governments. State control means countries can and do manipulate energy supply. We had a case this last year when Russia manipulated gas markets to dominate new democracies in Eastern Europe.

The Energy Modeling Forum at Stanford University brought together a group of leading experts to assess the chances of a major oil supply disruption. They identified major areas of the globe where oil disruptions are most likely due to geopolitical, military or terrorist threats. Those areas include Saudi Arabia, the rest of the Persian Gulf, Russia, the Caspian states, and a group of nations in Africa and South America—which account for 60 percent of world oil production.

So the threat of disrupted supply is a serious one for our economy, as we found out during the oil shocks of the 1970s, which cost our economy about $2.5 trillion. If repeated today, such a crisis would cost our American economy about $8 trillion. We were reminded of the threat of supply disruption again when Hurricanes Katrina and Rita disrupted supplies and caused price spikes here in our Nation.

These don't supply the United States, but they do supply our allies, and in a global oil market these supplies are interdependent. A disruption of European oil supplies would have effects on our economy.

We also expend extraordinary resources to maintain our access to foreign oil because it is so important. It is important to the success of our economy. While estimates vary, according to a study produced by the National Defense Council Foundation, the indirect security and military costs relating to securing our access to oil amount to about $825 billion. That equates to more than $5 a gallon, on top of the price we pay at the pump. So we cannot allow our Nation's security and the health of the American economy to rely on the whims of unstable, unreliable, even hostile governments.

If we refuse to address our single greatest point of vulnerability, we fail in our most fundamental duty to protect this Nation. It is clear we need to end this addiction. We need to be energy self-sufficient. But how are we going to get there? One answer, which we heard chanted in rallies across America last year, was: Drill, baby, drill.

It is true we could increase production from American reserves in the short term with an aggressive drilling strategy. In fact, I support changing leases on hundreds of thousands of acres already approved for petroleum drilling and converting those into ''use it or lose it'' leases because major oil companies have secured those leases, and they are sitting on them without doing a thing.

Nevertheless, drilling is not, and cannot be, a long-term strategy for the security of our Nation for one simple reason: America uses a lot of oil but has, globally speaking, limited reserves. In fact, the United States has just 2 percent of the world's oil reserves, as this chart shows right here. Here we are, down here at the small end, with Mexico and Europe. Then, we see Eurasia, with 7 percent; Africa, with 9 percent; Central and South America, with a little bit more; then Canada; and then the whopper, the Middle East, which makes my point about security for our supplies.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MERKLEY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, if the distinguished Senator from Oregon would care to complete his remarks, I would have no objection. I don't suspect anyone else would.

Mr. MERKLEY. I thank the Senator for that offer. I think that would be a period of about 5 or 6 more minutes, if that would be acceptable.

Mr. WHITEHOUSE. Absolutely.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would have no objection. We are limiting morning statement business up to 10 minutes. We are on the business of the energy and water appropriations bill, waiting for amendments to be filed. So we have a general order on this bill that morning business speeches will be 10 minutes.

I have no objection if the Senator wishes to take a few minutes extra, but I did want both Senators to understand that we are on the energy and water appropriations bill, and morning business is done under the consideration of that legislation. So I have no objection.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. MERKLEY. I would certainly defer to the Senator from North Dakota, if he feels there is other business he wishes to conduct. But I will proceed if he feels that is acceptable.

I thank my colleague.

Mr. President, we have looked at the reserves side of this, but now let's look at the consumption side. As this chart shows, America, which has only 2 percent of the reserves, consumes 24 percent of the world's oil. So we only have one-fifth of the supply but we consume one-fourth of the output. That is a formula for trouble. A nation would be in a strong position if it had very high reserves and very low consumption, but it is vulnerable if it has very low reserves and high consumption. Unfortunately, that is right where America is.

To make things worse, the price of petroleum is going to continue to rise as the thirst from China and India increases. Because of the position we are in, our addiction to imported oil will only grow if we don't significantly change our energy strategy.

So what about other fossil fuels? In my home State, energy speculators are looking to build terminals to import LNG or liquefied natural gas. There are vulnerabilities there as well. Where does LNG come from? Top producers include Qatar, Indonesia, Malaysia, United Arab Emirates, and Oman.

Other folks argue we can extract more oil from Canadian tar sands or turn our abundant oil into transportation fuel. But it is worth observing that these strategies require extraordinary energy to produce fuel and emit extraordinary amounts of pollution in the process. So we have to look elsewhere to find a solution, and the place to look is energy efficiency and renewable energy.

Energy efficiency is the fastest and cheapest way out of our dependence, and we know it works. In response to the 1970s oil crisis, the Nation doubled the required gas mileage performance of our cars and trucks and saw per capita oil consumption plummet, even as our economy grew. Our progress in this area has not been steady, however. It has stagnated over the last two decades.

Progress resumed this year, when President Obama made the announcement that we would increase gas mileage standards to more than 35 miles per gallon 5 years ahead of the date scheduled. But we can do better. China will beat us to 35 miles per gallon, and 35 miles per gallon is not sufficient. We could aggressively develop and employ plug-in hybrid technology—cars with highly regenerative braking that can go at least 30 miles on a charge, enough to cover the daily commute, with no petroleum at all.

We need to deploy efficient strategies for the trucks that carry out our commerce—similar strategies with efficient body design. We need to move goods by rail and barge. A barge can move a ton of cargo 576 miles on a gallon of fuel, and a train can move a ton of cargo 413 miles on a gallon of fuel.

We should give our families and workers better transportation options, better access to rail and bus lines. We know from experience that with the right policy choices, we can use far less energy to power our economic activity.

We use a fraction of the energy today for gross domestic product that we did 30 years ago. If we give American scientists, engineers, and businesses the right incentives, tomorrow's economy will be orders of magnitude more efficient.

The other half of the equation is renewable energy, produced right here in America. It is the second major weapon in the war against oil addiction. Renewable electric energy can replace oil by providing power for plug-in electric vehicles.

I have heard Senator REID describe Nevada as the Saudi Arabia of solar power renewable electric energy, and I have heard the good Senator from North Dakota describe North Dakota as the Saudi Arabia of wind power renewable electric energy. We need to seize this Nation's potential for renewable electric in wind, solar, wave, and geothermal.

We can also transition to homegrown renewable liquid fuels in the form of biofuels. In my State of Oregon, as one example, we have lots of fiber that can be converted, forced biomass that can be converted into fuel. We can produce biobutanol, biodiesel, and bioethanol. Producing biofuels from agricultural and forestry waste and waste from cellulosic nonfood crops raised on marginal lands, we can produce significant quantities of energy and create jobs and wealth for America's farmers and timber workers.

If an American car can go 30 miles with renewable electricity and then, if needed, switch over to a 50-mile-per-gallon engine burning cellulosic biofuels derived from forest biomass, that car is not using a single drop of imported foreign oil. It is running on 100 percent red, white, and blue energy.

In energy efficiency and renewable energy, we have twin elements that can break our addiction to foreign oil, but to achieve that self-sufficiency we need a comprehensive energy policy, a comprehensive strategy for saving energy and producing our energy here at home. That is what President Obama called for and what the Senate Committee on Environment and Public

Works is developing—drafting a comprehensive system of incentives and investment that, in combination with energy policies crafted by the Senate Committee on Energy and Natural Resources, will reduce our fossil fuel dependence and put us on the track to energy self-sufficiency.

Some say that energy conservation and renewable energy are too expensive. They could not be more wrong. Every economist will tell you that the cheapest energy is the energy you never use. Even today, renewable solar, wind, and geothermal are cheaper than imported oil when you factor in the huge price we pay to maintain our access to that oil.

Let me add, when we stop spending $2 billion a day on imported oil and spend that money on renewable fuels here in the United States, we are going to create a lot of good-paying jobs for America's families.

Depending on a few foreign nations for imported oil is a colossal mistake. We need to change course, improve our national security, and spend our energy dollars here in America to create jobs. That is why I hope every Member of the Senate will join me in supporting our 2009 clean energy and jobs bill when it comes to the Senate floor this fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the 1 o'clock time has passed for the filing of amendments as a result of the cloture motion being filed last evening. I believe we now have about 90 amendments filed to this bill. Not all of them will be offered, certainly, but 90 amendments represent the determination of people who wish to alter this bill, who wish, presumably, to come and offer amendments, have a debate on amendments, and perhaps have a vote on their amendments. Yet no one arrives.

I indicated earlier that Senator BENNETT and I have talked about a third reading on this legislation to move it through the Senate. The fact is, the majority leader will not have the patience to allow us to sit here with nothing to do and people saying they want to offer amendments but not being willing to show up to offer amendments. We have been here since Monday afternoon, and very little has been done.

I again say to the staff that may be watching or Senators who are watching, I think we ought to conclude this bill. If people are not interested in offering amendments—filing amendments is not offering them. If they do not have the interest in coming to the floor of the Senate to offer them, I am going to push very hard with the majority leader to go to third reading and finish this legislation this afternoon.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, while we await the arrival of Senators who may be interested in offering their amendments, I ask unanimous consent to speak for up to 12 minutes in morning business.

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

Mr. WHITEHOUSE. Mr. President, I rise today to join my colleague from Oregon in discussing the challenges and opportunities America faces as we look to ensure our economic leadership and prosperity for the 21st century and beyond.

America has always been a land of innovation and entrepreneurship. We led the way during the industrial revolution, which began at Slater Mill in Pawtucket in my home State of Rhode Island. We led the way in the information technology revolution that began in Silicon Valley. It is in American DNA to think boldly and through hard work to translate bold thinking into practical solutions, solutions that improve people's lives all over the world and bring prosperity to our shores.

It is time for us to lead again. A clean energy economy beckons, and we must not, we cannot ignore the call. Congress must act to pass clean energy legislation that will promote, here at home, cleaner, cheaper renewable energy sources such as wind, solar, and biofuels. I stand here today in strong support of such legislation.

Our transition to a clean energy economy is past due. This country has run on the same fuels at basically the same efficiency levels since the start of the industrial revolution over a century and a half ago. This was acceptable in 1900, perhaps even in 1950, but where does it leave us today, in 2009?

First, it leaves us dependent on foreign oil. Approximately 40 percent of our energy needs are met through oil, and more than 70 percent of this oil, at a cost of $630 billion out of the American taxpayers' pocket every year, comes from foreign sources including Saudi Arabia, Venezuela, and other regimes that do not wish us well. It is the largest transfer of wealth in history, and we are on the losing end of it, and international big oil is only too happy to profit off America's decline.

Second, while we enrich hostile foreign governments and international big oil, other countries have embraced the development, manufacture, and export of renewable clean energy technology, such as wind turbines and solar panels, so that now half of America's existing wind turbines are manufactured overseas. The United States invented the first solar cell, but we now rank fifth among countries that manufacture solar components. The United States is home to only one of the world's top 10 companies manufacturing solar energy components and to only one of the world's top 10 companies manufacturing wind turbines.

Recently, two wind turbines went up in Portsmouth, RI. One was manufactured by Vestas, a Danish company, and the other by an Austrian company with a Canadian distributor that delivered the components to Rhode Island. These turbines are very welcome. It was like a barn raising when they went up. People came out to watch. As a result, Rhode Island and America got the benefit of cleaner, cheaper energy, but we missed out on the manufacturing jobs these projects should have created for American workers.

Other countries that have embraced the demand for clean energy technology, such as China, Germany, Japan, and Brazil, are all investing more per capita in clean energy than the United States.

I ask unanimous consent to have printed in the RECORD a Washington Post article dated July 16, 2009, ''Asian Nations Could Outpace U.S. in Developing Clean Energy.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 16, 2009]

ASIAN NATIONS COULD OUTPACE U.S. IN DEVELOPING CLEAN ENERGY

(By Steven Mufson)

President Obama has often described his push to fund ''clean'' energy technology as key to America's drive for international competitiveness as well as a way to combat climate change.

''There's no longer a question about whether the jobs and the industries of the 21st century will be centered around clean, renewable energy,'' he said on June 25. ''The only question is: Which country will create these jobs and these industries? And I want that answer to be the United States of America.''

But the leaders of India, South Korea, China and Japan may have different answers. Those Asian nations are pouring money into renewable energy industries, funding research and development and setting ambitious targets for renewable energy use. These plans could outpace the programs in Obama's economic stimulus package or in the House climate bill sponsored by Reps. Henry A. Waxman (D–Calif.) and Edward J. Markey (D–Mass.).

''If the Waxman-Markey climate bill is the United States' entry into the clean energy race, we'll be left in the dust by Asia's clean-tech tigers,'' said Jesse Jenkins, director of energy and climate policy at the Breakthrough Institute, an Oakland, Calif.-based think tank that favors massive government spending to address global warming.

Energy Secretary Steven Chu and Commerce Secretary Gary Locke are visiting China this week to discuss cooperation on energy efficiency, renewable energy and climate change. But even though developing nations refused to agree to an international ceiling for greenhouse gases last week, China and other Asian nations are already devoting more attention to cutting their use of traditional fossil fuels such as oil, natural gas and coal.

South Korea recently said it plans to invest about 2 percent of its GDP annually in environment-related and renewable energy industries over the next five years, for a total of $84.5 billion. The government said it would try to boost South Korea's international market share of ''green technology'' products to 8 percent by expanding research and development spending and strengthening industries such as those that produce light-emitting diodes, solar batteries and hybrid cars.

China and India are kick-starting their solar industries. India aims to install 20

gigawatts of solar power by 2020, more than three times as much as the photovoltaic solar power installed by the entire world last year, the industry's best year ever. And China's new stimulus plan raises the nation's 2020 target for solar power from 1.8 gigawatts to 20 gigawatts. (A gigawatt is about what a new nuclear power plant might generate.)

''China is trying to catch up in a global race to find alternatives to fossil fuels,'' the official China Daily said in an article last week.

''A lot of people underestimate how focused China is on becoming a global leader in clean technology,'' said Brian Fan, senior director of research at the Cleantech Group, a market research firm. China now provides a $3–a-watt subsidy upfront for solar projects, he said, enough to cover about half the capital cost. Fan said it is ''the most generous subsidy in the world'' for solar power.

China is also expected to boost its long-term wind requirement to 150 gigawatts, up from the current 100 gigawatt target, by 2020, industry sources said. Jenkins said China could provide $44 billion to $66 billion for wind, solar, plug-in hybrid vehicles and other projects. Fan said China also plans to make sure that many of the orders go to its own firms, Gold Wind and Sinovel.

The big Asian research and investment initiatives come as U.S. policy makers boast about their own plans, giving ammunition to those who say this country needs to do more.

''That R&D represents America's chance to become the world's leader in the most important emerging economic sector: energy technology,'' said House Majority Leader Steny H. Hoyer (D–Md.) in a May 13 speech to the U.S. Chamber of Commerce. ''In the years to come, I hope that America will be selling clean technology to China and India and not the other way around.''

Confident that the United States will develop top-notch technology, the House voted overwhelmingly on June 10 to oppose any global climate change treaty that weakens the intellectual property rights of American green technology.

''We can cede the race for the 21st century, or we can embrace the reality that our competitors already have: The nation that leads the world in creating a new clean energy economy will be the nation that leads the 21st century global economy,'' Obama said on June 29.

But countries in Asia are not standing still waiting for U.S. advances.

That both excites and worries U.S. manufacturers torn between opportunity and fear of a boost for Asian competitors at a time when the world's biggest market, the United States, has slowed down sharply. ''This is heavy manufacturing business. The U.S. has had a great position over the last several years,'' said Vic Abate, vice president of renewables at General Electric, the world's number two wind turbine company. ''If it slows down and if investment doubles down in China, it will be a lot harder to catch up.''

''We have already been left behind in some areas,'' said Mark Levine, director of the environmental energy technologies division at Lawrence Berkeley National Laboratory. ''But . . . there remain many opportunities,'' he said, adding that ''the U.S. can carve out key areas in clean energy technology.''

Although GE is the only U.S. company among the world's top 10 wind turbine makers (China has two, Germany has three), Levine said ''there are areas in wind energy where we are likely to develop crucial technologies that we will both exploit and likely license to others.'' He cited advanced materials that would permit stronger rotors and techniques for taking advantage of higher wind speeds at greater heights.

Levine said the United States is unlikely to ''become the or even a leading photovoltaic manufacturer. But our scientific talent . . . has a good chance of developing the next-generation PV systems which we could either manufacture in China or another country . . . or license to foreign companies. . . . Even if the manufacturing is done abroad, this will lead to very real and large benefits to the U.S. from licensing fees, not to say sales in the U.S. and elsewhere.''

Mr. WHITEHOUSE. We have some catching up to do, and while we do that catching up, millions of Americans are out of work.

My home State of Rhode Island has one of the highest unemployment rates in our country. Across my State and across our country, couples are sitting at the kitchen table at night after the kids are in bed, with the bills on the table in front of them, and they are trying to figure out how to make ends meet and it is not adding up. That is the reality many Americans face when we cling to the failed policy of the past, when we care more about keeping big oil happy than about finding new, inventive ways for the average American worker to find lasting, secure employment in the tradition of American entrepreneurship.

Remarkably, there are those in Congress who would have us do nothing, who would remain wedded to tired, centuries-old technologies and left in the dust as other nations race for leadership in the new clean energy world. I submit this do-nothing caucus is selling America short. Don't they trust that when it comes to inventing new technologies and manufacturing valuable products, we are the best in the world?

If Congress passes strong clean energy legislation that creates the necessary incentives for the research, development, manufacture, and sale of clean energy technologies, that spirit of innovation and entrepreneurialism will again lead the world, as it has so often over the centuries. We can have confidence in that.

We have already seen some progress. It is clear, at least, that people outside the beltway get it. In the last 10 years, jobs in the technology sector have grown nearly 2½ times faster than overall. In 2006 alone, the American Solar Energy Society estimates that Federal, State, and local governments spent $8.6 billion on energy efficiency, creating 64,000 direct jobs and 83,000 indirect jobs. Their investment of an additional $3.2 billion in expanding new energy production created more than 7,000 direct jobs and nearly 9,000 indirect jobs.

Every day in America, real people and real companies are moving into the clean energy economy. In Rhode Island, Newport Biodiesel is producing a cheaper form of home heating oil for Rhode Island families by recycling restaurant grease. Alteris Renewables is creating jobs in Rhode Island installing solar energy systems on residential homes. I recently visited a home in Charleston, RI, where a family has a new Alteris solar energy system on their roof and heard from them about the significant energy savings they will achieve.

But this is only a fraction of the scale needed to revolutionize our economy. The American people, our researchers, entrepreneurs, and workers from the largest, most sophisticated research institutions and corporations to our smallest local businesses, can create clean energy jobs everywhere in the United States—in urban areas as well as rural, in the Rust Belt as well as the Wheat Belt, in our deserts and on our coasts. All they need is for us in Congress to set the economic parameters correctly, to level the playing field with foreign competition, to meet the market for investment in these products. America is waiting for Congress to act.

As I close, let me address a couple of the points we often hear from the do-nothing caucus and their see-nothing supporters in the boardrooms of the big polluters.

First, we simply cannot drill our way toward a secure energy future. It would take 10 years before we would see any tangible results from drilling, and the result would be negligible when it came. The United States has only 3 percent of known oil reserves. Yet we use 25 percent of the world's oil production. We cannot drill our way out of that math. The United States could supply 20 percent of our energy needs through wind power alone, not even factoring other forms of renewable energy.

The choice is a clear one for the future: Do we continue to enrich ExxonMobil and continue our dependence on foreign oil from places such as Saudi Arabia and Venezuela or do we decide to lead the world and tap into America's most abundant resource, the innovation and entrepreneurship of the American people?

We should also be skeptical of the champions of the status quo when they exaggerate the cost associated with transitioning to a clean energy economy. Our CBO has projected that clean energy jobs legislation would cost most American households on average less than a postage stamp per day, and it actually puts money back into the pockets of the poorest families, and that didn't even consider the savings to individuals and companies from energy efficiency practices and technologies. If prices go up a little but efficiency reduces demand and reduces use, families save. They always leave that part out of their see-nothing scenarios. We can easily increase our energy efficiency to cover 15 percent of our energy needs by 2020 and save American families and businesses nearly $170 billion in electricity costs.

Of course, the do-nothing caucus overlooks the cost of doing nothing. Unchecked greenhouse gas pollution has already begun to melt our glaciers and warm our oceans, leading to stronger, more frequent storms and rising sea levels. America's insurers are

worried about our coasts, home to over 53 percent of the U.S. population, where we generate over 83 percent of our gross domestic product. We put a lot at risk if we follow the lead of the do-nothing caucus.

We have heard the ''Do Nothing Caucus'' argue that strong environmental legislation would hurt the economy and cost us jobs. It is the same old polluters' argument. It is as wrong now as it has always been before.

In the 1990 debate on the acid rain program, manufacturers warned that the health benefits of the program were unclear and that their adoption could deal a ''crushing blow to U.S. business.'' But when the acid rain program was enacted, the program began delivering $70 billion annually in human health benefits, at a benefit-to-cost ratio of more than 40 to 1. Industry and environmentalists alike now agree the program was a success. Oops to that argument.

In 1995, DuPont warned the costs of phasing out ozone-depleting chemicals would exceed $135 billion and that ''entire industries would fold.'' But when the phaseout became law, compliance costs turned out to be less than 1 percent of the doomsday projection. DuPont made millions selling substitutes for the phased-out chemicals, and we managed to shrink the hole in the ozone layer of our Earth's atmosphere. Oops again.

We are at a crossroads. We can step toward the clean energy economy that beckons and show the world our capacity for leadership in the world economy, as we have done time and time again, or we can cling to the status quo, heads firmly wedged in the sand, and trade in our future for the well being of big oil and the Saudi Arabia royal family.

The right choice is clear, and I am confident we will make it.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY.) The Senator from Texas is recognized.

TORT REFORM

Mr. CORNYN. I know a number of our colleagues have come to the floor and talked about health care reform. I think this is not only an important debate, I think the American people deserve our best work and certainly our closest attention to something that will impact not just some of us but literally all 300 million of us living here in the United States.

I want to focus my remarks on the next few minutes on what is missing, what is missing from the bills moving in the Senate and the House of Representatives. Millions of Americans are paying attention to what is in these bills. That is a good thing. Everybody wants to see what Congress is up to and everybody wants to understand what is in these bills and how it will impact their health care.

As I talk to my constituents in Texas, they tell me that Congress may well make the problem worse, and for good reason. Families are worried that Congress will increase the cost of their health care or force them into a government plan, a pathway to a single-payer system.

Small business owners are concerned that higher taxes and new mandates will make it harder for them to weather the current recession. Physicians and other health care providers are worried that we will not fix the problem with Medicare and Medicaid, and will make their hassles even worse by creating new government programs on top of flawed and unsustainable current government programs.

Patients—that would be all of us—are worried about the quality of care and whether the government will ultimately deny treatment or delay treatment as in Canada and the United Kingdom and other places where the government has taken over health care. And everybody is, frankly, worried about spending more taxpayer dollars, especially after the spending spree we saw earlier this year with the flawed stimulus package which spent more than $1 trillion, including interest, of borrowed money, and which has failed so far to meet its intended goal of keeping unemployment down to 8 percent or less.

I believe the people of this country will have greater confidence in Congress if we focus on reforms that will actually lower the cost of health care and not reduce access or quality, and that will actually increase access and quality.

One proven way of doing that is not even on the table. I think the American people would be justified in asking: Why? Why is that not on the table? Why are we not talking about eliminating junk lawsuits that create the practice of defensive medicine and which do nothing but exacerbate and worsen high health care costs in this country?

Medical liability laws exist for a very good reason, to compensate victims of negligence and other medical errors. Every victim of medical malpractice deserves access to the courts and for their case to be heard. But over the years our laws have somehow encouraged a wave of frivolous litigation which has done little but enrich trial lawyers and encourage the practice of defensive medicine and increase the cost of health care for all of us. It is estimated that defensive medicine costs the American taxpayer more than $100 billion every year, $100 billion of additional cost. That is according to economists Daniel P. Kessler and Mark B. McClellan.

Yet despite this potential savings of $100 billion, trial lawyers have not been asked to make the same sacrifices as others have to lower health care costs.

We know there is a lot of arm twisting going on here in Washington these days. Hospitals, drug makers, insurers, and others have all been asked to pitch in, make a commitment to help. But so far there is one contingent that has not been asked for one dime. That is the trial lawyers. They have not been asked to step up and take one for the team.

Medical liability reform can lower costs while expanding access to care. I would respectfully suggest to my colleagues that they look to the experiment we have recently conducted in the State of Texas. It is a successful experiment to increase access and lower costs. Texas illustrates both the problem and the solution. In the early part of the decade, Texas was a trial lawyer's dream and a doctor's nightmare. Our State had become a haven for medical malpractice lawsuits. As a result, physicians' medical malpractice premiums had doubled and many insurers simply gave up and left the State and would no longer write medical malpractice insurance coverage at all. In fact, the number of physician liability insurers writing policies in Texas fell from about 17 to 4. Many doctors left the State or restricted the procedures they were willing to perform or simply retired early. This reduced access to health care as well as quality for millions of people across the State of Texas.

Our legislature and our Governor at the time saw the problem, and in a series of legislative reforms culminating in 2003, they took action. They placed a $750,000 cap on noneconomic damages in medical malpractice cases. They required the punitive damages; that is, damages that are awarded for punishment, not as compensation, be approved by juries unanimously. They imposed a firmer statute of limitations saying you needed to bring your claim within a specified time rather than sit on your rights and allow this claim to be stale and witnesses' memories dim. They set a higher standard for expert witnesses, the so-called out-of-town folks with a briefcase who are willing to testify for or against a particular claim depending on their compensation.

These and other reforms were designed to create an honest and predictable civil justice system, in which victims would receive just and timely compensation; bad actors would be held to account; and the good doctors could afford to practice in our State.

As I indicated, the results of this experiment have been dramatic. Average premiums for medical malpractice fell by 27 percent on average, 27 percent lower premiums, and in some cases by more than 50 percent.

Patients saw lower premiums for health care because doctors no longer had to pay skyrocketing premiums for their medical liability insurance. That translated into lower premiums for patients for their health care.

More than 400,000 Texans are now covered by health insurance because premiums have become more affordable. That is 400,000 more since these reforms took place.

Another amazing phenomenon here is that physicians literally flocked to our

State. They literally returned to the Lone Star State in large numbers. We saw the overall growth rate of 31 percent in the number of new physicians moving to our State, including underserved areas such as El Paso, TX, where a 76-percent increase in that underserved area was seen as a result of this reform.

We also saw a number of key medical specialists who had simply fled critical parts of our State—such as obstetricians, neurosurgeons, orthopedic surgeons—return to practice and provide access to good quality health care.

Some Texans who had never had access to prenatal care or emergency care available in their county now have greater access, which means shorter drive times and wait times and healthier babies and happier families.

The results in Texas, I would submit, have simply been remarkable. But what a great laboratory for us to learn from in enacting commonsense medical liability reform as part of our overall health care debate. But, of course, Texas is not unique in this experience. Other States have reformed their laws as well to similar effect, including California, Colorado, Florida, Indiana, Montana, and Virginia. They have seen lower costs and greater access to health care. What works in the State can also work here in Washington, DC and around the whole country generally if we were simply to have the courage to embrace it. We must include medical liability reform in eliminating junk lawsuits and frivolous litigation as part of any comprehensive health care reform bill.

Specifically, we should enact standards that cap noneconomic damages, establish firmer statutes of limitations so that claims will be brought on a timely basis and not after memories fail and evidence is lost. We should implement several other reforms that have proved to be so successful both in Texas and around our States. These reforms will lower the cost of health care for all Americans.

But do not take my word for it. Ask the Congressional Budget Office. The nonpartisan Congressional Budget Office has been under tremendous political pressure these days, including an unprecedented invitation by the President of the United States for the current Director to come over to the White House and explain why they have come back with such eye-popping, sticker-shock numbers as they have with some of the proposals that have been made.

But the Congressional Budget Office took a look at the potential cost savings if Washington adopted national reform along the lines of what we have done in Texas. They estimated that the Federal Government alone would directly save $5.6 billion from these types of reforms and that total health care spending could be reduced further if these reforms reduced the practice of defensive medicine.

CBO also concluded that such reforms would likely increase access to health care as we have seen in Texas, where doctors, instead of retiring, decide to continue to practice where they will feel less like hunted prey and more like the health care provider they always have wanted to be, and provide healing and comfort and care to people without access to care right now.

Medical liability reform cannot solve all of the problems in our health care system, but no health care reform bill will ever be comprehensive without it. I would ask my colleagues why it is that every other idea under the Sun seems to have made its way into the health care reform bills we have been debating except for one of the most obvious, which is medical liability reform.

Even President Obama acknowledged that huge liability judgments lead doctors to practice defensive medicine, which drives up the cost of health care for all of us.

Now is the time for Congress to reach the same conclusion and to take steps that have proven so successful in a number of States. If we reform medical liability laws nationwide, eliminating junk lawsuits and frivolous litigation, we will lower the cost of health care, we will expand access to health care, and we will show the American people that we are listening to them and focusing on solutions that will work.

I yield the floor.

AMENDMENT NO. 1903 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I call up amendment No. 1903.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 1903 to amendment No. 1813.

Mr. SANDERS. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional amounts for technical assistance grants)

On page 34, line 7, before the period, insert the following: ": *Provided further*, That within existing funds for industrial technologies $15,000,000 shall be used to make technical assistance grants under subsection (b) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(b)):

Mr. SANDERS. Mr. President, this amendment addresses the issue of district heating which has incredible potential as a force for sustainable energy. Specifically, what this amendment would do is provide $15 million in technical assistance grants to institutional entities such as municipal utilities, institutions of higher learning, public school districts, local government or a designee of any of these entities through section 399A of the Energy Policy and Conservation Act as incorporated by the Energy Independence and Security Act of 2007. It would do this by directing $15 million within the $100 million for the DOE industrial technologies program to be directed toward district energy and combined heat and power.

This Nation has a huge opportunity to reduce greenhouse gas emissions, create jobs, and provide reliable energy for heating and cooling and electricity by moving toward district energy and combined heat and power. District energy systems provide heating and cooling to two or more buildings or facilities through underground pipes. These systems can efficiently meet the heating and cooling needs of towns and cities. Much of Copenhagen, for example, is now heated through district heating. It can provide electricity and heating for college campuses, for hospitals, public buildings, and other facilities.

Combined heat and power refers to the production of both electricity and thermal energy. You are creating electricity and heat from the same powerplant. Combined heat and powerplants can provide thermal energy for district energy systems.

In my city of Burlington, VT, where I had the honor of being mayor for 8 years, we built the largest wood chip burning plant in the State of Vermont. This plant has a 50-megawatt capacity that runs on wood chips and wood waste. Roughly 60 percent of the energy produced by this plant is lost as wasted heat. Burlington, similar to other cities around the country, could capture that waste heat and use it to provide heating and cooling to multiple buildings downtown.

According to a 2008 Department of Energy report, combined heat and power systems, particularly in coordination with district energy systems, could make a huge impact in meeting our energy needs while lowering greenhouse gas emissions. Approximately 40 percent of our energy consumption is for heating and cooling of our buildings as well as industrial process heat. Combined heat and power represents roughly 9 percent of our electric power capacity today. If we can move to 20 percent combined heat and power by 2020, we could, according to the DOE, create more than 1 million new jobs and avoid more than 800 million metric tons of carbon dioxide emissions. This would avoid more than 60 percent of the projected growth in carbon dioxide emissions between now and 2030. In other words, this is a big deal. We are talking about real technology that is deployable today, not 50 years in the future. It is here today, ready to be utilized.

In Copenhagen, district energy provides clean heating to 97 percent of the city. This has saved energy, reduced fossil fuel consumption, and avoided greenhouse gas emissions. In our own country, in St. Paul, MN, district energy and combined heat and power provide 65 megawatts of thermal energy and 25 megawatts of electricity from renewable urban wood waste. That is an extraordinary development. This

heats more than 185 buildings, 300 homes, and cools an additional 95 buildings. This has reduced emissions and provided exceedingly reliable energy for St. Paul. Same story, smaller scale, Jamestown, NY.

I offer amendment No. 1903, which will provide $15 million for technical assistance grants under a program authorized in the 2007 Energy Independence and Security Act. These grants will help with engineering studies and feasibility studies. The grants do require a match of between 25 and 60 percent so we are leveraging Federal dollars wisely. These grants were authorized but have never received funding. In fact, we have long neglected district energy and combined heat and power systems. We should be providing Federal support for these efficient technologies.

Interestingly, according to the Biomass Resource Center and the International District Energy Association, there are hundreds of shovel-ready projects that need capital for infrastructure to go forward right now. We are on the verge of putting people to work, cutting greenhouse gas emissions, making these systems more energy efficient. We also have many programs around the country that are in need of money for feasibility studies. By providing for technical assistance grants, we are taking an important step to move these projects forward.

I ask the chairman of the committee, I have offered this amendment. How does he suggest we proceed?

Mr. DORGAN. Mr. President, I am prepared to accept the amendment. My colleague, Senator BENNETT, is as well. The amendment has been cleared. We have reviewed it. We think it has merit, and we have approved it on both sides. I suggest we ask for consideration and have a vote on the amendment at this point.

Mr. SANDERS. I thank the chairman.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1903) was agreed to.

Mr. DORGAN. I thank the Senator from Vermont. I know he cares passionately about this issue. The description he has given demonstrates the merit of this proposal. Frankly, I am happy to be supportive.

Mr. SANDERS. I thank the Senator.

AMENDMENT NO. 1895 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and Coburn amendment No. 1879 be called up.

Mr. DORGAN. Might I ask the Senator to yield for a question?

Mr. COBURN. I am happy to yield.

Mr. DORGAN. Senator COBURN and I and Senator BENNETT talked about the order of his amendments. I believe he has three amendments. We intend to accept one. I had indicated to him on the contracting amendment he intends to offer, I will offer an amendment as well, and we will have side-by-side votes. I wonder if I might offer my amendment to have it pending. The Senator would then offer his amendment and discuss it and I would offer my amendment on behalf of myself and Senator BENNETT. If that is acceptable to the Senator from Oklahoma, I believe my amendment is filed. I ask unanimous consent that that amendment be called up. It is amendment No. 1895. I ask that on behalf of myself and Senator BENNETT.

The PRESIDING OFFICER. Without objection, the clerk will report the Dorgan amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. BENNETT, proposes an amendment numbered 1895 to amendment No. 1813.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide requirements regarding the authority of the Department of Energy to enter into certain contracts)

On page 63, after line 23, add the following:

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.''

AMENDMENT NO. 1879 TO AMENDMENT NO. 1813

The PRESIDING OFFICER. The clerk will report the Coburn amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1879 to amendment No. 1813.

The amendment is as follows:

(Purpose: To reduce the appropriation for Departmental Administration of the Department of Energy so that the Department can set an example for all Americans by reducing unnecessary energy usage)

On page 44, line 4, strike ''$293,684,000'' and insert ''$279,884,000''.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Let me first discuss the amendment No. 1895. The American people need to know what this is.

This is a way to say we are following the law on everything in terms of contracting except if it is an earmark. That is what this amendment does. It says we will follow all the laws on contracting except if we have an earmark that we want some company to get that might be a political friend or political donor or might be something we think is better than somebody else might think. Dorgan 1895 essentially guts transparency for this country in terms of when we buy, what we buy, and how we buy.

My amendment says anything we buy is going to be competitively bid. Senator DORGAN may have something he believes in strongly and believes should be done. There is nothing wrong with that, especially if it is authorized. But there is plenty wrong with saying who is going to get the benefit from that being done, which company, which firm, which special interest group. Most often earmarks are for the well heeled, the well connected in this body. When I bring an amendment to the floor that says we will have transparency, the American people will get value. Even if we do an earmark, at least we know we will buy that earmark at a competitive price compared to what we could have bought it for otherwise.

What the Dorgan amendment does is guts that. It says we will follow the law all the time, the Federal contracting statutes, except when we have earmarked something. So what it does, it allows them to vote to say they are following the law with the exclusion of all earmarks. Whereas my amendment says if you are going to earmark something, at least in these times of trillions of dollars of deficit, maybe the American taxpayer ought to get the benefit of having it competitively bid so that we get real value for it. It is not any more complicated than that.

What we say in my amendment is if it is out there, get good value for the American people, competitively bid it. Make sure it is online. Make sure we follow all the rules and regs. Today it is much more important than ever because government purchasing is more important to those people whose businesses are down-sliding. So we are having many more people interested in competing for the dollars on government work. Yet we have an amendment that is going to be voted on side by side for political cover only that sounds good. It sounds good. It says:

None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any Federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act . . . or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute . . .

That is code word for earmark, ''unless such contract is otherwise authorized by statute.''

If you vote for the Dorgan amendment, you want to continue to connect the well heeled, the well connected and you don't want transparency and you don't want competitive bid prices on what we as Americans pay through our tax dollars for what the government buys. It is as simple as that. What my amendment says is, each time, every time, unless it is in the interest of national security, we will, in fact, competitively bid. We may not all agree

where Senator DORGAN or I may want something done, but at least when we are doing it, we will buy it in a more efficient, more effective way and save money for the American taxpayer.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. COBURN. Is the order that we will pool votes for a later time?

Mr. DORGAN. Mr. President, I will respond, of course, to the comments of the Senator from Oklahoma. If he would wish, it might be sensible for him to proceed to offer his other amendments, calling them up, setting aside this amendment, and we will have them all in front of us. Then we can discuss them and develop an order by which we might vote.

AMENDMENT NO. 1878 AS MODIFIED TO AMENDMENT NO. 1813

Mr. COBURN. I ask that the pending amendment be set aside and I call up amendment 1878; further, that it be in order to modify the amendment with the change I send to the desk. I understand Senator DORGAN has approved this change.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1878, as modified to amendment No. 1813.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To require public disclosure of reports required in appropriations bills)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in an appropriations Act shall be posted on the public Website of that Agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Mr. COBURN. Mr. President, throughout this appropriations bill, we have a lot of reports we are asking agencies to come up with. This is another amendment about transparency. I appreciate the fact that the chairman and ranking member will accept this amendment.

What this says is, if we get a report, the agency has to report it to the American people. In other words, they have to publish it. We get to see what the results of that report are. There are exceptions for national intelligence and the military, but in those areas where there is not a reason for the American people not to see it in terms of national defense or our own security, what this amendment says is the agencies have to release the reports and put them online and make them available to the American people. You paid for the report; you ought to be able to see the results. Far to often around here, we get reports but only certain people get the reports. Some of us never get reports. So what this says is, the reports that come out of here that are not related to national security or defense and otherwise are appropriate will be made available by the agency to the American public.

With that, I yield to the chairman.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, Senator BENNETT and I have reviewed this amendment and think it has merit and support it and hope we could vote on this by voice vote and that we might do so immediately. So, Mr. President, if the Senator from Oklahoma is ready, I will suggest that we dispose of this amendment by consent.

Mr. COBURN. Mr. President, it is fine for us to accept it.

Mr. DORGAN. It has been cleared by both the Republican side and Democratic side.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 1878), as modified, was agreed to.

Mr. COBURN. So I understand, Mr. President, we have accepted amendment No. 1878. I also understand that amendment No. 1884, which requires contracts, has a side-by-side with Dorgan amendment No. 1895.

AMENDMENT NO. 1879

Mr. President, is amendment No. 1879 pending?

The PRESIDING OFFICER. Yes, it is.

Mr. COBURN. At the Department of Energy, one of its tasks in this country is to help us with energy efficiency, to help us with a lot of what we would expect to be within the Department of Energy. It is peculiar, however, when the Department of Energy has looked at themselves, they are highly inefficient, according to their own inspector general, with the utilization of energy.

They have 9,000 buildings. The inspector general said last year they wasted at least $13.8 million in energy costs—$13.8 million. There is $13.8 million they could have saved had they done some small, simple, straightforward things like they request every other agency in the Federal Government to do. Isn't it ironic that the very agency that is telling all the rest of the agencies to save money by becoming efficient with their computers, by becoming efficient with their heating and cooling systems, by becoming efficient with their utilization of lighting, does not even follow their rules they ask the rest of the agencies to follow.

This is a very simple amendment. We know at least $13.8 million was wasted last year. That is probably just the tip of the iceberg. This amendment says we are going to reduce their funds by $13.8 million. And I can tell them the steps tomorrow as to how they can save $13.8 million so it will have no net effect on the agency. So with what we do, the American taxpayers get $13.8 million, as a minimum, of energy savings out of the Department of Energy. That is as straightforward as I can say it.

Here is another one of those reports that nobody reads except our staff, and you see the IG is doing their actual work, and now we are bringing an amendment to the floor. It has not been agreed to. It has not been accepted. But it is absolute common sense. I do not understand why it is not accepted, when the IG has plainly listed out where you can save the money and how you can do it. Why would we not reduce their funding to force them to do that?

So it is a no-net-revenue-loss for them because they are going to save the $13.8 million as they reconfigure computers, as they follow their own regulations within the Department of Energy. I will not go on in detail. But this is the kind of commonsense amendment we need to be doing in the Senate to hold the agencies accountable to follow their own rules, as they force everybody else to follow the same set of rules. This is not ''do as I do.'' This is ''do what you see us doing.'' That is the model, and that is the example.

AMENDMENT NO. 1884 TO AMENDMENT NO. 1813

Mr. President, it is my understanding that amendment No. 1884 still needs to be called up. So at this time, I ask unanimous consent to set aside the pending amendment, call up amendment No. 1884, and then following its calling up, to set it aside and resume the present amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1884 to amendment No. 1813.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit no bid contracts by requiring the use of competitive procedures to award contracts and grants funded under this Act)

At the appropriate place, insert the following:

SEC. ___. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C.

253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award the grant uses competitive procedures to select the grantee or award recipient.

AMENDMENT NO. 1879

Mr. COBURN. Mr. President, it is my understanding we are back on the previous amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. One last point I would like to make is that the Department of Energy is responsible for numerous private sector energy-efficient programs and for the enforcement of those programs. It makes sense that if they are going to be the enforcer and be responsible, they ought to follow those same energy efficiencies to regain the confidence of the very people they are saying they want change from. It is pretty hard to expect people to swallow making changes for energy efficiency in all the rest of the government agencies when the very agency that is telling you to do it does not follow its own rules. So this is straightforward.

I know the appropriators do not like somebody coming and cutting money, but this is a no-net-cost to the agency. All they have to do is about 15 small steps—very inconsequential in terms of cost—and they can save almost $14 million next year. Probably they will save $20 million or $25 million, and that is just based on the two IG reports we have from the fall of last year and the spring of this year. So this is not old data. This is brandnew data. These are brandnew reports from the IG.

I hope my colleagues would reconsider and accept this amendment because it is one of the ways we can save $13.8 million. It is an easy deal.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, as always, the Senator from Oklahoma is thoughtful and courteous, and we appreciate—Senator BENNETT and I appreciate—him coming to the floor and offering his amendments.

Let me say to the Senator from Oklahoma, we cut the administration budget in the Department of Energy by $8 million as we brought it to the floor. But even more important than that, we have cut $643 million from the Department of Energy from the President's budget. So as CBO recalculates the President's request to the Congress, we have cut $643 million. And we have cut $8 million in the administration budget in the Department of Energy.

So I sympathize with his notion. I certainly strongly support what he is suggesting to the Department of Energy they should do. I just say to him, we have already made those cuts and far, far more in terms of what the President wanted for the Department of Energy. We are $643 million below the President's request and $8 million below in the administration accounts in the Department of Energy.

Mr. President, I will be happy to yield to the Senator.

Mr. COBURN. Mr. President, the Senator would admit, would he not, that the President's request is what he requested, it is not what was actually spent last year? That is No. 1. What you have done is cut $8 million from actual expenditures in administration last year.

Mr. DORGAN. That is correct.

Mr. COBURN. So therefore would the Senator agree to accept my amendment to just adding $5.5 million to the $8 million you have already cut, because you are going to get it back in energy savings?

Mr. DORGAN. Mr. President, again, I agree that what we ought to be doing is encouraging the Department of Energy—all Departments—to be engaged in energy savings and efficiencies and so on. I will be glad to visit the Senator about cuts. But, as I said, we already made substantial cuts. I think the Senator from Oklahoma knows that the President's request, in the context of the broad range of budget requests for a broad group of Federal agencies, was what he felt he wanted and needed in order to have some sort of transformational energy future.

We are working on a wide range of new and innovative energy approaches: decarbonizing coal, additional production in wind and solar and biomass, additional production offshore in the gulf. We are working on a lot of issues, and some of that requires substantial research and development. So the President had a pretty good appetite for what he felt was needed. We cut that by $643 million.

The reason I am emphasizing that to the Senator is Senator BENNETT and I did not just saddle up and say: Well, whatever you want, here it is. We cut it, and we cut it because we felt those cuts were deserved.

I certainly appreciate the Senator from Oklahoma coming to the floor wanting additional cuts. But $643 million is a pretty substantial walk away from what the President had originally requested for that agency.

My hope is that we can include—we will include—certainly I will be the chairman of the conference—we will include very strong and assertive language of the type the Senator is requiring of the Department of Energy. I would insist, as well, that the Department of Energy—all agencies—demonstrate efficiencies and conservation and the kinds of things that can and should be done to address the overusage of energy.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I would associate myself with the chairman's remarks and simply add a few more figures. In the energy efficiency and renewable account, we reduced funding for program direction by $85 million, and program support funding was reduced by $48 million. In the Office of Science, we have cut funding for field offices by $13 million and cut headquarters funding by $6 million. And the President's request for the personnel and program direction account we cut by $160 million.

So these are a little more granular than the overall figure the chairman mentioned. But I mention them to point out that we have indeed looked at each one of these individual items very carefully and produced the result the chairman described.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me just make a comment.

I know the Senator feels strongly about contract reform, and on the two amendments in front of us, the Senator from Oklahoma talked a lot about earmarks. But, of course, he is well aware that his amendment deals with far more than just earmarks. The issue of formula awards to State and local governments which are carried in this legislation, the issue of competitive grants, the contract competition model that the Senator seems to suggest the Senator believes is appropriate for the competition and research and development, many of which are very exotic and interesting and cutting-edge, world-class research projects in the Department of Energy—I do not know that—I guess the people who do know suggest that the contract competition model for some of those kinds of things does not work very well because you are looking at things that go well beyond just who is going to bid the lowest on the kind of research and very high-tech, exotic research we are doing in a wide range of energy fields.

I generally have always supported contract competition. There is nobody who has been tougher on the Department of Defense, for example, on some of these contracts, particularly no-bid contracts to those who are contracting in Iraq. Next Monday will be my 20th hearing on issues like that. I strongly support competition in contracting.

I think this amendment that has been offered is not an amendment that very well fits this bill and addresses, in a very broad-stroke way, some things that should not be addressed that way. So that is the reason I have offered an alternative to it. My hope is that the Senate will agree with the alternative.

I might say, I believe this exact debate was held 2 weeks ago on the Homeland Security bill and has already been resolved by the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I enjoy my debates with the appropriators. I love you guys. I think it is great.

The one thing that was not mentioned is that in the stimulus bill the Department of Energy got an additional billion dollars. So there has been no net cut. There has actually been a massive increase in the Department of Energy when you count the stimulus bill.

No. 2 is, you have ramped up the FEMP the Federal Energy Management Program, by 50 percent, going from $22 million to $33 million, the very program that they are enforcing on everybody else. Yet they won't comply with it.

I also would say the Senate is going to get to decide this every time we have an appropriations bill as far as transparency in contracting. I may get smarter at the way I write it, but the American people deserve to have great value.

If you want to change the contracting law to say there are certain times we shouldn't do that in terms of highly specific scientific things, that is fine with me; but the fact is billions and billions and billions of dollars are well placed directly to businesses in this country at higher rates than they would have been otherwise had we had competitive bidding and open contracting. Nobody can deny that fact. Nobody can deny that fact. I am talking about all across the government.

So we are going to get a vote on competitive bidding on every appropriations bill that comes before the Senate. The American people get it. It is a great defense you are offering, but it isn't going to pass the smell test with the American people. They deserve the best value they can get on every penny we spend of their money, not our money.

I understand we think we have decided it. We are going to keep voting it; we are going to keep voting against it, and we are going to keep telling the American people we are still going to connect up with our buddies, we are still going to make sure these people who are well heeled and well connected are going to get the contracts.

I will grant to the chairman there are certain things that should be outside of this that are highly scientific, that are limited to very few potential bidders, and maybe even only one. But, remember, we have FutureGen going in Chicago now, a $2 billion earmark that is going to be a $4 billion earmark that is going to be a $6 billion earmark that we said only one person can do, and MIT says nobody can do it because the technology isn't finished. We have that going. That is a Department of Energy earmark. So it is not just hundreds of thousands of dollars; it is billions and billions and billions of dollars.

America should hear that what we are going to see is we have all the reasons in the world why we are not going to be competitively bid. We are going to give you all the reasons why we are not going to be efficient with your dollars, why now is not the time, why we shouldn't do this now. But the fact is that while we shouldn't be doing it, we are cutting the legs off of our children and grandchildren.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Oklahoma is not going to win a debate we are not having.

I agree with most of what the Senator from Oklahoma said. I support contract—but the Senator from Oklahoma himself suggested maybe we should have a different model for the highly exotic research contracts. By the way, they are not just a few. You go to the labs and take a look at the contracts that are going on around the country in very exotic, high-tech research; cutting-edge, world-class research. If, in fact, there should be perhaps a different model for that, it is not in this amendment. That is my point.

I would be happy to sit down with the Senator from Oklahoma to bring an amendment to the floor that does address things in the right way, but to bring an amendment to the floor that has a very broad brush that covers everything when the Senator himself acknowledges that probably something other than that should be done with respect to these kinds of exotic research programs—he didn't respond to the issue of State formula grants and so on—but again, we are not having a debate about the merits of what you aspire to achieve.

I want us to have contracting rules that give the American people the best value for their dollar, that advance this country in the most significant, capable way. We want the same things. But my point is, when one offers an amendment such as this that says, All right, do it all this way, and even—I would say to the Senator from Oklahoma, even the Senator acknowledges there are areas that perhaps shouldn't be handled that way. So let's do it in a way that resolves it in the right way.

I know he is frustrated that we likely won't pass this amendment, but if he is going to bring it up time and time again, the next time or the time after, let's do it in a way that gets closer to that which we believe will address all of these issues the right way for the American taxpayer, and I will be on his side.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I say to both the chairman and the Senator from Oklahoma, if there is going to be a meeting to try to write this in the proper way, I want to be a part of it, because I agree absolutely with the effort the Senator is making.

But the Senator from Oklahoma made one reference to efficiency. He said we want a bidding process that is efficient. I want to step out for a moment from the scientific debate into another circumstance that has to do with this bill, that has to do with my own State that I can give an exact example for.

We have a cleanup program in southern Utah dealing with the cleanup of an old uranium plant. The tailings from that plant are right next to the Colorado River, and the fear is that the leaching from the tailings of that plant is going into the Colorado River, not only threatening the fish but the population downstream, downstream States, and the country of Mexico, and significant problems. All right. A contractor was necessary to clean up the tailings pile and there was competitive bidding that went on and the contractor was chosen and is now involved in a very significant, multimillion-dollar cleanup program.

As I understand the language of the amendment of the Senator from Oklahoma, because we are appropriating more money for that cleanup program in this bill, we need another competitive bidding proceeding to see if that is the right contractor. This is a contractor who is looking at 10 years, 12 years for the contract, and every time a new appropriation is necessary in each bill. It would seem to me it makes sense that once we have picked the contractor through competitive bidding, there does not have to be a competitive bid every year to see whether another contractor can now move in, take over, and make this work. It is possible we could. It is possible that this first contractor might be running up costs in fashions he shouldn't be doing and there should be a review. But I agree with the Senator from North Dakota that this is too much of a broad brush in that kind of area.

I was involved as a freshman Senator with respect to concessions at national parks, and I angered the ranking member of that committee when I sided with some other Senators in the majority—the Democrats at the time—to change the rules with respect to concessions in national parks because I said this is a rigged bidding situation where the incumbent contractor is always going to be taken care of. We finally got that done.

I am completely in sympathy with what is trying to be done here, but I discovered in going through that process—the same general idea, different set of facts—that it is more difficult than it looks on the surface. That is why I am supporting the chairman in the amendment he is offering. But if there is going to be a discussion of how this gets more efficient in the pattern in which it is written, I want to be a part of that, because I am completely sympathetic to the effort of trying to see to it that we have open contracting wherever it makes sense.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. The Senator from Utah mischaracterizes both the intent and the function of the amendment. If something is already contracted that has already been appropriated for, it won't be affected. It is new contracts and new bids. That is the intent.

The reason I come with this is because nothing ever changes here. If, in fact, we pass my amendment, you know what. We will have to change the contracting. How do we change contracting with everything that is coming across the floor? How do we get it through committee? We will never move it until we are forced to move it.

That is why this amendment is written this way, because all of us know the great deal of difficulty to get anything done in this body.

So if, in fact—we are going to do three bills in the next 2 weeks: one on the transportation trust fund, one on unemployment insurance, and one on HUD that has to be done. They will get done. So the reason it is written this way is because it will have to get done and we will do it. We will never get it done the other way, and both of my colleagues recognize that there is truth in that statement.

I am going to insist we have a vote on the amendment. I thank the chairman and ranking member for their debate. I remind the American people that there is always an excuse in Washington not to have transparency, not to be efficient, and not to be effective. We will always find a way not to get good value for your money.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, without prolonging this debate, let me say to the Senator from Oklahoma there are other ways to get things done as well. I mean, look, some of the most significant contracts that have gone out of this town recently in the last 10 years or so—the LOGCAP contract which provides services by contractors in Iraq—sole-source contract, billions and billions and billions of dollars—most of it went to Halliburton and KBR, by the way; not all of it but the fact is massive amounts of money.

I have held 20 hearings as of Monday on these issues. You know what. Finally, they are bidding all of those contracts. Finally, they are bidding them. When you hold up some of the abuses, you can actually require change, in my judgment. Yesterday the inspector general said those who were providing electrical services to the military bases in Iraq were responsible for the electrocution of soldiers because they were hiring third-country nationals who didn't know how to ground electrical wires, didn't know how to speak English. You know what. Those contracts are now going in other directions. There was a contract to provide water to military bases and the nonpotable water was more contaminated than raw water from the Euphrates River, paid for by our taxpayers to contractors who didn't have the foggiest idea what they were doing and got billions of dollars of contracts they didn't have to bid on.

The fact is this sort of thing is despicable and needs to change. I take no backseat to any Member of the Senate about trying to change these things. I have held 20 hearings on these contract issues in recent years. The Senator from Oklahoma comes and raises important questions, always. I understand that. My point to him was simple: This amendment, in my judgment, doesn't respond to all of the issues the Senator needs to respond to if the Senator is going to do an amendment that does reform contracting. I am very interested in working with him. He is on the right subject, in my judgment, just the wrong amendment.

I wanted to say, there are a lot of ways to change things. Yes, with an amendment here on the floor of the Senate; in committees; and I am sure the Senator from Oklahoma does that as well; pressing Federal agencies. You can get change by putting all of the spotlights on the same spot in a Federal agency to say, How do you justify this? We demand you change.

So there is a lot of good work that goes on by people who care about forcing change, and many of us have done it.

I wanted to say there are a lot of ways to do this and I encourage the Senator from Oklahoma to continue. I want to be a part of constructive change on contracting. I have been in the past and will be in the future.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

Mr. DORGAN. Mr. President, let me ask if the Senator would agree, if he would withhold—I believe the Senator from Missouri wishes to make a very brief statement and she may be offering an amendment—I don't know that she is going to require a vote on it—and then we could line up—I believe we will have three recorded votes.

Mr. COBURN. That will be fine with me.

Mr. DORGAN. If we could turn to the Senator from Missouri at this point and then we could line up three successive votes on the Coburn amendments, two by Senator COBURN and one by myself and Senator BENNETT.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I thank the Senator from North Dakota. I wish to agree with my friend, the Senator from Oklahoma, on his amendment on contracting competition. Maybe it is fitting that in the Energy bill, I am probably doing a Don Quixote here, tilting at a windmill.

I have learned during my time in the Senate that there are certain things that are very protected, and one of them is the earmarking process. I think most people would acknowledge that we have billions in noncompete contracts through earmarks, and they are not all for exotic research. Yes, we have noncompete contracts a lot of places and we should try to get rid of all of them, every last one of them. If it is exotic to research, then there are probably not going to be very many people who have bid on it.

So I don't agree with my friend from North Dakota on this issue of carving out earmarks as an area of noncompete. I think——

Mr. DORGAN. Mr. President, will the Senator yield?

Mrs. MCCASKILL. Yes.

Mr. DORGAN. The Senator is not describing my position. I did not suggest carving out earmarks. The Senator has not heard that this afternoon.

Mrs. MCCASKILL. I just listened to the debate.

Mr. DORGAN. You didn't hear that during the debate.

Mrs. MCCASKILL. Let me restate what I heard. I heard the Senator from Oklahoma wants to pass an amendment that would require competition for all of the earmarks in the bill. I think that is a good idea. I think competing for all earmarks is a good idea. I think it is not correct that the noncompetitive earmarks are all exotic research or any other kind of earmark that could lend itself to competition. I think there are many that could easily lend themselves to competition. I believe that once we get to competition, it is going to provide transparency the American people are aching for in this area of earmarking.

(Mr. BURRIS assumed the Chair.)

Mr. DORGAN. Will the Senator yield again?

Mrs. MCCASKILL. Yes.

Mr. DORGAN. The discussion wasn't just about earmarks. Perhaps it included them, but if the Senator is describing an amendment that only requires competition, or competitive bidding on earmarks, that is not the amendment.

Mrs. MCCASKILL. My discussion is about the noncompetitive earmarks. I think whatever amendment gets us to more competition, I am for it. I think there are way too many. I could not be a bigger fan of the Senator from North Dakota and what he has done on contracting relating to the war in Iraq. I followed those hearings before I came to the Senate, and I continue to follow them. He has been a groundbreaker in the area of wanting competition.

If you look at the billions of dollars that were wasted in the Iraq war over noncompete contracts, and if you look at the atrocities committed in the name of noncompetition which the Senator from North Dakota has exposed, he has been terrific on that. Some of us just disagree about whether earmarks should be competed. Although I try to agree on every bill that removes all earmarks, I generally don't go into and pick out an earmark to complain about. I generally don't vote for amendments that do, because in many ways I think the process of picking on one amendment here or there, or one earmark here and one earmark there can be as arbitrary as the process of earmarking sometimes appears to be. So I generally don't do that.

But in this instance, there is an earmark in the bill that I know a lot about. The Senator from North Dakota has done this because he believes very much in having another study on the Missouri River. We have been fighting over water in this country for as long as this country has been around. Water is very important in Missouri. Navigation of the Missouri River is incredibly important to our farmers and to our utility companies.

There was, in fact, a large study undertaken on the Missouri River that

was completed in 2004. It cost the taxpayers $35 million. It took 15 years to complete, and there were all kinds of lawsuits over it between the various States up and down the river. There were a couple of things that came out of the study. One of them was there was an agreement that began the Missouri Recovery and Implementation Committee. It is a committee that includes stakeholders from all along the river who meet several times a year to help develop a long-term management plan for the river. This process has recently begun. It hasn't even had time to work.

I feel strongly that repeating another study is unnecessary, when there is nothing that has dramatically changed since we spent the $35 million on the study done in 2004. And now we are going to begin another $25 million study by the same group, looking at the same issues. That, to me, is wasteful.

I think considering the fact that the Senator from North Dakota did participate aggressively in the long-term management proposal on the MRIC, Missouri Recovery and Implementation Committee, I hope we can give it time to work before we embark on another policy. I know there was a GAO study that talked about navigation, and I know that study showed there are less goods being shipped on the Missouri River. But that GAO study didn't take into account a couple of things. One was that the navigation season has been severely limited by the Corps. That drives away the shippers. The GAO study also didn't include the value of the goods shipped, the jobs associated with the shipments, or the impact on utilities.

We have, in fact, four powerplants located along the river that need the water in the Missouri River to cool their plants. I think this study is not going to end the fight over the river. I cannot fathom what a $35 million study failed to accomplish that a new $25 million study is now going to accomplish. This is a great example of studies to try to impact policy, so that you keep having continuous studies.

The amendment I have offered would remove the money for this study, because I think it is wasteful duplication, and I believe very strongly that, in fact, we should not be embarking on another one of these studies. It is wasteful and it is duplicative, and I want to continue to work with the Senator from North Dakota. Obviously, we don't see eye to eye on who should get all the water on the Missouri River. I look forward to working with him and, hopefully, as we move forward with the MRIC, we can have all the stakeholders at the table and continue to negotiate in a cost-effective way for the taxpayers that doesn't harm the State of North Dakota or any of the other States along the Missouri River.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the Senator from Missouri is an active, avid, and aggressive fighter for the interests of her State. I understand and recognize that. I would not expect anything else. But I will tell you a story about water and about the Missouri River. The Missouri River was a big old wild tangled river for a long time. It used to flood; it flooded a lot. In the spring, when the floods came from the river, it would devastate parts of my State, and South Dakota, and other States down South, and it would ruin the parks and flood them in St. Louis, MO, and so on. So some people came to North Dakota from the Federal Government and said: We would like to harness that Missouri River. They cannot play softball in the parks in St. Louis because of the flooding, and we would like to get the benefits of flood control. Our deal is this: If you will allow us, in the middle of North Dakota, to put in a flood that will come and stay forever—a big old flood, half a million acres of permanent flood, if you allow us to do that, we will allow you to have some benefits. We understand we are asking to flood your State in order to protect the downstream States. But if you allow us to do that, and if Montana and South Dakota will allow us to do that, we can put in these big old floods in the upstream States; and we understand there is a cost to you to have this flood, so we will let you move water around to benefit your State, and it will be good and you will appreciate it. The folks in my State, believing this was on the level, signed contracts and said that would be OK. They moved the Indians off the bottomland from reservations of the three affiliated tribes, and built the big old dam, and President Dwight Eisenhower came out to dedicate the dam. They backed up the water, and we have the half million acre flood. The Elbow Woods Indian Hospital is now under water, and has been for 50 years. So we have the flood that comes and stays.

The problem with the way the river is managed, after they built six mainstream dams, in order to harness the Missouri River, the way they manage it today is the way they planned to do it 60 years ago. They said we have a vision. We will be able to navigate the river down South with barges, and we will haul material on barges. What a great thing. Think of the value of having barge navigation on the downstream reaches of the Missouri River. Do you know what. There are days when—and I can get you reports—there is only one miserable boat floating in the downstream reaches of the Missouri. Yet we are furiously releasing water from the upstream dams to support one little old barge. By the way, that barge is hauling mostly sand and gravel, which is something of relatively low value. So we have this big fight about how the river should be managed.

In the old days, they predicted a lot of commercial value of barge traffic. But, in fact, that is not the case. The upstream value of recreation, tourism, and fishing is now almost 10 times the value of the downstream value of barge traffic. Yet the river is still managed for the minnow and not the whale, which is typical of the Corps of Engineers: Never change. Resist change. Never change, no matter what.

So they did an evaluation of the river, and all of the States, except Missouri—which was an outlier, and they wouldn't agree to anything—they did an evaluation, and finally a study was developed. That study had a lot more to do with the Endangered Species Act and managing those issues than for determining whether we are making the best use of the river system in our current management scheme.

The answer is that the current management scheme makes no sense at all. We are releasing the water in the middle of a drought, which we did, by the way. It is a river system that has a capacity of around a 55 million to 58 million acre-feet of water. It was down to, I think, 35 million acre-feet of water, and we were releasing water to float one boat. That is unbelievable to me.

Last year, I included funding for a study that will study the management of this river, what is appropriate and should be done, with some semblance of common sense here. I know people objected to doing that because the answer may well be an answer that moves away from what I have called a ''one State hog rule,'' meaning give us all you have when we need it, and keep it all when we don't want it. It is an interesting way to manage the river, but that is the way some States on the Missouri have suggested it be managed.

It is not fair to us. We are waiting, 60 years later, for all of the benefits promised us if we would allow a permanent flood to stay forever in the middle of our State. Our ancestors did that. They said we will sign up for that, but we got all of the costs and have not yet received the benefits.

With respect to the management of the Missouri River system, it is long past time that the river be managed with the recognition of its current use. When we are still releasing water for one little barge, on 1 day, on the lower reaches of the Missouri, somebody ought to have their head examined. We cannot examine their head, but we can examine the master manual. That is what we are going to do with this study.

I have so much more to say, but let me resist and defer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent that at 5:15 p.m.

today, the Senate proceed to vote in relation to the following amendments in the following order, with no amendments in order to any of the amendments covered in this agreement, with the time until then equally divided and controlled in the usual form; that after the first vote, the succeeding votes in the sequence be limited to 10 minutes each: Coburn amendment No. 1879, Dorgan amendment No. 1895—that is Dorgan-Bennett—and Coburn amendment No. 1884. Those three amendments are again No. 1879, No. 1895, and No. 1884.

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

Mr. DORGAN. Mr. President, Senator BENNETT and I have discussed—and I have also visited with the majority leader within the last hour—my hope that we will be able to go to third reading, with the consent of Senator BENNETT and the majority leader, following these votes and following a period in which we would gather together whatever remains. There are a few amendments that remain that we can clear. We have waited all day, and we waited all day yesterday. Senators have had plenty of opportunity, plenty of time, and their staffs have had plenty of notice, to come and offer amendments.

For the next hour, we will be here. We will have the vote at 5:15 p.m., and following that vote, it is my intention that we finish this bill very shortly following that vote by going to third reading. We don't want to preclude opportunities for people to offer amendments, but no one can hardly come to the Senate floor with a straight face and suggest they have been precluded from anything, given the fact that Senator BENNETT and I have been sitting here patiently for well over the past 2 days.

Again, with the cooperation of our colleagues and with the hard work of our staff and our colleagues, I think we can finish this bill this evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask that the time during which we are in the quorum call be equally divided between both sides.

Mr. BENNETT. Mr. President, I have no objection to that request.

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

Mr. DORGAN. 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. KAUFMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 1891

Mr. KAUFMAN. Mr. President, I rise today to speak about an amendment Senator CARPER and I filed earlier today, amendment No. 1891. This is a simple amendment, and one I hope the Senate will support.

Our amendment addresses the Delaware River Deepening Project. This is a project to deepen the river's shipping channel from a depth of 40 feet to one of 45 feet in an effort to bring more commerce.

Twenty-nine miles of the shipping channel run through the State of Delaware on its way to the ports in Philadelphia and New Jersey.

Those of us with ties to the three States that are involved know the long history of this project. The project has had a lot of starts and stops over the years—that I won't go into now—and it was put on hold in 2002 before being restarted in 2007.

What our amendment does is prohibit the use of any funds from this bill on the portion of the deepening project that is within Delaware, until the State government issues the applicable permit.

This action is necessary for several reasons.

Earlier this month, the Delaware Department of Natural Resources and Environmental Control denied a permit for this project that had been pending for 8 years, since 2001.

During that time, the scope of the project had changed substantially, and the State was lacking current scientific data. The rejection of the old permit application, however, was made without prejudice, permitting the Corps to apply for a new permit.

Furthermore, the Army Corps has not yet provided the State with an updated and detailed Environmental Assessment of the deepening, nor has the State been given any detailed information regarding the placement of the dredged soils that will result from the project.

Finally, the Government Accountability Office is undertaking a reanalysis of the costs versus benefits of the deepening project. This analysis is due out at the end of this year.

These are important questions that the people of Delaware deserve to have answered and that is why we offered this amendment.

This amendment merely prohibits funding in the bill from being used to carry out this project within Delaware, until the State government has given its approval.

This will give DNREC the opportunity to do its job—and protect the river's environment. And it will give the State the ability to obtain information vital to the citizens of Delaware prior to any deepening being done in our own State.

I would hope all of my colleagues can understand and identify with this.

If it were their State, I suspect they would feel the same way.

Again, I hope the Senate will support the adoption of the amendment, which I will introduce later.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1879

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1879.

The yeas and nays have been ordered.

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), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—35

Barrasso	Feingold	Martinez
Bayh	Graham	McCain
Bunning	Grassley	McCaskill
Burr	Gregg	McConnell
Chambliss	Hatch	Nelson (NE)
Coburn	Hutchison	Risch
Corker	Inhofe	Sessions
Cornyn	Isakson	Snowe
Crapo	Johanns	Thune
DeMint	Kyl	Vitter
Ensign	Lincoln	Wicker
Enzi	Lugar	

NAYS—62

Akaka	Durbin	Nelson (FL)
Alexander	Feinstein	Pryor
Baucus	Franken	Reed
Begich	Gillibrand	Reid
Bennet	Hagan	Roberts
Bennett	Harkin	Rockefeller
Bingaman	Inouye	Sanders
Bond	Johnson	Schumer
Boxer	Kaufman	Shaheen
Brown	Kerry	Shelby
Brownback	Klobuchar	Specter
Burris	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Voinovich
Cochran	Lieberman	Warner
Collins	Menendez	Webb
Conrad	Merkley	Whitehouse
Dodd	Murkowski	Wyden
Dorgan	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1879) was rejected.

Mr. MENENDEZ. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

VOTE ON AMENDMENT NO. 1895

Mr. DORGAN. Mr. President, my understanding is, under the unanimous

consent agreement, the next vote is on amendment No. 1895.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—79

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Baucus	Graham	Pryor
Bayh	Gregg	Reed
Begich	Hagan	Reid
Bennet	Harkin	Risch
Bennett	Hatch	Roberts
Bingaman	Hutchison	Rockefeller
Bond	Inouye	Sanders
Boxer	Johnson	Schumer
Brown	Kaufman	Shaheen
Brownback	Kerry	Shelby
Burris	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Corker	Lugar	Warner
Crapo	Martinez	Webb
Dodd	McConnell	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Merkley	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NAYS—18

Barrasso	DeMint	Johanns
Bunning	Ensign	Kyl
Burr	Enzi	McCain
Chambliss	Grassley	McCaskill
Coburn	Inhofe	Sessions
Cornyn	Isakson	Vitter

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1895) was agreed to.

VOTE ON AMENDMENT NO. 1884

Mr. DORGAN. Mr. President, under the previous unanimous consent agreement, amendment No. 1884 is next to be voted on.

I ask for the yeas and nays.

The PRESIDING OFFICER.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

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), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Mrs. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 71, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—26

Barrasso	DeMint	Kyl
Bunning	Ensign	Martinez
Burr	Enzi	McCain
Carper	Feingold	McCaskill
Chambliss	Graham	Risch
Coburn	Grassley	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	

NAYS—71

Akaka	Gillibrand	Nelson (NE)
Alexander	Gregg	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Hatch	Reid
Bennet	Hutchison	Roberts
Bennett	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Klobuchar	Shelby
Brownback	Kohl	Snowe
Burris	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Voinovich
Conrad	Lugar	Warner
Dodd	McConnell	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wicker
Feinstein	Murkowski	Wyden
Franken	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 1884) was rejected.

Mr. NELSON of Nebraska. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1864, AS MODIFIED

Mr. DORGAN. Mr. President, if I might have the attention of the Senate, I wish to make a unanimous consent request.

I ask unanimous consent that we proceed with one part of my unanimous consent request and that is Senator HUTCHISON's amendment she wishes to offer, which I believe will now be a voice vote. So I ask unanimous consent that she now be recognized to offer her amendment, No. 1864, as modified.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that amendment No. 1864 be called up and changed with the modifications at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1864, as modified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

At the apropriate place, insert the following:

Of the $85,000,000 provided under the wind energy subaccount under Energy Efficiency & Renewable Energy, up to $8,000,000 shall be competitively awarded to universities for turbine and equipment purchases for the purposes of studying turbine to turbine wake interaction, wind farm interaction, and wind energy efficiencies, provided that such equipment shall not be used for merchant power protection.

Mrs. HUTCHISON. Mr. President, this is an amendment that basically is to fill a needed gap in wind energy research.

I ask unanimous consent to have printed in the RECORD letters of support from the National Renewable Energy Laboratory in Colorado; from Professor Daniel Kammen at the University of California, Berkeley; and from the American Wind Energy Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RENEWABLE ENERGY LABORATORY,
Golden, CO, February 25, 2009.

Re: National Research Wind Farm At Pantex, Research Initiation Partnership on 20% Wind by 2030: Overcoming the Challenges DOE/EERE FOA DE–PS36–09G099009.

DEAR PROPOSAL REVIEWERS: The recent DOE WHPT 20% workshop identified the operating environment within multiple array windfarms as the most probable source of premature turbine component failures and power underperformance. The need to evolve a more comprehensive physical understanding of the causal relationships between atmospheric inflow phenomena and windfarm interaction was identified as the key remaining science issue before new technology and microcimatology concerns could be addressed.

We have been briefed in detail on the plans of Texas Tech University and Pantex/NNSA for the funding, installation and operation of a research windfarm near Amarillo, Texas to help address this technology challenge. This facility will not only meet the requirements of the President's Executive Order 13423 for the DOE it will also serve as a publicly-accessible large-scale, windfarm research vehicle addressing the principal concerns of industry in advancing operation, performance and technology. This facility is a unique opportunity to address immediate science and technology gaps while helping achieve the nation's goal of attaining 20% of its electrical energy supply from renewables by 2030.

To initiate the research planning and utilization of this facility, Texas Tech has applied for a FOA award to plan for its utilization to meet the research needs of the US wind industry and allied stakeholders, Based on preliminary discussions, we are happy to provide support during these initial planning phases and estimate our level of effort at $50K per year for the first two years. Of course, a more detailed cost estimate will be

prepared with a successful award and with concurrence of our DOE sponsors.

We strongly support the establishment of this new research facility and are looking forward to our continued and long standing RD&D relationship with Texas Tech along with other national laboratories, industry and academic partners involved with this program.

If we can answer questions about the project or how it can meet the needs of the US wind industry, please do not hesitate to contact us.

Sincerely,

MICHAEL C. ROBINSON,
Acting Center Director,
NREL's National Wind Technology Center.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, CA, July 2, 2009.

Re National Wind Resource Center, managed by Texas Tech University and Wind Farm.

Dr. STEVEN CHU,
Secretary of Energy,
Washington, DC.

DEAR SECRETARY CHU: The Renewable and Appropriate Energy Laboratory (RAEL) at the University of California, Berkeley, is a unique energy research, development, project implementation, and community outreach facility. RAEL focuses on designing, testing, and disseminating renewable and appropriate energy systems. The laboratory's mission is to help these technologies realize their full potential to contribute to environmentally sustainable development in both industrialized and developing nations while also addressing the cultural context and range of potential social impacts of any new technology or resource management system.

I am writing to support and recommend that the Department of Energy create a world-class research wind farm and National Wind Resource Center. We believe this project will help ensure significant access to the wind farm for public research, led by Texas Tech University and supported by their research partners and alliances. The National Wind Resource will include partnerships with industry, public research institutions and members of academia and will provide an effective vehicle to help reach our renewable energy objectives as a nation. RAEL's work on integrating low-carbon energy systems fits well with the mission of Texas Tech University's project and will make the efforts of both institutions stronger in their service of national clean energy independence.

The Wind Science and Engineering Center at Texas Tech brings their 38 years of expertise as a leader in wind energy research to the partnership to create a national wind research and resources center on their 5,800 acres parcel adjacent to the Pantex site. This national center will provide multi-disciplinary research along with workforce training and development programs to address the critical issues facing the wind power industry. An important aspect of this project is the broad partnerships with other national laboratories, and academic and industry partners will be invited by Texas Tech University to collaborate and have a presence in the center.

Once again, I want to express my strong support for this innovative renewable energy project. This initiative represents an innovative approach in demonstrating the United States leadership in wind energy, and will establish a multi-faceted use of the wind farm and facility for research and workforce development. Please do not hesitate to contact me to discuss this matter further.

Sincerely,

DANIEL M. KAMMEN.

AMERICAN WIND ENERGY ASSOCIATION,
Washington, DC, July 16, 2009.

Re National Wind Resource Center, Managed by Texas Tech University.

Dr. STEVEN CHU,
Secretary of Energy,
Washington, DC.

DEAR SECRETARY CHU: AWEA is a national trade association representing wind power project developers, equipment suppliers, services providers, parts manufacturers, utilities, researchers, and others involved in the wind industry—one of the world's fastest growing energy industries. In addition, AWEA represents hundreds of wind energy advocates from around the world. With over 2,000 members & advocates, the American Wind Energy Association (AWEA) is the hub of the wind energy industry. AWEA promotes wind energy as a clean source of electricity for consumers around the world.

I am writing to encourage the efforts of Texas Tech University to develop a world class research wind farm and national wind resource center. We believe this project will help ensure significant access to the wind farm for public research, led by Texas Tech University and supported by their research partners and alliances. Though the National Wind Resource Center will focus on a variety of issues, I understand the Center is specifically focusing on the resolution of key technological and research issues outlined by DOE. This proposed project is designed to include partnerships with industry, public research institutions and members of academia and will provide an effective vehicle to help reach our renewable energy objectives as a nation.

The Wind Science and Engineering Center at Texas Tech brings their 38 years of expertise as a leader in wind energy research to the partnership to create a national wind research and resources center on their 5,800 acres parcel. This national center will provide multi-disciplinary research along with workforce training and development programs to address the critical issues facing the wind power industry. In addition to the partnerships noted above, I understand other national laboratories, along with academic and industry partners will be invited by Texas Tech University to collaborate and have a presence in the center.

Once again, I support this innovative renewable energy project. This initiative represents an innovative approach in demonstrating the United States leadership in wind energy, and will establish a multi-faceted use of the wind farm and facility for research and workforce development. Please do not hesitate to contact me to discuss this matter further.

Sincerely,

DENISE BODE,
Chief Executive Office.

Mrs. HUTCHISON. Mr. President, I ask that we pass this amendment, which would require $8 million of the $85 million already in the bill for energy efficiency and renewable energy to be competitively awarded to universities for turbine equipment purchases to study turbine performance, because there is a lack of understanding about why wind farms are experiencing premature turbine component failures and power underperformance, and this is an area we need to address.

I ask my colleagues to support the acceptance of my amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I support the amendment. I would defer to Senator BENNETT, but I believe it is agreed to by myself and Senator BENNETT.

Mr. BENNETT. Mr. President, I support the amendment and hope we will now vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1864), as modified, was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 1859, AS MODIFIED, 1867, AS MODIFIED, 1842, 1888, AS MODIFIED, 1891, AND 1892, EN BLOC

Mr. DORGAN. Mr. President, I think we are very close to final passage. We need to clear that, but Senator BENNETT and I wish to proceed to the amendments that have been cleared on both sides as part of the managers' package. They have been considered by both sides and agreed to.

I ask unanimous consent to bring up, en bloc, the following amendments: 1859, as modified, and I send the modifications to the desk; 1867, as modified, and I send those modifications to the desk; 1842; 1888, as modified, and I send the modifications to the desk; 1891; and 1892.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to dispense with the reading of the amendments that I sent to the desk.

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

Mr. DORGAN. Mr. President, to clarify, I said 1892 as the last amendment.

Again, those amendments have been cleared on both sides, and I believe there is no further debate. I would yield to my colleague, Senator BENNETT, for his comments, and I would hope then for immediate consideration of the amendments.

Mr. BENNETT. Mr. President, I will confirm that the amendments have been cleared, and I appreciate the cooperative way in which the two staffs have been diligently doing this. We are glad, after the long period of wait, that we finally are hurrying up. The old army line ''hurry up and wait,'' we have turned it around: Wait, and now we have hurried up. So I am delighted we are moving.

Mr. DORGAN. Mr. President, I ask unanimous consent for the immediate consideration of the amendments I sent to the desk, en bloc.

The PRESIDING OFFICER. The amendments are pending, en bloc.

Mr. DORGAN. Mr. President, I ask unanimous consent that they be agreed to, en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1859, AS MODIFIED

(Purpose: To permit certain water transfers)

On page 33, between lines 13 and 14, insert the following:

SEC. ____. (a) Section 3405(a)(1)(M) of Public Law 102–575 (106 Stat. 4709) is amended.

''(b) A transfer of water between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor approved during a two-year period beginning on the date of enactment of this Act shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102–575 (106 Stat. 4709), if the transfer under this clause (1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111–11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act).''; and (2) is completed by September 30, 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (Thamnophis gigas).

AMENDMENT NO. 1867, AS MODIFIED

(Purpose: To clarify that the Secretary of Energy is required to consider low-risk finance programs that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies as eligible for certain loan guarantees)

On page 43, line 16, before the period, insert the following: '': *Provided further*, That, in administering amounts made available by prior Acts for projects covered by title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), the Secretary of Energy is required by that title to consider low-risk finance programs that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies as eligible for loan guarantees authorized under sections 1703 and 1705 of that Act (42 U.S.C. 16513, 16516)''.

AMENDMENT NO. 1842

(Purpose: To extend the period for offering certain leases for cabin sites at Fort Peck Lake, Montana)

On page 33, between lines 13 and 14, insert the following:

SEC. ____. Section 805(a)(2) of Public Law 106–541 (114 Stat. 2704) is amended by striking ''2010'' each place it appears and inserting ''2013''.

AMENDMENT NO. 1888, AS MODIFIED

(Purpose: To require the Secretary of the Army to conduct a study of the residual risks associated with the options relating to the project for permanent pumps and closure structures, Lake Pontchartrain, Louisiana)

On page 17, between lines 16 and 17, insert the following:

SEC. 1___. PROJECT FOR PERMANENT PUMPS AND CLOSURE STRUCTURES, LAKE PONTCHARTRAIN, LOUISIANA.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ''project'' means the project for permanent pumps and closure structures at or near the lakefront at Lake Pontchartrain and modifications to the 17th Street, Orleans Avenue, and London Avenue canals in and near the city of New Orleans that is—

(A) authorized by the matter under the heading ''General Projects'' in section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''Corps of Engineers—Civil'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1279); and

(iii) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'' under the heading ''Corps of Engineers—Civil'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2349).

(2) PUMPING STATION REPORT.—The term ''pumping station report'' means the report—

(A) prepared by the Secretary that contains the results of the investigation required under section 4303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 154); and

(B) dated August 30, 2007.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(b) STUDY.—

(1) IN GENERAL.—In implementing the project, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a study of the residual risks associated with the options identified as ''Option 1'', ''Option 2'', and ''Option 2a'', as described in the pumping station report.

(2) REQUIREMENTS.—In carrying out the study under paragraph (1), the Secretary shall identify which option described in that paragraph—

(A) is most technically advantageous;

(B) is most effective from an operational perspective in providing the greatest long-term reliability in reducing the risk of flooding to the New Orleans area;

(C) is most advantageous considering the engineering challenges and construction complexities of each option; and

(D) is most cost-effective.

(3) INDEPENDENT EXTERNAL PEER REVIEW.—

(A) DUTY OF SECRETARY.—In accordance with Section 2034 of the Water Resource Development Act of 2007, the Chief shall carry out an independent external peer review of—

(i) the results of the study under paragraph (1); and

(ii) each cost estimate completed for each option described in paragraph (1).

(B) REPORT.—

(i) IN GENERAL.—Not later than 90 days after the date of completion of the independent external peer review under subparagraph (A), in accordance with clause (ii), the Secretary shall submit a report to—

(I) the Committee on Environment and Public Works of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(ii) CONTENTS.—The report described in clause (i) shall contain—

(I) the results of the study described in paragraph (1); and

(II) a description of the findings of the independent external peer review carried out under subparagraph (A).

(III) a written response for any recommendations adopted or not adopted from the peer review.

(4) SUSPENSION OF CERTAIN ACTIVITIES.—The Secretary shall suspend each activity of the Secretary that would result in the design and construction of any pumping station covered by the pumping station report unless the activity is consistent with each option described in paragraph (1).

(5) FEASIBILITY REPORT.—Within 18 months of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains a feasibility level of analysis (including a cost estimate) for the project, as modified under this subsection.

(6) FUNDING.—In carrying out this subsection, the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''Corps of Engineers—Civil'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454).

AMENDMENT NO. 1891

(Purpose: To prevent Federal preemption of the planning processes of the State of Delaware regarding the Delaware River Main Channel Deepening Project)

On page 5, line 8, strike ''Project.'' and insert the following:

Project: *Provided further*, That none of the funds made available by this Act may be used to carry out any portion of the Delaware River Main Channel Deepening Project identified in the committee report accompanying this Act that is located in the State of Delaware until the date on which the government of the State of Delaware issues an applicable project permit for the Delaware River Main Channel Deepening Project.

AMENDMENT NO. 1892

(Purpose: To prohibit funds appropriated for the Strategic Petroleum Reserve from being made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran)

On page 63, after line 23, insert the following:

SEC. 312. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act—

(1) is selling refined petroleum products valued at $1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at $1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any goods, services, or technology valued at $1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3), that person shall no longer be ineligible under this section.

AMENDMENT NO. 1859

Mrs. BOXER. Mr. President, I rise to discuss amendment No. 1859.

This amendment, cosponsored by Senator FEINSTEIN, would allow for critical water transfers to agricultural users in California's San Joaquin Valley.

Three years of below-average precipitation have restricted water supplies for much of California. Drought conditions have particularly affected agricultural communities in the San Joaquin Valley.

In Fresno County alone, the drought has impacted more than 450,000 acres of cropland, contributed to the loss of 3,265 jobs, and may jeopardize an additional 2,200 more jobs in the near future.

Some cities on the west side of the San Joaquin Valley are facing nearly 40 percent unemployment, and people wait in line for hours at food banks to secure basic staples to feed their families.

Working with many Members of California's House delegation, Senator FEINSTEIN and I have worked to identify solutions to the drought.

Senator DORGAN's subcommittee included funds in the underlying bill to expedite the timely evaluation of projects to improve operational flexibility of water management, such as the intertie between the Delta-Mendota Canal and the California Aqueduct, and ''Two Gates,'' the construction of two temporary gates in Old River and Connection Slough in the Sacramento-San Joaquin River Delta.

And Senator FEINSTEIN and I worked with the California delegation in the House to include language in their Energy and Water bill that would permanently allow voluntary water transfers among Central Valley Project contractors, providing operational flexibility to help get water to agricultural communities when they need it most.

The House provision would allow these transfers permanently—this is the outcome we want, and it is the outcome we will fight for in conference.

However, at this time we understand that allowing permanent water transfers is not an approach acceptable to the chairman of the Senate Energy Committee without first holding hearings on the subject.

I thank Senator BINGAMAN for working with us on an amendment that would allow Central Valley Project water transfers to occur for a 2-year period. This amendment ensures that the Senate is not silent, and instead is taking one step forward on this critical issue.

It is critical that we continue to work on solutions for farmers in California who have lost up to 90 percent of their expected water allocations this year.

These measures alone will not solve California's water crisis, but they are a good first step toward helping these communities as we develop long-term solutions to improve water management in California.

Mr. DORGAN. Mr. President, I believe we are again within minutes of being able to get to final passage. I make a point of order a quorum is not present.

The PRESIDING OFFICER. Does the Senator from North Dakota withhold his request?

Mr. DORGAN. I withhold my request.

Mrs. BOXER. Thank you so much. Mr. President, I wanted to take a minute, on behalf of myself and Senator FEINSTEIN, to thank the two managers. We had such an important amendment dealing with water transfers at a time of such severe drought, and both these managers have worked so hard with us to make sure we could get this done tonight.

Senator FEINSTEIN and I are very grateful. We had support in the community for this, across party lines, and it wound up that we had support across party lines here. So I wish to say to both managers, from the bottom of my heart, you are making a difference tonight. In some of these towns, we have a 40-percent unemployment rate because of the drought. So you are making a difference. We hope to get this into conference and to make this final.

So, again, my deepest thanks.

Mr. SPECTER. Mr. President, I seek recognition to briefly comment on two amendments that I filed to the fiscal year 2010 Energy and Water appropriations bill.

The first amendment deals with the Bloomsburg Flood Control Project. This project was authorized by Congress in the Water Resources Development Act of 2007 to protect the town of Bloomsburg from chronic flooding that has plagued it throughout its history. Bloomsburg has suffered 33 floods since 1990. The proposed floodwall will protect more than 400 homes, 7 businesses, and 1,200 people affected by flooding. The project was authorized at a total cost of $44.5 million. However, I am advised that the U.S. Army Corps of Engineers Interagency Performance Evaluation Task Force issued revised criteria for floodwalls which increase the project's cost. The amendment would raise the authorization amount to $65 million to account for this change and proceed with this important project to project the citizens of Bloomsburg.

The second amendment deals with the Scranton Flood Control Project. This project was initially authorized in 1992 and modified in 1996, and this amendment would further modify it so that the city of Scranton can proceed with downstream mitigation activities and construction of a recreational trail. The amendment also provides that the city shall receive credit against its nonFederal share for mitigation activities it already completed.

I urge my colleagues to adopt these amendments to improve flood protection in Pennsylvania.

Ms. SNOWE. Mr. President, I rise to speak regarding the Energy and Water Appropriations Act for fiscal year 2010 and voice my strong support for the inclusion of resources for the National Deepwater Offshore Research Center at the University of Maine, which Senator COLLINS and I jointly requested. In a time of economic distress, I believe it is even more important for Congress to focus on short-term relief as well as on a long-term comprehensive energy strategy that reduces America's dependence on foreign oil, creates jobs, embraces renewable and alternative sources of energy, and, most importantly, makes energy prices affordable for consumers.

Developing deep water offshore wind technology can transform the way we generate energy to power the planet, and Maine is uniquely poised to be a leader in this effort. In fact, within 50 miles of the coast of Maine lie wind resources that can generate the energy equivalent to approximately 40 nuclear powerplants. This is exactly the type of investment that our country must make, and I am pleased that this Appropriations bill includes $5 million for this critical research. Without question, as President Obama stated in his speech to Congress in February, the United States must not simply follow in the wake of other nations as they develop the new clean energy technologies of the 21st century and monopolize the jobs and financial rewards that will inevitably follow. But already countries such as China, Germany, South Korea, Norway, and Denmark are boldly adopting plans to develop these technologies: energy efficiency, solar, hybrid engines, and offshore wind. In fact, a Norwegian company is now moving forward with deployment of the first deepwater offshore floating turbine, which will be located in more than 328 feet of water. Clearly, our competitors are rapidly moving forward to position themselves at the forefront as we exit this economic morass. We must expand our research into offshore wind, and Maine is uniquely positioned to be successful in the U.S. development of offshore wind energy.

The oceanographic conditions in Maine's own State waters, within 3 miles of shore, provide excellent wind resources and water deep enough to deploy floating turbines. These are ideal

conditions for the installation, testing, and maintenance of deepwater offshore wind turbines. In fact, Maine is the only State on the east coast with the appropriate oceanographic and meteorological conditions for such testing inside State waters. Additionally, there has been strong support by both the Governor and the Maine Legislature in their commitment to developing and deploying this technology in Maine by passing legislation earlier this summer that will allow this research off our shores.

Considering that the majority of the U.S. population lives in coastal States, offshore wind energy could be a significant part of our Nation's energy future. The U.S. has nearly 2,500 gigawatts, GW, of offshore wind potential within 50 nautical miles, but more than half of this resource, about 1,500 GW, is in waters deeper than 200 feet. Unlocking this vast energy potential requires the development of next generation fixed foundation offshore wind turbine technologies, as well as testing of floating platform prototypes.

With 80 percent of homes using heating oil, Maine is extremely vulnerable to rising crude oil prices. By 2018, the cost of energy, the sum of gasoline plus heating oil plus electricity, could consume as much as 40 percent of the average Maine household's income. Maine has, however, abundant natural resources to generate clean renewable energy, particularly wind energy. In fact, the wind is so powerful off the coast of Maine, on average, a wind turbine in the gulf of Maine can generate twice the energy that the same turbine will generate in the Kansas-Texas wind corridor.

I would like my colleagues to be aware that the Department of Energy recently released a report, ''20 percent Wind Energy by 2030,'' which recommended seven key long-term offshore development research priorities, including the need to develop low-cost foundations, anchors, and moorings and increase the economic viability of large-scale, deepwater offshore wind turbines. The University of Maine is in a unique position to provide this critical research assistance. During the past several years, the University of Maine's Advanced Engineered Wood Composites, AEWC, Center has been solving challenges driven by the energy crisis, focusing on the vast potential of Maine's offshore wind resource and the need for expertise and innovation in advanced structures and noncorrosive composite materials to harness the wind resource in the gulf of Maine. In fact, this facility has also developed blades for wind turbines using composite materials that are stronger, lighter, and more durable than today's commercially available technology. The University of Maine is well poised, with the research and technology capabilities already in place, to ensure that offshore wind development becomes a success along the east coast.

The goal of the National Deepwater Offshore Wind Research Center would be to enable the design and testing of a large-scale, floating, offshore wind platform that could serve as the basis of a large-scale offshore wind industry. This would be an opportunity for Mainers to use their skills and experience, specifically in deep water relatively close to shore, to lead the Nation in developing a new source of clean and renewable energy.

Mr. ALEXANDER. Mr. President, I want to express my disappointment that the Energy-Water appropriations bill before us today does not fully fund the administration's request for its energy innovation hubs. As my colleagues know, I have a long history of support of federal investments in science and research, and in energy research in particular. I have called for a series of ''mini-Manhattan projects'' on seven clean energy grand challenges: improving batteries for plug-in vehicles, making solar power cost competitive, making carbon capture a reality, safely recycling used nuclear fuel, perfecting advanced biofuels, designing green buildings, and providing energy from nuclear fusion.

It should come as no surprise, therefore, that I am a strong supporter of the administration's proposed energy innovation hubs.

In testimony earlier this year, Energy Secretary Chu has indicated that these hubs are one of his top priorities and will focus on overcoming the most significant barriers to achieving national energy and climate goals.

The challenges the Secretary has asked these hubs to address are very similar to the grand challenges I outlined last year. I believe Congress and the Federal Government should tackle these seven grand scientific challenges during the next 5 years in order to put the United States firmly on the path toward clean energy independence within a generation. If we are to end our energy dependence and make renewable energy cost-competitive then we must double our investment in energy research and development.

I believe the administration's hubs are a firm commitment to put us on this path to energy independence.

I know the energy research community is eager to compete for this funding and to meet the challenges before our Nation. The passion and commitment of our researchers is palatable both at home in Tennessee and across the country. In fact, my home State boasts some of the finest energy researchers in the country at Oak Ridge National Laboratory as well as research institutions such as Vanderbilt and the University of Tennessee. At these institutions and similar institutions across the country, researchers are eager to make progress on these pressing issues to improve the lives of their fellow citizens and solve some of our greatest energy challenges. It is our obligation to ensure that they have the full backing and support of the U.S. Government, which means funding these energy innovation hubs.

These multidisciplinary research hubs will harness the best and brightest researchers at our universities and national labs as well as in industry. Each one could very well become a world-class research facility in its given program of focus. They are conceived as highly collaborative, integrated centers of innovative thinking that will focus teams of researchers from multiple institutions on developing novel ideas to overcome major scientific and technological barriers. Their efforts will complement—not duplicate—other DOE programs such as the Energy Frontier Research Centers, EFRCs and the Advanced Projects Agency for Energy, ARPA-E, differing from these programs in their larger scale, their duration, and their breadth spanning basic and applied science as well as limited technological development efforts. Moreover, the hubs are designed so as to permit flexibility and to allow for the quick reallocation of funding within each topic area to pursue new research opportunities or alternatives quickly, as they emerge—without the delays that may impede other government programs.

I recognize that the Department may not have had all the details fleshed out when they initially presented the hubs to the Congress. Despite its best efforts, the Department is not yet operating with a full staff—although I hope this situation is improving daily. But my colleagues are right to ask for a fuller explanation of this concept and its role in the greater Federal research enterprise. The funding level requested is not insignificant and deserves careful scrutiny. So I am pleased to report that additional details have now been submitted which address many of the very valid questions and concerns my colleagues have raised. I hope that this additional information will permit us to move forward with full funding for all eight hubs.

Mr. NELSON of Florida. Mr. President, first, I would like to recognize the efforts of the Appropriations Committee and Chairman INOUYE and Ranking Member COCHRAN and the chair and ranking member of the Energy and Water Subcommittee, Chairman DORGAN and Ranking Member BENNETT. These leaders have a hard job to balance the many interests involved in their vital legislation.

I would like to focus on the decision of the Senate Appropriations Committee to ban new Army Corps of Engineer projects from being receiving funding in this bill.

I want to make a point that, when it comes to the Comprehensive Everglades Restoration Plan, CERP, a strong case can be made that the two authorized projects that this legislation does not fund are not new starts.

I am speaking of the Indian River Lagoon project and the Site One Impoundment project, both of which have been duly authorized by Congress. They are elements of the CERP that was authorized by the Water Resources

Development Act of 2000. At the time of its authorization, CERP was a plan that envisioned over 60 separate modifications to the old Central and Southern Florida Flood Control Project, C&SF Project. It is clear to me that CERP is an extension of the old Central and Southern Florida Flood Control Project, C&SF Project.

The disastrous flood of 1947, which followed a severe drought in 1945, and the serious intrusion of saltwater gave rise to a demand for a new and effective water management system. In response to public demand, the Army Corps of Engineers Jacksonville District conducted public hearings throughout South Florida to collect information on how best to revamp the water management system. A comprehensive report was prepared by the Corps and submitted to Corps headquarters in December of 1947.

The report cited the problems of flood protection, drainage, and water control and determined that the St. Johns, Kissimmee, Lake Okeechobee, Caloosahatchee, and Everglades drainage areas composed a single system and economic unit. The report included a plan to deal with the problems of water management. This plan became the Central and Southern Florida Flood Control Project, C&SF Project.

The C&SF project was approved by Congress as a part of the Flood Control Act of 1948. The stated goal of the plan was to ''restore the natural balance between soil and water in this area insofar as possible by establishing protective works, controls, and procedures for conservation and use of water and land.'' But this project worked too well and caused far-reaching and devastating environmental impacts.

In response, Congress directed a Restudy to modify the C&SF Project and to restore the Everglades and Florida Bay ecosystems while providing for the other water-related needs of the region. The Restudy developed the Comprehensive Everglades Restoration Plan, CERP, that was submitted to Congress and authorized in the Water Resources Development Act of 2000.

This chain of events shows that indeed CERP and its individual units are part of the C&SF Project that has received hundreds of millions of dollars in Federal funding over the years. The Corps fiscal year 2009 budget request document states: ''The C&SF Project includes the Comprehensive Everglades Restoration Plan (CERP).''

The language of WRDA 2007 includes the term ''Central and Southern Florida'' when describing the Indian River Lagoon, Picayune Strand, and Site One Impoundment projects. These projects are a modification of an existing project that remains under construction.

In its fact sheet for the fiscal year 2009 budget, the Corps states the following: ''The C&SF Project includes the Comprehensive Everglades Restoration Plan (CERP)''

I also would note that in the Secretary of the Army's Annual Report for fiscal year 2007 on Civil Works Activities the following appears in paragraph 76: ''CENTRAL AND SOUTHERN FLORIDA, INCLUDING COMPREHENSIVE EVERGLADES RESTORATION PLAN''

I think it is clear that we do not have a situation of separate projects involved in CERP. CERP is a unified and comprehensive continuation of the old Central and Southern Project.

Senator MARTINEZ and I have filed amendments to put the projects back in the bill. The Florida Congressional delegation made sure the projects were fully funded and included in the House-passed bill.

Therefore, when the legislation goes to conference, I urge the leaders of the full committee and the subcommittee to consider this unique situation involving these two components of the CERP—the Indian River Lagoon and the Site One Impoundment projects. I respectfully ask them to keep an open mind on this issue in conference and would further add the House version of the legislation would fund those projects.

Now may I say a few words about these projects.

Mr. President, I grew up on the Indian River Lagoon. It is a wonderfully diverse area. The St. Lucie River and the Indian River Lagoon are periodically devastated by discharges from Lake Okeechobee and the areas surrounding the estuaries. The local citizens of Martin County have assessed themselves to raise money to buy land to be restored and used for reservoirs for the project. So far they have spent some $50 million. They have done their part.

The Site One Impoundment project will save water from being discharged to sea and use it to benefit the Loxahatchee National Wildlife Refuge and provide benefits, including improved water quality, to downstream estuaries. It will also improve water flow into the Everglades, protect local water supplies, and provide environmental benefits to Water Conservation Areas.

These projects are vital to restoring America's Everglades. I again urge the leaders of the Committee to consider these facts in conference.

Mr. DURBIN. Mr. President, the fiscal year 2010 Energy and Water Development appropriations bill provides important funding for the Department of Energy, the U.S. Army Corps of Engineers, and other agencies.

This bill starts to make good on our efforts to develop new sources of energy—clean energy, that creates jobs and cuts back on greenhouse gas emissions.

The bill would provide $2.23 billion for the Department of Energy's energy efficiency and renewable energy programs.

For many families in Illinois and across the Nation, energy costs are a big part of the budget.

Adding insulation, sealing leaks, or upgrading the furnace can help families cut their energy bills by 30 percent—sometimes more.

The weatherization program at the Department of Energy has helped more than 6 million low-income households seal up their homes.

But many more families are eligible for this help. The President has set a goal of weatherizing 1 million American homes annually.

This bill includes $200 million to help meet that target.

This bill also puts $200 million into R&D to produce buildings that produce as much energy as they consume.

And another $50 million is included for the State Energy Program to help States adopt new energy efficiency and renewable energy technologies.

The bill increases funding for research and development on clean energy technologies to power our cars, homes, and businesses.

One of the most promising areas is the $235 million dedicated to developing electricity and high-performance fuels from agricultural and forestry residues, municipal solid waste, industrial waste, crops, and algae.

These homegrown energy sources could help us reduce carbon emissions, and the research on these fuels is creating economic opportunities in Illinois and across the country.

And to bring alternative energies mainstream, the bill provides $255 million for R&D on solar energy, $85 million for wind; $50 million for geothermal; and $60 million for water power energy.

To make use of all this new power, we need to overhaul the Nation's electric grid.

We need new transmission lines to transport energy from wind farms to population centers. We need more research on energy storage so that electricity will be available when it is needed, not just when the Sun shines or the wind blows.

The American Recovery and Reinvestment Act took a giant step toward modernizing the electric grid and integrating renewable energy sources.

This appropriations bill builds on that effort, with $180 million to make the grid more modern, reliable and secure.

America gets more than half its electricity from coal. We have over 600 coal-based power plants—along with many thousands of power and industrial facilities—that all contribute to greenhouse gas emissions.

Most of these facilities will remain in service for 10 to 30 years to meet our energy demands, and new facilities will be constructed.

That is a reality. So we have to pursue research and development into how we can use fossil energy in a cleaner way.

Funding programs within the Department of Energy's Office of Fossil Energy will allow us to accelerate fossil energy research.

The investments made in this bill will help us shift to a clean energy

economy, strengthen our national security against the threats that energy dependence creates, and protect the environment.

The Department of Energy is the largest source of Federal funding for basic physical science research in the United States.

The bill increases funding for the Department's Office of Science to $4.899 billion. This funding will support the good work undertaken at Argonne and Fermi National Laboratories in Illinois, as well as research at laboratories and universities across the Nation.

This bill provides $5.125 billion for the Army Corps of Engineers.

The Corps provides quality, responsive engineering services to the country. The Corps provides planning, designing, building and operating water resources. It also designs and manages the construction of military facilities for the Army and Air Force.

Every year, the Corps carries out a variety of projects through its Civil Works Program, from environmental protection and restoration to controlling flood damage.

Traveling through my State of Illinois, the work of the Corps is evident. The best place to start is the shores of beautiful Lake Michigan.

For the past decade, the Corps has worked with the Chicago Park District to rebuild the deteriorating shoreline and protect millions of dollars of property, and water supplies.

The Corps has also been working in Chicago's western suburbs to address regular flooding in Des Plaines and surrounding communities. These flood control efforts will provide safety and peace of mind for thousands of property owners in affected areas.

On the western edge of the State is the mighty Mississippi River. The Rock Island and St Louis Corps districts ensure a majority of the Illinois portion of the river is navigable. Barges travel the length of the Mississippi, which provide an important transportation option for our agricultural producers.

It is difficult to overstate the importance of the Corps when considering the disaster preparedness and response efforts during the historic floods of 2008. I joined sandbagging efforts in communities that were fighting rising floodwaters, and civilian and military Corps employees were providing supplies and guidance on how to prepare for the rising waters.

The Corps' mission didn't end with the flood they have worked with the State of Illinois and FEMA to help communities recover.

The Mississippi flows south to St. Louis and my birthplace, East St. Louis. These communities are protected by several levees built and maintained by the Corps of Engineers.

In central and southern Illinois, Lake Shelbyville and Carlyle and Rend Lakes are beautiful recreational areas maintained by the Corps.

In addition to providing flood control, these areas allow for boating, camping and other activities for Illinoisans and others visiting my State. The communities around these lakes benefit as well the recreation areas boost the local economies.

In recent years, the Corps has taken a more active approach to environmental protection and restoration.

These efforts should be encouraged. The Federal Government needs to continue its investment in these areas.

Restoring wetlands can help reduce the incidence of flooding, and we need to understand that the development of acreage upstream can have significant negative impacts downstream.

The Corps' work in this area can be seen at Emiquon Refuge in Central Illinois. Since its establishment in 1993, the major habitat management efforts on Emiquon Refuge have been the restoration of the historic Illinois River floodplain and associated wildlife communities.

Through restoration of altered habitats and protection of existing areas, Emiquon Refuge will be managed to provide the diversity of native plant and animal communities found in this area prior to drainage and conversion to cropland.

I would like to thank Senator DORGAN and Senator BENNETT for their hard work on this bill. They had many competing interests to consider, but the bill we are considering today is balanced. I hope the Senate can complete work on the fiscal year 2010 Energy and Water appropriations bill in a timely manner.

Mr. AKAKA. Mr. President, I support the Energy and Water Development Appropriations Act for fiscal year 2010. This bill provides critical investments that will support the development of clean and alternative energy and utilization of domestic energy resources. Further, this legislation provides much needed resources to improve our Nation's water infrastructure.

This bill fosters American innovation in clean energy and energy efficiency. It supports worthy programs that further hydrogen, wind, hydropower, and solar technologies, as well as weatherization assistance for families and programs for building and industrial technologies. These programs better our Nation's security and economy by putting people to work advancing energy independence and sustainability.

I am very pleased that working with the senior Senator from Hawaii, we were able to include $6 million in this legislation for the Hawaii Energy Sustainability Program at the University of Hawaii's Hawaii Natural Energy Institute. This funding will allow for the continuation of the program's important work supporting increased use of clean, safe sources of energy. We must continue to invest in the development and implementation of systems to allow for a transition away from foreign oil. As Hawaii relies on imported oil for about 90 percent of its energy needs, work to facilitate this transition is critical to the State's energy security. Moreover, the Hawaii Energy Sustainability Program will provide economic development benefits and will further research valuable in applications both in Hawaii and nationwide.

This bill will also help address water infrastructure needs around the country. Provisions contained within the bill permit the U.S. Army Corps of Engineers to conduct essential navigation, flood control, and environmental restoration projects. Such projects are particularly important for Hawaii, given our remote geography and our interconnected and diverse ecosystems. I appreciate the inclusion of nearly $14 million for Hawaii water development and infrastructure projects.

As Hawaii is susceptible to threats from severe weather and flooding, I was proud the bill contained specific provisions addressing this need. Working with Senator INOUYE, $1 million was included to assist the State of Hawaii and Pacific Territories with updating and preparing comprehensive flood plans. Also, much needed funding for the Ala Wai Canal and Waiakea-Palai Stream flood damage reduction projects is included in the legislaiton. On Oahu, accumulation of silt and debris from the Manoa, Palolo, and Makiki streams has significantly reduced the carrying capacity of the Ala Wai Canal. Funding of $233,000 has been provided to complete necessary studies that will mitigate and reduce flooding threats to property and roads in the Waikiki and neighboring areas, while ensuring public safety and enhancing human and environmental health. Given the damage to roads, residences, bridges, drainage systems, and personal property over the years due to the flooding of Waiakea and Palai Streams, $300,000 has been included to initiate the Precontruction Engineering and Design phase needed to minimize flooding in the affected communities.

We know from experience that investment in wise stewardship and management at a watershed level will have a significant positive impact on numerous natural resources. For the island of Maui, I was involved in securing $100,000 for the West Maui Watershed to initiate a study that may ultimately result in additional watershed improvements. A completed reconnaissance study for the area has already identified flood damage reduction, aquatic and marine ecosystem restoration, and shoreline protection projects that could be undertaken by the Corps of Engineers along with county and State agency partners.

Further, recognizing that shoreline erosion threatens upland development and coastal habitats along much of Hawaii's shoreline, I worked to include $500,000 for a regional sediment management demonstration program to better understand the dynamics of complex coastal processes and promote the development of long-term strategies for sediment management. These

resources will assist in protecting communities from severe weather and further conservation efforts in coastal communities.

I am encouraged by the inclusion of provisions that will invest in our science and technology sectors and enhance U.S. competitiveness. It is vital that we support the research and development of sustainable and clean energy technologies. Such efforts empower us as a country to reduce our reliability on foreign oil and strengthen our ability to meet our energy needs domestically.

In conclusion, I thank the senior Senator from Hawaii, chairman of the Appropriations Committee, as well as the chairman and ranking member of the Senate Appropriations Energy and Water Development Subcommittee for their efforts in developing and managing this bill through the legislative process.

Mrs. BOXER. Mr. President, the fiscal year 2010 Energy and Water Development appropriations bill would provide $629,000 for Yazoo Basin—Yazoo Backwater, MS. I want to clarify that nothing in the language is intended to: (1) override or otherwise affect the final determination that was effective August 31, 2008, and published in the Federal Register on September 19, 2008, of the U.S. Environmental Protection Agency under section 404(c) of the Clean Water Act that prohibits the use of wetlands and other waters of the United States in Issaquena County, MS, as a disposal site for the discharge of dredged or fill material for the construction of the proposed Yazoo Backwater Area Pumps Project, (2) create or imply any exception with respect to the project to the requirements of the Clean Water Act, including any exceptions from the prohibitions and regulatory requirements of the Clean Water Act under section 404(r); or (3) affect the application of any other environmental laws with respect to the project.

As chairman of the committee with jurisdiction over the Clean Water Act and authorizations for the civil works program of the Corps of Engineers, I believe it is critical that our environmental laws be adhered to in the planning, construction, and operation and maintenance of all Corps of Engineers projects.

Mr. REID. Mr. President, I am pleased that the Senate has included my amendment to allocate $75.7 million in Desert Terminal Lakes funding as part of the Energy and Water Development Appropriations Act, 2010. The legislation builds on the many projects and research to benefit all of Nevada's desert terminal lakes—Walker, Pyramid, and Summit. I appreciate Senator ENSIGN's cosponsorship of the amendment.

Briefly, the legislation allocated $8.5 million for continued work in the Truckee River Basin. The bill provides $1.5 million to help the city of Fernley and the Pyramid Lake Paiutes continue their efforts towards accomplishing their mutually beneficial goals of securing a municipal water source and protecting a renowned resource, Pyramid Lake. The bill also helps the States of Nevada and California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal watermaster implement the Truckee Settlement Act and the Truckee River Operating Agreement. I am committed to seeing the full implementation of the Operating Agreement, and my legislation supports this effort.

But I rise today primarily to discuss this legislation's $67.2 million allocation for work in the Walker River Basin.

Over the years, money that I have secured for work in the Walker River Basin has created jobs and other opportunities for Nevadans.

For example, this funding has resulted in world-class research completed by some of Nevada's best faculty and researchers at the University of Nevada, Reno, and the Desert Research Institute. A resulting publication and international conference on desert terminal lakes will feature their work.

The Walker River Paiute Tribe has accessed funds to implement a 5-year water leasing program for its farmers, develop efforts to strengthen a fishery at Walker Lake, and work on efforts to combat invasive species along the stretch of the Walker River that runs through their reservation and to Walker Lake. Working with the tribe and others, the U.S. Fish and Wildlife Service and other Federal agencies have been able to develop long-term plans to strengthen the presence of Lahontan cutthroat trout at Walker Lake, one of Nevada's most interesting and threatened treasures, and improving the Walker River riparian habitat. Funding is also being used to increase the instream flow of the Walker Rivers that end in Walker Lake.

But today's legislation is different. I believe it marks a new chapter of collaborative efforts in the Walker River Basin.

The legislation brings new partners to develop solutions to address competing water uses in the Walker River Basin.

Working with local partners, the National Fish and Wildlife Foundation will coordinate the Walker Basin Restoration Program, a program that includes a water rights acquisitions program, a demonstration water leasing program, various conservation and stewardship activities, and an alternative agriculture project.

Of particular importance to their efforts, the foundation brings the necessary expertise to complete complex water transactions in a way that preserves and protects the Walker River watershed. Working in the Columbia River Basin, the foundation has the experience of working with Federal and State agencies, tribes, municipalities, irrigation districts, and individual farmers and ranchers to bring about creative, business-wise, and responsible solutions to balance the many demands on water uses—for agriculture, for municipal use, and for fishing and recreation. I am pleased with their commitment to work with Federal and State agencies in Nevada, Mineral and Lyon Counties, the Walker River Irrigation District, the Walker River Paiute Tribe, and many individuals in Smith and Mason Valley and to develop a local entity to guide their efforts in the basin.

In addition, the Walker River Irrigation District has accepted a leadership role in finding a cost-effective way to increase in-stream flows in the Walker River while preserving agriculture interests. The district has agreed to administer and manage a $25 million, 3-year demonstration leasing program that will help get water to Walker Lake while providing farmers an additional opportunity to strengthen their operations. I appreciate the years of negotiations and conversations that has led to the district taking on this important program, and I hope that it is successful in achieving its purpose.

I support the agricultural communities in northern Nevada, and I have pushed for this demonstration leasing program and $200,000 for alternative crops and agriculture cooperatives. Providing farmers and ranchers with more resources to manage their businesses and opportunities to explore new markets will stimulate the agriculture economy in Lyon County, NV, and maintain the agricultural setting and livelihood enjoyed by generations of Nevadans.

Throughout the years, I have stated that I would work to assure the viability of agriculture in Smith and Mason Valleys. This legislation does this—by providing Nevada's hard-working farmers with more tools to make good business decisions.

While helping farmers and dedicating water rights for the benefit of Walker Lake is part of a solution to restore and maintain Walker Lake; the other part requires coordinated conservation and stewardship activities. This bill supports the National Fish and Wildlife Foundation's efforts to coordinate watershed planning, water management, and habitat restoration efforts, among other activities. It supports efforts by the U.S. Geological Survey to work with other agencies and interested entities to develop a water monitoring plan in the Walker River Basin. Of course, with this data and through other efforts, the University and Desert Research Institute will be able to assess whether these activities are successful in improving instream flows and getting water to Walker Lake.

The health of the Walker River Basin and Walker Lake depends on people working together—the Federal, State and local governments and agencies; the tribe; the Irrigation District; the National Fish and Wildlife Foundation, and others. This legislation reflects the

many ways farmers, ranchers, sports men and women, and agencies can participate in this effort. The millions that will be spent in the Walker Basin—through the water leasing demonstration program, additional alternative agriculture programs, additional water acquisition funds, and broader conservation opportunities—means that willing and interested people can choose ways to participate in a solution for the basin that best serves their business, personal and community's interests.

After my years of working on efforts in the Walker River Basin, I am hopeful that this legislation will help communities work together to protect what is important to all Nevadans—preserve our unique natural resources enjoyed by sportsmen and the right of individuals and communities to choose the what will make our businesses successful, our local economies more diverse, and our resources more attractive to the public.

This is an opportunity to make significant progress in the Walker River Basin, and I am committed to seeing these Desert Terminal Lakes funding priorities signed into law by the President.

Mr. DORGAN. Mr. President, I wanted in these moments to say a special thank you to Senator BENNETT and the staff on the minority side and majority side who put this bill together and worked with us. This is a bill that funds the energy programs and water in this country. It is a bill that is very important. It has taken us a while on the floor to get it done.

I believe we have two amendments also remaining that we are trying to clear. We hope to clear those by voice vote momentarily. Then we will go to final passage. Hopefully we will get clearance to do that so we could be done in 10 or 15 minutes. It has been a long saga on the floor of the Senate here on this bill for the last several days, but I think the work is valuable and important and useful for the country. It is a good investment in our future.

As I said when we started this process, Senator BENNETT is a great Senator to work with, a great Senator to partner with on some very important issues. He and his staff have done a great job, as has the staff on the majority side, putting this bill together. I am going to include all their names in the RECORD. I included most of their names at the start of this discussion a couple of days ago, but I want recognition paid to the people who spent time to put this bill together.

I want to alert colleagues I hope within a matter of 5 or 10 minutes to be able to do the two amendments remaining by voice and then go to final passage.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank the chairman for his kind words and echo his comments about the staff and the hard work they have done. We are grateful to Doug Clapp and Barry Gaffney, Roger Cockrell, and Franz Wuerfmannsdobler, Brad Fuller, as well as Tyler Owens, Ben Hammond, the floor staff, and of course Scott O'Malia of the committee staff who has worked so hard with me.

This has been a challenge for Scott and others because this is my first experience as the ranking member of this subcommittee. I was far more comfortable working on agricultural matters. But to have moved from the Agriculture Subcommittee to the Energy and Water Subcommittee has been a significant challenge and I am grateful to the chairman and the others for their willingness to work with me as I have come through this maiden experience.

I agree with the chairman that this is a very important bill addressing one of the most significant challenges we face in this country, which is getting our energy policy right and getting the energy initiatives properly funded. I am grateful it has finally come to the point where we are in fact within moments of final passage.

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. DORGAN. 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. DORGAN. Mr. President, I think the Senator from Florida is going to seek recognition in a moment. I wish to mention for the RECORD the names of those staff who have contributed to the construction of this appropriations bill on the Energy and Water Subcommittee: Doug Clapp, Scott O'Malia, Roger Cockrell, Barry Gaffney, Franz Wuerfmannsdobler, Molly Barackman, Ben Hammond, Tyler Owens.

We have had a lot of staff people who have put in a great deal of time. I wished to mention them by name as my colleague has done as well. We are very grateful for the amount of time people put in to make these things happen. This bill was a very important bill. I think it was constructed very well.

We had a markup in the subcommittee, the full committee, and now good discussion on the floor of the Senate. We are very close to final passage. We are waiting because a couple Senators are asking for commitments on amendments on a bill that does not relate to this before they will agree to final passage. I think we are very close to having their appetite for that satisfied and we can go to final passage.

I believe the Senator from Florida is going to talk about two amendments that have been cleared on both sides that could then be cleared.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENTS NOS. 1852 AND 1893, AS MODIFIED

Mr. NELSON of Florida. I call up en bloc amendment Nos. 1852 and 1893, as modified.

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

Mr. NELSON of FLORIDA. Mr. President, I ask unanimous consent that Senator MARTINEZ be added as a cosponsor to amendment No. 1852 and that I, Senator NELSON of Florida, be added as a cosponsor to amendment No. 1893.

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

Mr. NELSON of Florida. Mr. President, it is my understanding that this has been agreed to by both sides. I would ask for a voice vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Both the minority and majority have cleared both these amendments. I would ask for a voice vote on the amendments.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments.

The amendments were agreed to, as follows:

AMENDMENT NO. 1852

(Purpose: To provide for the Federal share of the cost of the Ten Mile Creek Water Preserve Area)

On page 17, between lines 16 and 17, insert the following:

SEC. 1___. TEN MILE CREEK WATER PRESERVE AREA.

Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking ''subclause (II)'' and inserting ''subclauses (II) and (III)''; and

(2) by adding at the end the following:

''(III) TEN MILE CREEK WATER PRESERVE AREA.—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed $25,000,000 by an amount equal to not more than $3,500,000, which shall be used to pay the Federal share of the cost of—

''(aa) the completion of a post authorization change report; and

''(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013.''.

AMENDMENT NO. 1893, AS MODIFIED

(Purpose: To ensure that previously appropriated funding for the Tampa Harbor Big Bend Channel project is used for the original intended purpose of the funding and not reprogrammed)

On page 17, between lines 16 and 17, insert the following:

SEC 1__. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army may reimburse the non-Federal sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

Mr. DORGAN. 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. REED. 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. REED. Mr. President, I wish to make a few comments on the bill. First, let me commend Chairman DORGAN and Senator BENNETT for their excellent work, not only on this legislation but also on the Recovery Act that was passed a few months ago.

Both bills apply significant money to deal with issues and infrastructure that are so important, that would promote green jobs, alternative energy and energy efficiency. They have done an extraordinary job, and I wish to thank them personally.

There is one issue I do want to address, though, and that is the issue of weatherization. In the Recovery Act, there was $5 billion for weatherization. That is now flowing out to the States, localities. We are going to see, particularly in the next few weeks or months, an increase in activity which is going to put people to work and also to, in the long run, curb our use of energy.

This was a major accomplishment. I know Senator DORGAN and Senator BENNETT were key to getting it included in the Recovery Act. The bill we have before us now includes a very small amount, in my view—I am a proponent of weatherization—for weatherization.

Essentially, the President asked for $220 million, the bill has $130 million and two $35 million pilot projects. But one of the aspects of the decrease from $200 million to $130 million is that every State will get a haircut, if you will. Rhode Island, for example, would have, if it was $200 million, $350,000 more to spend on weatherization.

Going forward with the weatherization money from the Recovery Act, this might be something we can bridge this year. But if we do not return to a base of at least $200 million, we are going to see severe disruptions going forward.

The $350,000 seems like a small sum. But my State has a 12-percent unemployment rate. Any money that can be used, particularly since we have geared up this program for the Recovery Act, would put people to work and would be deeply appreciated. This issue is the same for many other States. New York, they would lose $6 million; Michigan, $4 million; Maine, $1 million; Nevada, $300,000; all across the States.

I would hope we could have met the President's objective of $220 million. But one of the other issues is that $70 million for this funding was carved out for a pilot program. I would hope that, again, if we are doing pilot programs, we could not go after the basic weatherization fund but find them elsewhere to initiate these pilots.

One of the pilots is basically to demonstrate energy savings through the use of insulating and sealing homes built before 1980. There are many individuals and organizations that question whether this is a pilot program that is worthy of $35 million or so.

One of the things it does is undercut the notion that the whole house should be weatherized, that there is no magic of just insulating, there are windows, there are door jams, there are energy-efficient appliances. All these things should be considered. So a single, one-dimensional approach raises question with many of the organizations that are actively engaged in weatherization.

For these reasons and more—in fact, I will mention one more that is critical, which is that, under the law, these homes that are insulated would be ineligible for additional weatherization, for weatherization treatment. That is sort of one bite at the apple.

As a result, they would not be able to perhaps be more efficiently weatherized in the future. So I think that is something that has to be considered. As a result, the National Association for State Community Services Programs, the National Community Action Foundation, both of them have written with concerns about this proposal.

I ask unanimous consent to have printed in the RECORD a letter from these two groups.

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

(See exhibit 1.)

Mr. REED. We originally, Senator SNOWE and I, filed an amendment to see if we could restore the funding. But I think at this moment, what we want to see is this bill move forward to conference. I would love to work with the chairman and the ranking member on this issue. Also, I would expect that if these pilot projects for this year are fully evaluated, that next year, we take another hard and close look, if we cannot resolve it in conference, on the use of these funds for pilot programs.

Finally, again, we are fortunate because of the work of Senators Dorgan and Senator BENNETT that we have a significant amount of weatherization money through the Recovery Act. But, again, I think we should have to insist that we maintain a good base fund, and I would hope we could do that going forward.

I yield the floor.

EXHIBIT 1

Hon. DANIEL INOUYE,
Chairman, U.S. Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.

Hon. BYRON DORGAN,
Chairman, Subcommittee on Energy and Water Development, U.S. Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN INOUYE AND CHAIRMAN DORGAN: The National Association for State Community Services Programs (NASCSP) represents the state administrators of the Weatherization Assistance Program and the National Community Action Foundation (NCAF) represents the local Community Action Agencies that deliver the program's services. We are very concerned about the language in the FY 2010 Committee Report, which allocates $70 million for alternative and vaguely specified uses to be determined by the Department of Energy. Those funds could be used to weatherize nearly 11,000 low-income homes. The disappointing appropriations level of $200 million itself is only 80% of President Obama's Request. After the funding earmarked for alternative uses is taken away from state allocations, just $130 million would remain for the core program. This is the lowest program allocation since 1998.

This diversion of funds from the core program suggests the Committee lacks confidence in the burgeoning expansion of Weatherization service delivery. We believe such fears are not supported by the facts as laid out in the multi-year plans recently approved for state Program growth under the American Recovery and Reinvestment Act of 2009 (ARRA). Many states even plan to complete ARRA-funded work before the end of PY 2010 and are counting on the 'regular', appropriated funds to prevent the collapse of the program and moderate the loss of its workforce.

Further, we question the value of both of the alternative, federally-run projects to be funded. One tests insulation in older homes. Older homes already make up the vast majority of housing stock weatherized today. Additionally, insulation is just one component of a comprehensive weatherization project. The intent of the program may be to test new insulation materials developed by a manufacturer; in that case, a dedicated program is unnecessary because the core program provides a path for incorporating new technologies and materials. Appendix A to Title 10, Part 440, Direct Final Rule—Federal Register, June 22, 2006, specifies how test results on materials are submitted to DOE technical review and then placed on the approved list. However, if the project is intended to test batt insulation manufacturers' suggestion of an insulation-only program rather than a systematic approach to the house as a system of space conditioning systems and baseload usage, there are better ways. One would be the long-delayed program evaluation of a sample of thousands of homes where some will have received only insulation. Another is to use the evaluations performed on similar experiments conducted by utility DSM programs and to incorporate the results into WAP practices.

The second pilot program, funds ''partnerships between the Department and traditional and/or nontraditional weatherization providers'' to increase private leveraged funding. In other words the program is intended to act without the states or local agencies that would, in the end, need to test and adopt innovations. It is apparently to be a new, direct federal Weatherization program with new delivery agencies which would circumvent the statutory requirement to use the experienced local network providers. It is not necessary to earmark funding for leveraging activities, as the statute allows substantial investment in activities to leverage private funding; the millions won by Weatherizers in utility rate-payer programs attest to the efficacy and frequency of states' investments in innovative private partnerships.

The Committee Report also suggests there should be a new private funding match requirement for federal funds which is not reflected in the re-authorization bill recently reported by the Energy Committee. We question the practicality of this requirement and believe hearings on the proposal's impact would be appropriate.

Thank you for considering our concerns regarding this matter.

Sincerely,

TIMOTHY R. WARFIELD,
Executive Director, National Association for State Community Service Programs.

DAVID BRADLEY,

Executive Director, National Community Action Foundation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I support the expansion of nuclear power, and so do the American people. Seventy percent, according to the Nuclear Energy Institute, believe we should either build new or expand existing nuclear powerplants. It is the key to our energy future in several different ways.

I believe we ought to have a robust goal toward expanding nuclear power, and that we should work to build 100 nuclear plants as quickly as possible. We built them quickly in wave of construction, and hopefully, we will be able to have a cookie-cutter design for plants that can be used on a regular basis with good engineering, and be a step above the plants we have today.

Nuclear energy is a clean source of domestic energy. It is American-made energy. It is the kind of energy the American people support. It has a role to play in reducing our dependence on foreign oil and bringing down the price of gasoline. If we could convert more cars to utilizing electricity through plug-in hybrids, then 24-hour-a-day base load nuclear power can charge automobile batteries at night when the grid is not at full demand and a person can drive 40 miles or so the next day without using a drop of gasoline.

Nuclear powerplants will provide long-term economic benefits. It makes great strides in reducing the amount of imported oil from foreign countries and it keeps our wealth at home. It certainly creates high-paying, clean American jobs. It is a serious solution to our energy future. New nuclear plant construction will supply as much as 50,000 megawatts of additional clean and affordable electricity to meet the demands of a growing economy.

Nuclear power is the most cost-effective way to generate electricity. While wind and solar certainly have roles, they simply will not take us far enough. The average nuclear production costs have declined more than 30 percent in the last 10 years to an average of 1.7 cents per kilowatt hour. This includes the cost of operating and maintaining the plant, purchasing the nuclear fuel, and paying for the management of used fuel. The low and stable cost of nuclear power helps to reduce the price of electricity paid by consumers. We cannot just say that we need to use energy sources that are clean; we must also produce electricity at an affordable price, and nuclear power meets both of these criteria.

One thing I am disappointed about in the bill we are working on today, is how this measure deals with the storage of nuclear waste. Yucca Mountain was chosen as the government's location for a deep geologic repository for the safe storage of used nuclear fuel. All aspects of the geological, hydrological, geochemical, and environmental impacts have been studied, including a detailed evaluation of how conditions might evolve over hundreds of thousands of years at Yucca Mountain. To date, we have spent more than 25 years and $10 billion on these studies, and the Department of Energy has summarized these studies in several scientific reports which served as the basis for the 2002 decision to approve Yucca Mountain as a site repository. These reports, which included input from extensive public review and comment, formed the foundation of DOE's June 2008 application to the Nuclear Regulatory Commission for a license to construct the repository.

Ending Yucca Mountain could not only hinder new nuclear construction, it could also pose a serious budget question. The repository is currently financed through the Nuclear Waste Fund. Presently, ratepayers pay a one-tenth of 1 cent fee for every kilowatt hour of nuclear power they consume. This is collected through the monthly utility bill paid by ratepayers.

Under the Nuclear Waste Policy Act, DOE must review the adequacy of the Nuclear Waste Fund fee every year. DOE last performed a fee assessment in August of 2008, when it found the fee was adequate. As a result, the total amount of money paid into the fund is approximately $750 million per year and about $1 billion in interest per year. The Congressional Budget Office cost estimate unit told the House Budget Committee that CBO could not estimate what the fee should be:

> In light of the [Obama] Administration's policy to terminate the Yucca Mountain project and pursue an alternative means of waste disposal, there is no current basis to judge the adequacy of the fee to cover future costs because the method of disposal and its lifecycle costs are unknown.

That is certainly true. Therefore, utilities and regulators are now asking the Department of Energy to suspend the fee on nuclear power. Why should they pay a fee that is supposed to ensure their wasted nuclear fuel will be taken to a repository when this administration has sought to stop this repository and seems to be making progress in that direction?

Suspending payments of the Nuclear Waste Fund could also complicate general budget matters as the Nuclear Waste Fund is included as a part of the General Treasury Fund, not a trust fund, and can be appropriated on an annual basis. The result is that these funds are often used for purposes other than the disposal of nuclear waste, with only IOUs being held to carry out the fund's purpose. For example, according to CBO, the fund provided $8 billion through 2006 in government spending that did not contribute to the deficit. In other words, they took this money from the fund. So we can see the issue. If the IOUs are ever paid, the money must come from somewhere, and that payment will be scored as an expenditure of the government. In fact, if lawsuits filed by utilities paying this fee to the government are successful, we are going to have to spend the money, according to the law, it seems to me, for nuclear waste disposal. If so, where will the money come from? We will have to find it in some other fashion. If we do like we do everything else around here, we will just add it to the deficit, another $8 billion to the current debt.

Additionally, we cannot forget that the Nation's $11 trillion deficit must also be factored into the debate. Regardless of what the President's Blue Ribbon Commission decides concerning Yucca Mountain, the DOE will have to pay for the disposal of nuclear waste. That is the legal requirement.

There are numerous lawsuits stemming from the delay. The courts have already found DOE partially in breach of contract for not taking the used fuel from the nuclear powerplants as required in exchange for the nuclear waste fee they have been paying. This has resulted in the Federal Government paying approximately $300 million to utilities in compensation costs, which is paid out of a judgment fund and not out of the Nuclear Waste Fund. They are not paying back the money with the funds already contributed by the utilities. They are taking it from the General Treasury, a judgment fund, and paying it out of that. And there may be more judgments coming along.

Also, DOE has appealed judgments totaling approximately $400 million in additional cases they may well lose. That will be another $400 million that will have to be found and there are close to 40 lawsuits that have not yet gone to trial.

According to CBO, because judicial claims for damages are made retrospectively, many more cases can be expected in the coming decades as utilities seek to recover their own costs for storing nuclear waste on site long after they expected it would be removed to a permanent disposal site.

The repository is also slated to hold high-level waste left over from the Cold War, and the government may be liable for compensation costs from States currently hosting defense waste as well. The Treasury Department has estimated it will cost DOE about $300 billion to clean up and monitor several government sites that are contaminated with hazardous and radioactive materials.

I ask my colleagues to listen to that number. As a result of activities in early nuclear development, there are waste sites in the country. The Department of Treasury has estimated it will cost about $300 billion to monitor and clean up several of those sites. I think that number is so breathtaking that I am amazed that more discussion has not occurred about it. I have raised the issue with the Department of Energy and the Department of Defense, as I serve on both Committees, and I believe it can be done for less than that. It has to be done for less than that. We do not have the $300 billion. We have to look for a better and more responsible

way to deal with these cleanups. The waste needs to be stored somewhere. The President has indicated that Yucca Mountain is not one of the options for disposal of nuclear waste.

I was disappointed to hear that. However, we must remember that Yucca Mountain remains the law of the land and that the administration does not have the ability to unilaterally terminate the project. In order to eliminate Yucca Mountain, Congress would have to amend the Nuclear Waste Policy Act, which set a deadline for the Federal Government to begin disposing of used fuel. However, more than a decade later, we still have not settled on a policy for how to accomplish this, and we have sunk nearly $10 billion into Yucca Mountain. That is a huge sum of money, even for the amounts we talk about today. Not to mention that it is the most studied geology on the planet.

I do not think we should abandon this project simply because of political pressure. Regardless of what this administration says, we will continue to face the problem of nuclear waste management. We must have a successful plan to dispose of nuclear waste, whether it is through direct disposal or recycling. I believe we need to go forward with recycling and I have offered legislation to do just that. Either way, we are going to need a site, but if we recycle this waste, it would be less toxic. It would be radioactive for far fewer years than would be the case if it were not recycled and perhaps would then be more palatable to those who object to the site.

Perhaps an answer, which to me makes sense, is to move the Nuclear Waste Fund off budget to a dedicated account so that the money will be used for what it was intended. Currently, it is being spent in other places and being replaced with an IOU. Why should utilities pay money into a fund when they are not getting any benefits that they were promised? It just lead us into liability and lawsuits, some of which are already being lost.

I believe nuclear power has proven to be exceedingly safe in America. Not one American has lost their life operating a nuclear powerplant.

The Three Mile Island situation, which caused so much fear and concern in America, did not result in even one person in the studies afterwards to have been sick. But the plants today, and the new ones we will build, will be even safer. They will be set up in such a way that even without power they would automatically shut themselves down through gravity flow into the reactor core. It is a new and safer design. They can be built in mass production quantities, resulting in lower costs per plant, and perfecting the technology and construction techniques that should result in reducing costs. It would allow the components to be produced in larger numbers, reducing costs, and help the Nuclear Regulatory Commission, because of the uniform nature of these plants, to regulate them even more effectively.

Mr. President, I thank the Presiding Officer and would say again, nuclear power produces about 20 percent of our electricity today. It emits no CO_2 or other global warming gases into the atmosphere. It is cost effective, it is all American, and it does not require us to expend large amounts of American wealth to foreign countries in order to maintain our energy supply. Nuclear power is the right thing to do, and I hope we will continue to work on it because I believe the country is ready to move in that direction.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent that no further amendments be in order; that the substitute amendment, as amended, be agreed to and the motion to reconsider be considered made and laid upon the table; that the bill, as amended, be read a third time and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; provided further that if a budget point of order is raised against the substitute amendment and the point of order is not waived, then it be in order for another substitute amendment to be offered, minus the offending provisions but including any amendments which had been agreed to previously, and that then no further amendments be in order; that the new substitute amendment, as amended, be agreed to with the remaining provisions beyond the adoption of the substitute amendment remaining in effect; further, that the subcommittee plus Senator INOUYE be appointed as conferees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The majority leader.

UNANIMOUS CONSENT REQUEST—S. 1498

Mr. REID. Mr. President, I ask unanimous consent to proceed to the immediate consideration of Calendar No. 126, S. 1498, the Surface Transportation Extension Act of 2009; that a Boxer substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand my friend has objected. I would not belabor the point, but the Environment and Public Works Committee worked very hard. This is an 18-month extension of the highway bill. It is all paid for. But we understand and we will continue working on this and we will see what we can come up with at a later time.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that tomorrow, Thursday, July 30, at a time to be determined by the majority leader, following consultation with the Republican leader, the Senate proceed to H.R. 3357; and that when the bill is considered, it be considered under the following limitations: That there be general debate of 20 minutes equally divided and controlled in the usual form, with the time under the control of the leaders or their designees; that the only amendments in order be the following and that debate time on each amendment be limited to 60 minutes equally divided and controlled in the usual form; that no other amendments be in order; that upon disposition of the listed amendments, the bill, as amended, if amended, be read a third time, and the Senate then proceed to vote on passage of the bill: Ensign amendment regarding unemployment benefits, Bond amendment regarding SAFETEA-LU, the Vitter amendment regarding the highway trust fund, the DeMint amendment with the offset on the housing substitute.

Further, that upon disposition of H.R. 3357, the Senate proceed to the consideration of Calendar No. 105, H.R. 2997, the Agricultural, Rural Development, Food and Drug Administration and Related Agencies programs; that once the bill is reported, Senator KOHL be recognized to offer a substitute amendment, which is the text of the Senate committee-reported bill, S. 1406; further, that once this agreement is entered, the aforementioned amendments be filed and printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, could the majority leader give me an indication of when we might turn to this matter tomorrow?

Mr. REID. I indicated to our floor staffs that we will do our very best to get it here as early as we can tomorrow afternoon.

Mr. MCCONNELL. Early tomorrow afternoon?

Mr. REID. As early as we can get it over here. If we are fortunate, we may get it here in the morning, but we will get it here as early as we can. I would say to my friend, the bill is passed, so it is just clerical stuff. It shouldn't be difficult at all to get it over here.

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

Under the previous order, the substitute amendment, No. 1813, as amended, is agreed to, and the motion to reconsider is laid upon the table.

The question is on the engrossment of the amendment 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 bill having been read the third time, the question is on passage of the bill, as amended.

The majority leader.

Mr. REID. Mr. President, this will be the last vote of the night, and we will then work on these issues as soon as we can. The sooner we get the stuff from the House, the sooner we can wrap up, and Senator KOHL will be here to begin work on the agricultural bill. So we should have a full load tomorrow.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 9, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—85

Akaka	Enzi	Nelson (NE)
Alexander	Feingold	Nelson (FL)
Barrasso	Feinstein	Pryor
Baucus	Franken	Reed
Bayh	Gillibrand	Reid
Begich	Graham	Risch
Bennet	Grassley	Roberts
Bennett	Gregg	Rockefeller
Bingaman	Hagan	Sanders
Bond	Harkin	Schumer
Boxer	Hatch	Sessions
Brown	Hutchison	Shaheen
Brownback	Inouye	Shelby
Bunning	Johanns	Snowe
Burr	Johnson	Specter
Burris	Kaufman	Stabenow
Cantwell	Kerry	Tester
Cardin	Klobuchar	Thune
Carper	Kohl	Udall (CO)
Casey	Landrieu	Udall (NM)
Cochran	Lautenberg	Vitter
Collins	Leahy	Voinovich
Conrad	Levin	Warner
Corker	Lincoln	Webb
Cornyn	Lugar	Whitehouse
Crapo	McConnell	Wicker
Dodd	Merkley	Wyden
Dorgan	Murkowski	
Durbin	Murray	

NAYS—9

Chambliss	Ensign	Kyl
Coburn	Inhofe	McCain
DeMint	Isakson	McCaskill

NOT VOTING—6

Byrd	Lieberman	Menendez
Kennedy	Martinez	Mikulski

The bill (H.R. 3183), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair is authorized to appoint the following conferees.

The Presiding Officer appointed Mr. DORGAN, Mr. BYRD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. HARKIN, Mr. TESTER, Mr. INOUYE, Mr. BENNETT of Utah, Mr. COCHRAN, Mr. MCCONNELL, Mr. BOND, Mrs. HUTCHISON, Mr. SHELBY, Mr. ALEXANDER, and Mr. VOINOVICH conferees on the part of the Senate.

● Mr. LIEBERMAN. Mr. President, I was unable to participate in the rollcall vote on final passage of H.R. 3183, as amended, the Energy and Water Development and Related Agencies Appropriations Act. Had I been present, I would have voted yea in support of the bill.

I would like to commend the chairman of the subcommittee, Senator DORGAN, and the ranking member, Senator BENNETT, for their bipartisan work on this important bill that will fund energy and conservation programs that are critical for my State of Connecticut and the rest of the country.●

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I rise this evening before we adjourn to share some letters I have received from constituents of mine in Ohio. I represent the Buckeye State in this body.

I have received probably hundreds of letters similar to the ones I am going to read, and thousands of calls and e-mails and faxes and visits from people asking that we move forward on health insurance legislation, that we do not let special interest groups slow us down, that we do not let people who want to see this fail get in the way of its passage.

I wanted to share some of these letters, because in this body, we talk about exclusivity periods, we talk about the public option, we talk about the exchange, the gateway, employer mandates, all of those things that matter to us. They are public policy; they are important. But we do not talk enough about individuals about people in Juneau or Fairbanks, in the Presiding Officer's State, about what people in Galion, in Mansfield and Bucyrus and Crestline, and Findlay and Zanesville in my State think.

I want to share a handful of these letters I received in the last few days from people in my State.

I will start with Brenton from Franklin County. That is the Columbus area in Central Ohio:

My health care story is similar to that of many young people across the country. I am 26, healthy, college-educated. I have a full-time job. But even with these advantages I'm unable to afford health care coverage without significant help from my parents.

After graduating college 3 years ago, I took a part time job and went without health coverage for about a year. Unfortunately, I came down with a case of strep throat and put off going to a doctor for several weeks until it became severe.

Obviously, he did not have insurance. It was expensive.

When I finally sought medical attention, my case of strep proved to be drug resistant and I had to pay for several hundred dollars in different medications. I lost my job due to medical absence before I returned to good health.

After this scare, I found a full-time job with health coverage, but I still need help from my parents to cover the high premiums. I realize I am fortunate to be healthy and insured when compared to many Americans.

But it's a shame that in a country as great as ours that there could be any question as to whether a young able-bodied man, such as myself, should feel secure in his future if presented with even a minor illness.

Think about that. This is a young man who, because he did not have insurance, even though he worked full time, was playing by the rules, could not get insurance. He gets sick. He puts off going to the doctor. It ends up costing him out of pocket in the health care system a whole lot more money. He lost his job because he missed work.

If we had our health care bill in place, the legislation that passed out of the HELP Committee, if we had that bill in place, a bill that protects what works in the system and fixes what is wrong, then Brenton would still hold his job and would be in a much better position.

Richard from Youngstown in northeast Ohio is near the Pennsylvania border. Youngstown, I might add, was voted in Entrepreneur Magazine recently as one of the 10 best places in America to start a business.

Richard writes:

I ascribe my good health to regular preventive care efforts to stay healthy: no smoking, regular exercise, weight control. But five years ago, I had surgery for early stage prostate cancer.

Fortunately, I am still cancer free. The surgery itself was a miracle of modern medicine . . . and I've enjoyed similar high standards of care from my doctors' vigilance.

Three years ago, at the age of 61, I hiked through the Appalachian Trail as well as the Pacific Crest Trail. More recently I passed my recent physical with flying colors.

Imagine my consternation when my insurance company told me the reason my premium had been raised 30 percent was because I was ''in such poor health''!

The insurance company wrote that my premiums increased because I had moved up into a different age bracket and because of my cancer history. They said for me to wait until the 5 year anniversary of my cancer to shop around for a different plan.

In the past, I wouldn't hesitate to visit my doctor or a specialist to manage my care.

Now, I'm among the under-insured. As a retiree whose retirement savings has been devastated, I have to face living on a reduced income.

Now, I might put off that doctor visit.

That's why I'm so strongly in favor of a public alternative to the existing for-profit insurance companies in the health care reform legislation currently making its way through Congress.

Under our legislation, there would be no longer the discrimination of preexisting condition, of cutting off people

when they got their insurance. There would be no copays for preventive care, all the kinds of things that Richard talks about that were lacking in his health care plan when he had insurance are dealt with and will simply not happen in the health insurance bill passed out of our committee.

Next is Marcia from Cuyahoga County, which is Cleveland. Cleveland has become a center for alternative energy in our State. In the next couple years, there will likely be a field of wind turbines in Lake Erie, the first time that has been done anywhere in the world in freshwater. There are a lot of things going on in Cleveland that work for our State and country.

Marcia writes:

I am a 56 year old continuously insured professional female, but currently unemployed.

Since my last job, each year my health insurance has skyrocketed.

With each of these premium increases, the coverage decreases, while co-pays and more deductibles go higher and higher.

It is a slippery slope.

Last year my health insurance had a triple increase in three months, which is equal to almost 1 week of my extended unemployment.

I was on a COBRA for 18 months. Then I had to find my own private health insurance.

That allows one to buy insurance after they lose their job. But they have to pay their own premiums and they have to pay their employer premium which very few people can afford once they have lost their jobs.

Marcia continues:

I applied to 5 companies and was rejected by 4 of them.

One rejection occurred before I even filled out the application.

The application forms are so complex and time consuming to recount one's entire life's medical care.

The one company that accepted me charged a 50 percent markup due to my prior conditions. Note, I had no major diseases but a few treated conditions.

I now realize that anyone with an illness is uninsurable.

One of the most important things to realize about this health insurance legislation is not just that it provides insurance for those who are uninsured or that it will assist those who are underinsured get better insurance. It also helps those who now have insurance. It allows them to keep the insurance they have, if they are satisfied. It also says we will have consumer protections built in so insurance companies no longer are allowed to deny you care because of preexisting conditions or allowed to game the community rating system, no longer allowed to deny care for a whole host of reasons that insurance companies do now. These consumer protections will help people who are newly insured and people who are now underinsured, as we provide more insurance, and it will help those people—these consumer protections will be built into existing insurance policies that people have today—who are generally satisfied with their insurance. They are satisfied now until they have a major claim where the insurance companies might discontinue their care and might cut them off. Under our plan, the insurance companies would not be able to do that.

My last letter is from Justin from Cincinnati. That is in southwest Ohio along the Ohio River.

Justin writes:

I am a 25-year-old software tester with a wife and two daughters that rely on my income.

I've seen my health insurance costs more than double over the last year.

This is more than my mortgage, and it is absolutely crippling.

I've been living on advances trying to make ends meet.

Please fight for me; all I can do is plead and hope that you listen.

If that doesn't remind us how important this work on providing health insurance reform is to the people of this Nation.

Justin continues:

It drives me crazy that I pay so much a month to a company that takes my money and then uses it to try to defeat legislation that will help ease my financial burden.

He has read in the paper or seen on the Internet or heard on the radio or watched on channel 9 or channel 12, he has heard about lobbyists spending $1 million a day to lobby the House and the Senate, pharmaceutical company lobbyists, health insurance lobbyists, to weaken this bill. He resents that he is paying these companies for his insurance and prescription drugs to pay the lobbyists to lobby Congress to weaken what we ought to be doing right for Justin and so many others.

Justin concludes:

Please take a stand for me and Americans that say we need a public option. This is literally a matter of life and death for many people.

It can't fail this time, we can't afford for it to.

Justin referred to the public option. There have been a lot of things said about the public option, most of them not true. The public option is a program that will be a government option, a government insurance policy, a choice provided by the Federal Government giving people the option. You can choose Aetna, a mutual company such as Medical Mutual in Ohio or Blue Cross or you can choose to go on the public option. The public option will have lower administrative costs. The public option will keep the insurance companies honest because we know what insurance companies do when they discontinue care, when they discriminate against people because of preexisting conditions. The public option also will save money because of competition. The public option simply makes sense.

I support strongly a public option. Senator WHITEHOUSE and I wrote the public option in the HELP Committee bill that passed. We wrote that public option because we believe in good old-fashioned American competition. I want the insurance companies to compete. I want the public option to compete. We are going to get a better public option because of private competition, and we will get better private insurance because of public option competition. It is as simple as that. It is not a big government program. It simply says: Let's inject competition into the system so we get better health insurance.

There are a lot of accusations and untruths thrown around by opponents, the same people who tried to stop the creation of Medicare years ago and the same people who tried to privatize Medicare a few years ago. We know this bill protects what works and will fix what is wrong. We will all be better off as a result.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that 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.

Mr. KYL. Mr. President, I ask unanimous consent that an article by Martin Feldstein, ''Obama's Plan Isn't the Answer'' printed in the Washington Post, Tuesday, July 28, 2009, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 28, 2009]

OBAMA'S PLAN ISN'T THE ANSWER

(By Martin Feldstein)

For the 85 percent of Americans who already have health insurance, the Obama health plan is bad news. It means higher taxes, less health care and no protection if they lose their current insurance because of unemployment or early retirement.

President Obama's primary goal is to extend formal health insurance to those low-income individuals who are currently uninsured despite the nearly $300-billion-a-year Medicaid program. Doing so the Obama way would cost more than $1 trillion over the next 10 years. There surely must be better and less costly ways to improve the health and health care of that low-income group.

Although the president claims he can finance the enormous increase in costs by raising taxes only on high-income individuals, tax experts know that this won't work. Experience shows that raising the top income-tax rate from 35 percent today to more than 45 percent—the effect of adding the proposed health surcharge to the increase resulting from letting the Bush tax cuts expire for high-income taxpayers—would change the behavior of high-income individuals in ways that would shrink their taxable incomes and therefore produce less revenue. The result would be larger deficits and higher taxes on the middle class. Because of the

unprecedented deficits forecast for the next decade, this is definitely not a time to start a major new spending program.

A second key goal of the Obama health plan is to slow the growth of health-care spending. The president's budget calls explicitly for cutting Medicare to help pay for the expanded benefits for low-income individuals. But the administration's goal is bigger than that. It is to cut dramatically the amount of health care that we all consume.

A recent report by the White House Council of Economic Advisers claims that the government can cut the projected level of health spending by 15 percent over the next decade and by 30 percent over the next 20 years. Although the reduced spending would result from fewer services rather than lower payments to providers, we are told that this can be done without lowering the quality of care or diminishing our health. I don't believe it.

To support their claim that costs can be radically reduced without adverse effects, the health planners point to the fact that about half of all hospital costs are for patients in the last year of life. I don't find that persuasive. Do doctors really know which of their very ill patients will benefit from expensive care and which will die regardless of the care they receive? In a world of uncertainty, many of us will want to hope that care will help.

We are also often told that patients in Minnesota receive many fewer dollars of care per capita than patients in New York and California without adverse health effects. When I hear that, I wonder whether we should cut back on care, as these experts advocate, move to Minnesota, or wish we had the genetic stock of Minnesotans.

The administration's health planners believe that the new ''cost effectiveness research'' will allow officials to eliminate wasteful spending by defining the ''appropriate'' care that will be paid for by the government and by private insurance. Such a constrained, one-size-fits-all form of medicine may be necessary in some European health programs in which the government pays all the bills. But Americans have shown that we prefer to retain a diversity of options and the ability to choose among doctors, hospitals and standards of care.

At a time when medical science offers the hope of major improvements in the treatment of a wide range of dread diseases, should Washington be limiting the available care and, in the process, discouraging medical researchers from developing new procedures and products? Although health care is much more expensive than it was 30 years ago, who today would settle for the health care of the 1970s?

Obama has said that he would favor a British-style ''single payer'' system in which the government owns the hospitals and the doctors are salaried but that he recognizes that such a shift would be too disruptive to the health-care industry. The Obama plan to have a government insurance provider that can undercut the premiums charged by private insurers would undoubtedly speed the arrival of such a single-payer plan. It is hard to think of any other reason for the administration to want a government insurer when there is already a very competitive private insurance market that could be made more so by removing government restrictions on interstate competition.

There is much that can be done to improve our health-care system, but the Obama plan is not the way to do it. One helpful change that could be made right away is fixing the COBRA system so that middle-income households that lose their insurance because of early retirement or a permanent layoff are not deterred by the cost of continuing their previous coverage.

Now that congressional leaders have made it clear that Obama will not see health legislation until at least the end of the year, the president should look beyond health policy and turn his attention to the problems that are impeding our economic recovery.

FURTHER CHANGES TO S. CON. RES. 13

Mr. CONRAD. Mr. President, section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, and aggregates for legislation making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes and so designated pursuant to section 401(c)(4). The adjustment is limited to the total amount of budget authority specified in section 104(21) of S. Con. Res. 13. For 2009, that limitation is $90.745 billion, and for 2010, it is $130 billion.

On June 25, 2009, the Senate Appropriations Committee reported H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010, with an amendment in the nature of a substitute. The reported legislation contains $126 million in funding that has been designated for overseas deployments and other activities pursuant to section 401(c)(4). The Congressional Budget Office estimates that the $126 million in budget authority will result in $104 million in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010. When combined with previous adjustments made pursuant to section 401(c)(4), $379 million has been designated so far for overseas deployments and other activities for 2010.

In addition, section 401(c)(2)(B) of the 2010 budget resolution permits the chairman to adjust the section 401(b) discretionary spending limits, allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 and aggregates for legislation making appropriations for fiscal year 2010 that both appropriates $7.1 billion and provides an additional appropriation of up to $890 million to the Internal Revenue Service for enhanced tax enforcement to address the tax gap, the difference between the amount of taxes owed and the amount of taxes paid.

On July 9, 2009, the Senate Appropriations Committee reported S. 1432, the financial services and general government appropriations Bill, 2010. The reported bill contains $890 million in funding that satisfies the conditions of section 401(c)(2)(B). The Congressional Budget Office estimates that the $890 million in budget authority will result in $837 million in new outlays in 2010. As a result, I am revising both the discretionary spending limits and the allocation to the Senate Committee on Appropriations for discretionary budget authority and outlays by those amounts in 2010.

When combining the effects of the two adjustments, I am revising today both the discretionary spending limits and the allocation to the Senate Committee on Appropriations by a total of $1,016 million for budget authority and $941 million for outlays.

I ask unanimous consent to have the following revisions to S. Con. Res. 13 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTIONS 401(c)(4) AND 401(c)(2)(B) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 401(b) SENATE DISCRETIONARY SPENDING LIMITS

In millions of dollars	Current Allocation/ Limit	Adjustment	Revised Allocation/Limit
FY 2009 Discretionary Budget Authority	1,482,201	0	1,482,201
FY 2009 Discretionary Outlays	1,247,872	0	1,247,872
FY 2010 Discretionary Budget Authority	1,086,269	1,016	1,087,285
FY 2010 Discretionary Outlays	1,306,259	941	1,307,200

WASP CONGRESSIONAL GOLD MEDAL

Mr. DODD. Mr. President, as chairman of the Committee on Banking, Housing, and Urban Affairs, it is the responsibility of my committee colleagues and I to oversee and consider legislation to award Congressional Gold Medals to prospective candidates deemed worthy of the honor. Indeed, it is the highest honor that Congress can bestow on an individual or group, and as such, my committee has to ensure that these bills garner broad bipartisan support in the form of two-thirds cosponsorship in the Senate before they can receive full consideration. This year, I am pleased that a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots, or

WASP, secured my committee's approval and passed the Senate unanimously on May 20, 2009.

This bill, authored by Senators HUTCHISON and MIKULSKI, recognizes the brave actions of more than a thousand women who served our country so courageously during World War II. Their patriotism and sacrifice were essential to our war effort. Quite simply, they were responsible for transporting critical military aircraft throughout the United States. Ferrying over 12,000 aircraft, of nearly 80 different types, these groundbreaking women operated war machines, from the fabled B–29 Superfortress to the lethal P–51 Mustang fighter. The purpose of their missions was to prepare these aircraft for combat and ensure their readiness.

The WASPs were so effective that they logged over 50 percent of these kinds of missions for our Nation, flying more than 60 million miles over the course of the war. Their likes included Jacqueline Cochran, one of the greatest female pilots of all time, who was chosen to be the director of the WASPs flight training. Jacqueline set the women's U.S. high altitude and international speed records and was also the winner of the coveted Bendix trophy in 1938. During the famous air race, she earned an epic victory flying from Los Angeles to Cleveland in just over 8 hours. Jacqueline was further commended for her service during the war when she was awarded the Distinguished Service Medal, the highest decoration she could have received from the military without being recognized as an Active-Duty servicemember. When the war ended, Jacqueline's passion for flying would drive her to set new aviation records, becoming the first female pilot to fly a bomber across the Atlantic. Additionally, six WASPs are still living in my home State of Connecticut. One of them, Gloria Heath, flew a dangerous mission as a B–26 bomber pilot, flying at 6,000 feet while towing a banner that fighter pilots would use for target practice during live fire exercises. Now Gloria is nationally recognized as a leader in aviation safety, having served as a founding board member of the Flight Safety Foundation. She also established an international safety information dissemination service to provide a unified, global response to emergencies on the land, in the air, and on the sea. Her pioneering efforts to ensure the safety of pilots and travelers all over the world have undoubtedly saved lives. Throughout her endeavors, Gloria never lost sight of her lifelong commitment to flying. She would become the director of summer aviation programs at Connecticut College, helping young students discover their passion for flight, just as she did half a decade before.

But these women did more than just serve our country they were also pioneers for women's rights. They will forever have the honor of being the first female aviators in American military history, serving as the forerunners to women's equality in the Armed Forces. In doing so, they paved the way for women's rights in the military and other workforces across the country. And although much still remains to be done to eradicate gender discrimination, women military combat pilots are now flying alongside their brothers in arms a true testament to the barriers broken down by the WASPs more than six decades ago.

These women often faced scorn and ridicule, but they refused to back down in their conviction that they could fly as proficiently as men. Ultimately, they were proven right and demonstrated that success should be measured in terms of merit and talent, not by gender.

Therefore it is with great pride and honor, Mr. President, that I support this bill. I commend Senators HUTCHISON and MIKULSKI for all their hard work and join them in their gratitude for the pioneering women of the WASP program.

INSPECTORS GENERAL

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, intend to object to the proceeding to H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act, and a similar Senate bill, S. 1354, dated July 29, 2009, for the following reasons.''

I object to provisions regarding inspectors general in H.R. 885, and a similar Senate bill, S. 1354, based on my reading of the language in the Improved Financial and Commodity Markets Oversight and Accountability Act. The act is intended to require Presidential appointments and Senate confirmation for the following five inspectors general: Commodity Futures Trading Commission, CFTC; the National Credit Union Administration, NCUA; the Pension Benefit Guaranty Corporation, PBGC; the Board of Governors of the Federal Reserve System, FRB; and the Securities and Exchange Commission.

In essence, the act will change dramatically the historical and longstanding classification of these five organizations from ''designated federal entities'' DFE, under the original Inspector General Act of 1978, to Presidential appointees.

These IGs, who are all nonpartisan civil servants, oppose H.R. 885. I have come to agree with their conclusion that the act will neither improve the independence of the five IGs nor enhance their accountability to the American people. Requiring that these five IGs be made Presidential appointees introduces the potential for partisan politics where none currently exists. This is especially true because we have an administration that is not even a year old and three IGs have already been dismissed. I have not yet seen a consistent policy reason articulated for treating these five IGs differently from other DFE IGs. If Congress wants to increase the independence and accountability of all inspectors general, there are numerous, more effective ways of doing so, and I would be eager to work toward that common goal. However, this legislation has not had a full and, complete hearing in the Senate, targets only five of the DFE inspectors general for reasons that are unclear, and does not appear to achieve its stated purpose.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. KERRY. Mr. President, I thank Senator KYL and Senator LEVIN for working out a second-degree amendment last week to Senator KYL's earlier amendment, No. 1760, to the National Defense Authorization Act relating to the post-START agreement that the United States is negotiating with the Russian Federation. In my view, the earlier amendment—and section 1239 of the House version of the NDAA, on which that amendment was based—would have undermined the constitutional role of the Senate as the body that considers treaties, as well as the President's role in negotiating treaties. The Senate decided wisely not to adopt the House approach of trying to bar U.S. compliance with a treaty before the treaty has even been negotiated. The substitute amendment we adopted last week was a good result.

The bill approved by the Senate, as amended by Senator KYL's modified amendment, would require the President to report to the Congress on his plan to enhance the safety, security and reliability of the U.S. nuclear weapons stockpile, to modernize the nuclear weapons complex, and to maintain the delivery platforms. I would encourage the administration to see that requirement not as a burden, but as an opportunity. If U.S. ratification of the Comprehensive Nuclear Test-Ban Treaty is to be approved by the Senate, Members will have to be convinced that the executive branch is prepared to sustain our nuclear deterrence by maintaining a stockpile of safe, secure, and reliable nuclear weapons, without resorting to nuclear testing. This report requirement underscores that concern and the need to address it forthrightly.

I believe that this administration has the will to maintain our nuclear stockpile, and the successes of stockpile stewardship over the last decade have been greater than even its proponents predicted when we last considered CTBT. The report required by this amendment would offer an opportunity to explain to the Senate how far we have come, where we are going next, and how we will fund stockpile stewardship to ensure that we will sustain our deterrent posture even as the United States works with other countries to reduce the numbers and importance of these weapons worldwide. It may be only a preliminary report, if

the National Defense Authorization Act is enacted well before the Nuclear Posture Review and the President's fiscal year 2011 budget request are completed, but it will still be an opportunity to educate the Senate.

The Kyl amendment as modified also states that the Senate urges the President to maintain his position that the post-START agreement will not contain limitations on ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States. I am absolutely confident, based on the Obama-Medvedev statements of April 1 and July 6, 2009, that their instructions to negotiators are not to include such limitations in the agreement.

For example, there will be ''a provision on the interrelationship of strategic offensive and strategic defensive arms,'' but ''a provision'' does not mean a limitation on U.S. missile defense or space capabilities. Similarly, the existing START Treaty has ''a provision'' regarding antiballistic missile systems but does not limit those systems.

Regarding the Senate's desire to avoid limitations on ''advanced conventional weapons,'' I would just emphasize that the adoption of this substitute amendment is not intended to be a backdoor way to oppose limitations on strategic delivery vehicles.

In short, I believe that the Kyl substitute amendment adopted last week should do no harm and that the administration can use it to begin the process of educating the Senate on a matter we will have to address in any event. Again, I commend Senators KYL and LEVIN for reaching this result.

NOMINATION OF THOMAS A. SHANNON, JR.

Mr. GRASSLEY. Mr. President, I want to note for the record that I will object to any unanimous consent request relating to the nomination of Thomas A. Shannon Jr., to be Ambassador to Brazil. On July 28, I wrote a letter to Secretary of State Hillary Clinton and U.S. Trade Representative Ron Kirk asking for a clarification of the President's position regarding the U.S. ethanol tariff in light of Mr. Shannon's stated view on the tariff. I will continue to object to any unanimous consent request proffered with respect to Mr. Shannon's nomination until such time as the administration responds to my letter and I have an opportunity to review such response.

OIL SPILL PREVENTION ACT

Mr. LAUTENBERG. Mr. President, the managers' amendment to S. 685, the Oil Spill Prevention Act, will eliminate the authorization of appropriations from the international seafarer protection provision, reduce a biannual Coast Guard reporting requirement to an annual reporting requirement, and remove an annual Coast Guard reporting requirement that is no longer necessary or appropriate. These modifications to the committee-reported bill render it revenue neutral.

CONGRATULATING JOHN LECLAIR

Mr. LEAHY. Mr. President, I wish to congratulate St. Albans VT, native John LeClair for being chosen as a 2009 inductee into the U.S. Hockey Hall of Fame.

John LeClair had a remarkable amateur and professional hockey career. The first American-born player to record three consecutive 50-goal seasons in the National Hockey League, LeClair played 16 years in the NHL—with stops in Montreal, Philadelphia, and Pittsburgh—and he helped the Montreal Canadiens capture the Stanley Cup in 1993. He registered 406 goals and 413 assists for 819 points in 967 career games, which ranks him 13th on the NHL's alltime points list among American-born players. LeClair also was a 2-time Olympian, where he netted 34 career points, 22–12, 31 games in a Team USA uniform.

Most hockey fans remember LeClair for his dramatic two game-winning goals in overtime during the 1993 Stanley Cup Finals, for being a member of the dreaded ''Legion of Doom'' line with the Philadelphia Flyers, and for leading Team USA to a Silver Medal in the 2002 Winter Olympics.

Vermonters. though, go further back with their native son. After his high school graduation from Bellows Free Academy in St. Albans, the Montreal Canadiens drafted LeClair with the 33rd pick in the 1987 entry draft. Instead of immediately going to the NHL, LeClair chose to attend the University of Vermont, where he thrilled Catamount fans for four, exciting seasons. Less than a week after playing his final collegiate game, LeClair signed with Montreal and hit the ice with the Canadiens right away.

While LeClair quickly went on to stardom and fame in the NHL, he always enjoyed a loyal following back home. Many Vermonters are naturally Canadiens fans because Montreal is so close to Vermont, but it was amazing to see how many people converted to Flyer fans when LeClair moved to Philadelphia and Penguin fans when he moved to Pittsburgh. I remember that no matter whether it was hockey season or not, it seemed like you couldn't walk down the street in St. Albans or Burlington or Rutland without seeing someone wearing some sort of Flyers paraphernalia, which stood out because of the team's distinguishing orange and black colors.

Once again, I congratulate John LeClair on this high honor of being selected as a member of the U.S. Hockey Hall of Fame. I ask unanimous consent to have a copy of a July 29 article from the Burlington Free Press printed in the RECORD.

The material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, July 29, 2009]

LECLAIR TO ENTER U.S. HOCKEY HALL OF FAME—ST. ALBANS NATIVE IS AMONG CLASS OF '09

COLORADO SPRINGS, COLO.—Former University of Vermont and NHL star John LeClair of St. Albans, Vt., will be inducted into the United States Hockey Hall of Fame.

USA hockey's 2009 class was announced Tuesday, and it also includes former NHL players Tony Amonte and Tom Barrasso, the 1998 U.S. Olympic women's team and the late Frank Zamboni, inventor of the storied ice resurfacing machine.

The date of the induction ceremony will be announced in August.

During an NHL career that included five seasons with the Montreal Canadians, 10 with the Philadelphia Flyers and two as a Pittsburgh Penguin, LeClair registered 406 goals and 413 assists for 819 points in 967 career games.

The winger helped Montreal win the Stanley Cup in 1993, was the first American-born player with three straight 50-goal seasons from 1995 to 1998, and was on USA's silver-medal team at the 2002 Olympics in Salt Lake City.

LeClair is also a member of UVM's Hall of Fame. He netted 56 goals and 60 assists in four years as a Catamount.

Amonte scored the winning goal against Canada in the deciding game of the first World Cup of Hockey in 1996.

Barrasso won two Stanley Cups as a goalie for the Pittsburgh Penguins.

The 1998 U.S. Olympic Women's team won the gold medal at the Winter Games in Nagano, Japan.

ADDITIONAL STATEMENTS

75TH BIRTHDAY OF REUBEN K. HARPOLE, JR.

• Mr. KOHL. Mr. President, today I honor Reuben K. Harpole, Jr.—a man who has changed countless lives in Wisconsin through his selfless devotion to helping people.

Reuben developed an entrepreneurial spirit growing up in Milwaukee. His family worked at the family grocery store, sold their home-raised chickens in the front yard, and rented out bicycles. This work ethic went with him throughout his life. He went on to serve our Nation in Korea from 1957 to 1959. Then he came back home, earned his bachelor's degree, and began his professional life as a teacher and community activist.

With 31 years service to University of Wisconsin-Milwaukee and continued community activism, Reuben helped mold the future of Wisconsin. In the 1960s Reuben began working to direct youth away from gangs into fruitful career paths. When central Milwaukee's health services were shutting down in the 1970s, Reuben worked with local, county, and university officials to reinstate much needed assistance. He helped establish the Isaac Coggs Health Center and a coalition of neighborhood health organizations. Reuben also founded or developed the College Prep Program at Marquette University High School, the UWM Center for Urban Community Development, the

Harambee Ombudsman Program, and the Children's Performing Arts Group that has evolved into the renowned Ko Thi Dance Company.

Reuben has also been an outstanding advocate for our African-American community in Milwaukee. He has written forewords for several books about African-American history in Milwaukee. He voluntarily conducts tours of Black Milwaukee, which brings a real-life perspective to his work in African-American history. A multitude of African-American programs and organizations are indebted to his service including the NTU African Rites of Passage Program, the Asentu Adult Rites of Passage Institute, the Black Holocaust Museum, and the Milwaukee 100 Black Men Group. In fact, it was on Reuben's invitation to a gathering that I met with Martin Luther King, Jr., during one of his few visits to Milwaukee many years ago.

Even after retirement, he continues to be a great leader in the community. Most notably, he joined the Helen Bader Foundation. Through this he is able to help programs and centers secure the funds they need to function and more successfully serve the community.

The work he has done for Milwaukee continues to grow as the many people he has inspired are starting to follow in his footsteps. I would like to specifically note the Volunteer Reading Tutoring Program at the UWM Reading Clinic. A truly great person is one who not only does great works but also inspires other to do so as well.

I am proud to call Reuben a fellow Wisconsite and a dear friend. I wish him and his lovely wife Mildred good health, happiness, and many more years to come.●

CONGRATULATING EILEEN COLLINS

● Mrs. GILLIBRAND. Mr. President, I would like to add to the RECORD my most heartfelt congratulations to Eileen Collins for her recent induction into the National Aviation Hall of Fame. As an Elmira, NY, native, Eileen is the first female pilot and commander of a NASA shuttle. She has orbited the Earth 573 times. As a child, Eileen was inspired to be a pilot by watching the planes over the Elmira-Corning Regional Airport and the Harris Hill glider field. She joined the Air Force in 1978 and was recruited to join NASA as one of its earliest female pilots in 1990. The communities of New York's Southern Tier are so proud of Eileen's historic achievements.

As the first female pilot and shuttle commander, Eileen Collins is an inspiration and true role model to girls and young women nationwide. Her achievements prove that women everywhere can, and should, reach for the stars.●

CONGRATULATING ABBY WAMBACH

● Mrs. GILLIBRAND. Mr. President, I would like to add to the RECORD my most heartfelt congratulations to Abby Wambach for her history making 100th goal. This achievement is only the fifth in women's USA soccer history that 100 goals have been scored by one player. As this goal is felt throughout the USA and worldwide soccer community, I especially want to recognize how much Abby and her remarkable achievement mean to the Rochester community. As seen by the cheering in her game on July 19, there is no more fitting place to achieve this momentous goal and Rochester could not be prouder.

Abby Wambach has made a lasting impression on the women's USA soccer team and has inspired generations of young women throughout New York and the Nation. She has helped her team win Olympic gold in Athens and countless World Cup matches. I applaud her tremendous achievement and it is my hope that her accomplishment will inspire countless generations of our youth to strive for excellence.●

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.)

MESSAGES FROM THE HOUSE

At 12:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution:

H.R. 509. An act to reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes.

H.R. 556. An act to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter.

H.R. 1035. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

H.R. 1293. An act to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services.

H.R. 1803. An act to amend the Small Business Act to establish a Veterans Business Center program, and for other purposes.

H.R. 1807. An act to provide distance learning to potential and existing entrepreneurs, and for other purposes.

H.R. 3325. An act to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

H.J. Res. 44. Joint Resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

At 2:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following act, without amendment:

S. 1513. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, aad referred as indicated:

H.R. 509. An act to reauthorize the Marine Turtle Conservation Act of 2004, and for other purposes; to the Committee on Environment and Public Works.

H.R. 556. An act to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Commerce, Science, and Transportation.

H.R. 1293. An act to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services; to the Committee on Veterans' Affairs.

H.R. 1803. An act to amend the Small Business Act to establish a Veterans Business Center program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 1807. An act to provide distance learning to potential and existing entrepreneurs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 3325. An act to amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program; to the Committee on Finance.

H.J. Res. 44. Joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army; to the Committee on Armed Services.

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–2505. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Israel for equipment installation and support services related to the Digital Army Program on behalf of the Israeli Ministry of Defense in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–2506. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Turkey to perform maintenance and service of F110-GE-100 and F110-GE-129 aircraft engines installed on Turkish Air Force F-16 in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2507. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of an application for a license for the export of technical data, defense services, and defense articles to Australia for future commercial activities related to the IS-22 Commercial Communications Satellite and its associated ground network in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2508. 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 manufacturing license agreement to include the export of technical data, defense services, and defense articles to Germany for the manufacture of chemical defense fabrics; to the Committee on Foreign Relations.

EC–2509. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Small Business Regulatory Enforcement Fairness ACT of 1996, a report concerning an amendment to Part 123 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–2510. 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 manufacturing license agreement for the export of defense articles, including technical data, defense services, and hardware for the manufacture of the AN/GPA-124 IFF Coder/Decoder and the AN/GPM-64 Test Set for Japan; to the Committee on Foreign Relations.

EC–2511. 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 manufacturing license agreement for the export of defense articles, including technical data, defense services, and hardware to support the manufacture, modernization, upgrade, and overhaul of the M113 Family of Vehicles in Turkey in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2512. 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 manufacturing license agreement for the export of defense articles, including technical data, defense services, and hardware for the manufacture of Mk 46 Torpedo assemblies and components for Japan in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2513. 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, defense services, and hardware to Singapore, and the United Kingdom to support the manufacture of display monitors, display assembly kits, and display unit subassemblies for Raytheon Company in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–2514. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0088—2009-0089); to the Committee on Foreign Relations.

EC–2515. A communication from the Assistant General Counsel of the Division of Regulatory Services, National Institute on Disability and Rehabilitation Research Projects and Centers Program, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Rehabilitation Research and Training Centers'' (CFDA No. 84.133B) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–2516. A communication from the Secretary of the Department of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2008 Performance Report to Congress; to the Committee on Health, Education, Labor, and Pensions.

EC–2517. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Letter Report: Sufficiency Certification for the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–2518. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-137, ''Boys and Girls Club of Greater Washington Property Acquisition Temporary Act of 2009'' received in the Office of the President of the Senate on July 27, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2519. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-139, ''Closing of a Paper Alley in Square 5401, S.O. 07–121, Act of 2009'' received in the Office of the President of the Senate on July 27, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2520. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Annual Privacy Activity Report for 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–2521. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–138, ''Commission on Uniform State Laws Appointment Authorization Temporary Act of 2009'' received in the Office of the President of the Senate on July 27, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2522. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No. FEMA–2008–0020)) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2523. 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 ''Notice on Treatment of Fails Charges for Purposes of Sections 871, 881, 1441, and 1442'' (Notice 2009–61) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Finance.

EC–2524. 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 ''Certain Cost-Sharing Payments; Forest Health Protection Program'' (Rev. Rul. 2009–23) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Finance.

EC–2525. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Elimination of Requirements for Prior Signature Consent and Pre- and Post Test Counseling for HIV Testing'' (RIN2900–AN20) received in the Office of the President of the Senate on July 28, 2009; to the Committee on Veterans' Affairs.

EC–2526. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, the report of a nomination in the position of Director of the Peace Corps, received in the Office of the President of the Senate on July 28, 2009; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1533. An original bill to provide an extension of public transportation programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Rept. No. 111–61).

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2010'' (Rept. No. 111–62).

By Mr. BAUCUS, from the Committee on Finance:

Report to accompany S.J. Res. 17, A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (Rept. No. 111–63).

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 Lt. Gen. Gary L. North, to be General.

Air Force nomination of Maj. Gen. Frank Gorenc, to be Lieutenant General.

Air Force nomination of Brig. Gen. Ronnie D. Hawkins, Jr., to be Major General.

Air Force nomination of Lt. Gen. Philip M. Breedlove, to be Lieutenant General.

Air Force nomination of Lt. Gen. Raymond E. Johns, Jr., to be General.

Air Force nomination of Colonel Howard B. Baker, to be Brigadier General.

Air Force nomination of Brigadier General Noel T. Jones, to be Major General.

Air Force nomination of Col. Bart O. Iddins, to be Brigadier General.

Army nominations beginning with Col. Thomas E. Ayres and ending with Col. John W. Miller II, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nomination of Brig. Gen. Dana K. Chipman, to be Lieutenant General.

Army nomination of Col. Daniel L. York, to be Brigadier General.

Army nomination of Col. Charlotte L. Miller, to be Brigadier General.

Army nomination of Maj. Gen. John E. Sterling, Jr., to be Lieutenant General.

Army nomination of Maj. Gen. Purl K. Keen, to be Lieutenant General.

Army nomination of Lt. Gen. Lloyd J. Austin III, to be Lieutenant General.

Army nomination of Lt. Gen. Kenneth W. Hunzeker, to be Lieutenant General.

Army nomination of Maj. Gen. Robert P. Lennox, to be Lieutenant General.

Army nomination of Brig. Gen. Clyde J. Tate II, to be Major General.

Army nomination of Lt. Gen. Ricky Lynch, to be Lieutenant General.

Army nomination of Maj. Gen. Michael D. Barbero, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Willie J. Williams, to be Lieutenant General.

Marine Corps nomination of Gen. James E. Cartwright, to be General.

Navy nominations beginning with Capt. Randolph L. Mahr and ending with Capt. Timothy S. Matthews, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nominations beginning with Capt. Gretchen S. Herbert and ending with Capt. Diane E. H. Webber, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nominations beginning with Capt. Paul B. Becker and ending with Capt. Elizabeth L. Train, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nominations beginning with Capt. Dennis J. Moynihan and endingwith Capt. Harold E. Pittman, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nominations beginning with Capt. Richard D. Berkey and ending with Capt. David H. Lewis, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Navy nomination of Capt. Nanette M. Derenzi, to be Rear Admiral.

Navy nomination of Rear Adm. James W. Houck, to be Vice Admiral.

Navy nomination of Adm. Robert F. Willard, to be Admiral.

Navy nomination of Capt. Clinton F. Faison III, to be Rear Admiral (lower half).

Navy nomination of Capt. Eleanor V. Valentin, to be Rear Admiral (lower half).

Navy nominations beginning with Rear Adm. (lh) Mark A. Handley and ending with Rear Adm. (lh) Christopher J. Mossey, which nominations were received by the Senate and appeared in the Congressional Record onFebruary 9, 2009.

Navy nominations beginning with Captain Richard P. Breckenridge andending with Captain David B. Woods, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2009.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS 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 nominations beginning with John M. Wightman and ending with Shannon L. Mccamey, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Air Force nominations beginning with Michelle Bongiovi and ending with Jennifer A. Korkosz, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Air Force nominations beginning with Scott M. Baker and ending with Dee A. Weed, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Air Force nomination of Ira S. Eadie, to be Major.

Air Force nomination of James C. Ewald, to be Lieutenant Colonel.

Air Force nomination of Jacqueline A. Nave, to be Colonel.

Air Force nominations beginning with Jesus Clemente and ending with Lynn G. Norton, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Air Force nomination of Brandon T. Grover, to be Major.

Air Force nomination of Stephen H. Montaldi, to be Major.

Air Force nominations beginning with Antonio J. Alfonso and ending with Sina M. Ziemak, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nominations beginning with Ebon S. Alley and ending with Richard Y. K. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nominations beginning with Elise A. Ahlswede and ending with Deedra L. Zabokrtsky, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nominations beginning with Raan R. Aalgaard and ending with Gregory S. Zehner, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 2009.

Air Force nomination of David A. MacGregor, to be Major.

Army nomination of Michael L. Steinberg, to be Lieutenant Colonel.

Army nomination of Paul W. Maetzold, to be Major.

Army nominations beginning with Sheryl L. Dacy and ending with James M. Leith, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nominations beginning with James R. Finley and ending with Craig M. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nominations beginning with Oscar T. Arauco and ending with D070807, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nominations beginning with Dennis K. Bennett and ending with Jose M. Vargas, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nominations beginning with Ernest T. Forrest and ending with Walton D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2009.

Army nomination of Philip M. Chandler, to be Colonel.

Army nomination of Alan K. Ueoka, to be Lieutenant Colonel.

Army nomination of Martin W. Kinnison, to be Major.

Army nomination of Brian G. Donahue, to be Major.

Army nominations beginning with Robert L. Doran and ending with Sheba L. Waterford, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Army nominations beginning with John A. Aardappel and ending with D071039, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Army nominations beginning with Clara H. Abraham and ending with X1381, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Army nominations beginning with Allen D. Acosta and ending with D060270, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Army nomination of Scott A. Neusre, to be Major.

Army nomination of Jennifer M. Cradier, to be Major.

Army nomination of Carol Haertleinsells, to be Major.

Army nominations beginning with Michale L. Boothe and ending with Murray M. Reefer, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Paul E. Habener and ending with Marc A. Silverstein, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Denise K. Askew and ending with Martha M. Oner, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Laura Nihan and ending with James M. Rogers, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Samuel A. Frazer and ending with Vincent D. Zahnle, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Alaine C. Encabo and ending with Scott C. Sharp, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Kris R. Poppe and ending with Casey P. Nix, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Anne B. Warwick and ending with Rod W. Callicott, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Michael F. Boyek and ending with Gerald S. Maxwell, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Wesley L. Girvin and ending with Anthony W. Parker, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nominations beginning with Luis Diaz and ending with Mark J. Sauer, which nominations were received by the Senate and appeared in the Congressional Record on June 24, 2009.

Army nomination of Charles R. Whitsett, to be Lieutenant Colonel.

Army nomination of Dallas A. Wingate, to be Colonel.

Army nominations beginning with Holmes C. Aita and ending with Ryan J. Wang, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Army nominations beginning with Jayson D. Aydelotte and ending with D070684, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Army nomination of Nathaniel Johnson, Jr., to be Colonel.

Army nominations beginning with Jason E. Johnson and ending with Cary A. Shillcutt, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Richard P. Adams and ending with Michael J. Stewart, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Kirsten M. Anke and ending with Rebecca A. Yurek, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Mary C. Adamschallenger and ending with David A. Wright, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Charles C. Dodd and ending with Daniel C. Wakefield, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Sheila R. Adams and ending with D060502, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Jeffrey M. Adcock and ending with Dentonio Worrell, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nominations beginning with Joel T. Abbott and ending with Thomas L. Zickgraf, which nominations were received by the Senate and appeared in the Congressional Record on July 15, 2009.

Army nomination of Jane B. Prather, to be Colonel.

Army nomination of Hunt W. Kerrigan, to be Colonel.

Army nominations beginning with Michele L. Hill and ending with William S. Like, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with Warren G. Thompson and ending with Frederick M. Karrer, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with Yvonne S. Breece and ending with Michael J. Ufford, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with Dana C. Allmond and ending with D070985, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with Tyrone C. Abero and ending with X001255, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Army nominations beginning with David S. Abrahams and ending with D060861, which nominations were received by the Senate and appeared in the Congressional Record on July 23, 2009.

Navy nominations beginning with Matthew J. Bellair and ending with Justin W. Westfall, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2009.

Navy nominations beginning with Stephen W. Paulette and ending with Alan E. Siegel, which nominations were received by the Senate and appeared in the Congressional Record on June 17, 2009.

Navy nomination of Johnson Ming-Yu Liu, to be Captain.

Navy nominations beginning with Roberto M. Abubo and ending with Vincent E. Smith, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Timothy A. Anderson and ending with Sean D. Robinson, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Jacob A. Baileydaystar and ending with Tony S. W. Park, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Brook Dewalt and ending with Wendy L. Snyder, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Sowon S. Ahn and ending with Scott D. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Jason B. Babcock and ending with Allisa M. Walker, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Byron V. T. Alexander and ending with Marcia L. Ziemba, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with John A. Blocker and ending with Jeffrey M. Vicario, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Angel Bellido and ending with Bret A. Washburn, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Lee G. Baird and ending with Daniel F. Youch, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Jerry L. Alexander, Jr. and ending with Maria T. Wilke, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Ryan D. Aaron and ending with David G. Zook, which nominations were received by the Senate and appeared in the Congressional Record on July 13, 2009.

Navy nominations beginning with Joseph P. Burns and ending with Brian Stranahan, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2009.

Navy nominations beginning with Eddie L. Nixon and ending with Dennis M. Weppner, which nominations were received by the Senate and appeared in the Congressional Record on July 22, 2009.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Wilma A. Lewis, of the Virgin Islands, to be an Assistant Secretary of the Interior.

*Richard G. Newell, of North Carolina, to be Administrator of the Energy Information Administration.

*Robert V. Abbey, of Nevada, to be Director of the Bureau of Land Management.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Samuel D. Hamilton, of Mississippi, to be Director of the United States Fish and Wildlife Service.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Tara Jeanne O'Toole, of Maryland, to be Under Secretary for Science and Technology, Department of Homeland Security.

*Christine M. Griffin, of Massachusetts, to be Deputy Director of the Office of Personnel Management.

*Stuart Gordon Nash, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear andtestify 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 Mr. REID (for himself, Mr. NELSON of Florida, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1530. A bill to prohibit an agency or department of the United States from establishing or implementing an internal policy that discourages or prohibits the selection of a resort or vacation destination as the location for a conference or event, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PRYOR:

S. 1531. A bill to amend title 38, United States Code, to establish within the Department of Veterans Affairs the position of Assistant Secretary for Acquisition, Logistics, and Construction, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself, Mr. BROWN, and Mr. SANDERS):

S. 1532. A bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 1533. An original bill to provide an extension of public transportation programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. REID (for Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CASEY, Mr. WEBB, Mr. SHELBY, and Mr. WARNER)):

S. 1534. A bill to complete construction of the 13-States Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself and Mr. CARDIN):

S. 1535. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mr. MENENDEZ, Mrs. HAGAN, and Ms. LANDRIEU):

S. 1536. A bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do

not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. HARKIN, and Mr. CONRAD):

S. 1537. A bill to authorize the Secretary of the Interior, acting through the Director of the National Park Service, to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Ms. CANTWELL, Mr. NELSON of Florida, and Mr. BEGICH):

S. 1538. A bill to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself and Mr. NELSON of Florida):

S. 1539. A bill to authorize the National Oceanic and Atmospheric Administration to establish a comprehensive greenhouse gas observation and analysis system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself and Mrs. HUTCHISON):

S. Res. 226. A resolution designating September 2009 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable contributions to the culture of the United States; to the Committee on the Judiciary.

By Mr. BROWN:

S. Res. 227. A resolution designating September 2009 as ''Tay-Sachs Awareness Month''; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself, Mr. KERRY, Mr. BROWNBACK, Mr. KENNEDY, Ms. COLLINS, Mr. CARPER, Mr. BUNNING, Ms. SNOWE, Mr. DODD, and Mr. SCHUMER):

S. Res. 228. A resolution designating the week beginning September 14, 2009, as ''National Direct Support Professionals Recognition Week''; considered and agreed to.

By Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. SESSIONS, Mr. SPECTER, Ms. STABENOW, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WICKER):

S. Res. 229. A resolution designating the week beginning August 30, 2009, as ''National Historically Black Colleges and Universities Week''; considered and agreed to.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 230. A resolution designating Richard A. Baker as Historian Emeritus of the United States Senate; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 259

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 370

At the request of Mr. INHOFE, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. ISAKSON), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Idaho (Mr. RISCH), the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Mr. VITTER), and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 370, a bill to prohibit the use of funds to transfer detainees of the United States at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or to construct any facility for such detainees in the United States, and for other purposes.

S. 446

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 446, a bill to permit the televising of Supreme Court proceedings.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Arkansas (Mrs. LINCOLN) 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. 621

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 621, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 685

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 685, a bill to require new vessels for carrying oil fuel to have double hulls, and for other purposes.

S. 694

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 717

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr.

BURRIS) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 827

At the request of Mr. ROCKEFELLER, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 850

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 908

At the request of Mr. BAYH, the names of the Senator from Utah (Mr. HATCH) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 928

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 928, a bill to enhance disclosures regarding the use of funds under the Troubled Asset Relief Program, and for other purposes.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1244

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1244, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers, to provide for a performance standard for breast pumps, and to provide tax incentives to encourage breastfeeding.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1505

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1505, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program, and for other purposes.

S. 1508

At the request of Mr. CARPER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1508, a bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

S. 1518

At the request of Mr. BURR, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. CON. RES. 36

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Con. Res. 36, a concurrent resolution supporting the goals and ideals of ''National Purple Heart Recognition Day''.

AMENDMENT NO. 1849

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 1849 intended to be proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1852

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 1852 proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1857

At the request of Mr. MENENDEZ, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 1857 intended to be proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1861

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1861 intended to be proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1862

At the request of Mr. KYL, his name was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. GREGG, his name was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, supra.

At the request of Mr. BURR, his name was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, supra.

At the request of Mr. ROBERTS, his name was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, supra.

At the request of Mr. ALEXANDER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 1862 proposed to H.R. 3183, supra.

AMENDMENT NO. 1863

At the request of Mr. ALEXANDER, the name of the Senator from Tennessee

(Mr. CORKER) was added as a cosponsor of amendment No. 1863 intended to be proposed to H.R. 3183, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. NELSON of Florida, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1530. A bill to prohibit an agency or department of the United States from establishing or implementing an internal policy that discourages or prohibits the selection of a resort or vacation destination as the location for a conference or event, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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. 1530

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 ''Protecting Resort Cities from Discrimination Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Tourism, including conventions and meetings, is an important part of the United States economy that generates billions of dollars in tax revenues for many localities.

(2) Analysts estimate that approximately 90 percent of employers in the travel industry are small businesses and more than 12 percent of United States employees are employed by the travel industry.

(3) Many local economies around the country have developed into destinations for vacationers and conventioneers alike, and those local economies depend on the travel industry to support local employment, create new jobs, and generate tax revenues for critical public services.

(4) These same destinations are home to large and small businesses that have unique skills, amenities, and resources for planning and facilitating meetings and conventions for all purposes and, consequently, may deliver value and convenience for individuals and organizations in need of a location for an official event.

(5) Locating an official event in such a city frequently may save taxpayer dollars, as compared to other locations.

(6) Agencies and departments of the United States have a responsibility to find ways to maximize taxpayer dollars in conducting official business, including planning and conducting official meetings attended by Federal employees.

(7) In deciding where to locate an official government meeting by applying this principle of maximizing taxpayer dollars, government officials often will conclude that many locations known as resort destinations also will provide the best value and convenience for official meetings and business.

(8) Resort and vacation destination cities tend to be affected disproportionally during economic downturns and, therefore, are especially vulnerable to discrimination by meeting and convention planners, which could exacerbate unemployment and related demands on United States taxpayers.

SEC. 3. LIMITATION ON CERTAIN TRAVEL AND CONFERENCES POLICIES OF AGENCIES OF THE UNITED STATES.

No agency or department of the United States may establish or implement an internal policy regarding travel, event, meeting, or conference locations that discourages or prohibits the selection of such a location because the location is perceived to be a resort or vacation destination.

By Mr. REID (for Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CASEY, Mr. WEBB, Mr. SHELBY, and Mr. WARNER)):

S. 1534. A bill to complete construction of the 13-States Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

Mr. BYRD. Mr. President, today I am introducing legislation to reauthorize the Appalachian Development Highway System. This network of highways and corridors, known as the ADHS, was designed to provide access to and from communities in Appalachia. The concept of the ADHS was born 45 years ago. It was, and is, an important promise made by the Federal Government to the people of my State and the rest of Appalachia. I thank the cosponsors of my bill: Senators ROCKEFELLER, CASEY, and WEBB, and I look forward to working with Environment and Public Works Committee Chairwoman BOXER to have my legislation included in the next highway reauthorization.

While serving in the House of Representatives, I cast my vote in favor of establishing the Interstate Highway System back in 1958. I have had a long history of advancing the cause of our Nation's highway systems and of emphasizing the immense economic and safety benefits that come with the improvement of all surface transportation.

The ADHS's inception was in 1964, when it was recognized by the first Appalachian Regional Commission that, while the Interstate Highway System would provide historic economic benefits to most of our Nation, the system was designed to bypass the Appalachian region. This was primarily due to the difficulties involved in building roads upon Appalachia's beautiful, but very rugged topography. Absent the Appalachian Development Highway System, my State, as well as the whole of the Appalachian region, would have been left solely with a transportation infrastructure of dangerous, narrow, winding roads which follow the paths of river valleys and stream beds, winding around mountains and hills. Thus, the limited access to these regions has tended to stifle economic opportunities for countless communities—a problem that still exists all these years later.

In addition to the Federal Government's responsibility to keep the promise made decades ago to the people of Appalachia, new benefits—benefits to the entire Nation—have evolved because of the ADHS. In a recent economic analysis conducted by the Appalachian Regional Commission, the study found that completion of the ADHS will result in significant reductions in travel time for personal, business, and long-distance freight trips. By 2020, the aggregate savings in travel time is estimated to be over 67 million hours, 240,000 hours daily of travel time saved, and grow to almost 180 million hours of reduced travel time by 2035.

ADHS corridor improvements will produce significant monetized travel benefits to individuals and businesses both within and outside the ARC region. Total user benefits—travel time, fuel and non-fuel operating costs, and safety—are estimated to be $1.3 billion in 2020, the year of system completion, and grow to $4.3 billion by 2035. Over half the benefit is expected to accrue to business-related travel—commodity-based truck flows, local nonfreight truck trips, and on-the-clock auto trips.

The reason for the existence of the Appalachian Development Highway System is no less valid today than when it was established in 1964. The benefits of completion of the ADHS are twofold: continue to make inroads into isolated communities, and address and alleviate an already overly burdened Interstate Highway System.

Unfortunately, there are still children in Appalachia who lack decent transportation routes to local schools. There are thousands upon thousands of people who cannot obtain sustainable, well-paying jobs because of poor transportation access to major employment centers. Some of the most beautiful places in the country are in Appalachia, but for tourism to thrive, Americans must be able to actually get to these beautiful destinations.

It is time for this Congress, in concert with the administration, to take the last great leap forward and to authorize sufficient contract authority to finally complete the Appalachian Development Highway System. The legislation I am introducing today will provide sufficient contract authority to complete the system, and the completion of the system will provide additional economic opportunities, safer modes of travel, and ease the strain on our current transportation infrastructure.

By Mrs. FEINSTEIN (for herself and Mr. CARDIN):

S. 1535. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to prevent the cruel and unsportsmanlike practice of hunting from airplanes.

This practice undermines the hunting principle of a fair chase and often leads to a slow and painful death for the hunted animals.

I firmly believe that slaughter must be the very last option when it comes

to wildlife management. Moreover, if slaughter must be carried out, it should be done in the most humane method possible.

In my opinion, allowing private citizens to hunt from airplanes runs contrary to this belief.

Specifically, the Protect America's Wildlife Act closes the loophole in current law that allows private citizens to hunt from aircraft. It limits airborne hunting to employees of state fish and wildlife agencies, the U.S. Department of Agriculture and the Department of the Interior.

It eliminates the practice of ''land-and-shoot'' hunting by prohibiting the chasing or exhausting of animals from an aircraft.

It provides an exception to allow airborne hunting during biological emergencies, which is defined as a case where a wildlife population's sustainability is significantly threatened by an excess of predators.

It also ensures that this exception only applies to when it is the only way to prevent a biological emergency, and limits the number of animals killed to a minimum.

Finally, it increases fines for violations of the Airborne Hunting Act from $5,000 to $50,000.

It does not preclude States or Federal agencies from carrying out responsible wildlife management programs.

Congress initially passed the Airborne Hunting Act of 1971 as a result of the public's reaction to film of this practice broadcast over television.

Currently, a loophole in the Airborne Hunting Act permits States to allow private citizens to engage in airborne hunting of wildlife—in most cases wolves and bears—under the guise of wildlife management.

It was clear in the 1970's, as it is now, that airborne hunting is inhumane and must be stopped.

In my opinion, aerial hunting methods are cruel and unnecessary for wildlife management—and undermine the principles of sportsmanship.

Since 2003, more than 1,000 wolves have been killed from the air in the State of Alaska. According to the animal welfare group the Defenders of Wildlife, more than 250 wolves have been shot dead during the current hunting season alone.

Aerial hunting is typically carried out in one of two ways:

In the first method, a hunter will shoot the wolf directly from the aircraft while flying overhead. This frequently wounds the wolf, leading to a slow, painful death.

In the second method, known as ''land-and-shoot,'' a hunter flying in an aircraft will chase the wolf until it is exhausted, land, and kill the animal from point-blank range.

So, I am introducing a bill today to close the airborne hunting loophole that allows it to continue.

This legislation would not impinge on legitimate hunting rights.

This bill does not prohibit the use of airplanes for transportation. A hunter would still be able to legally fly anywhere, anytime, and hunt as they otherwise would.

Further, all other legal methods of transportation or hunting may also continue: on foot, by snowmobile, by all-terrain vehicle, etc.

The State of Alaska, where airborne hunting is more prevalent, argues that wolf populations must be limited to support sustainable levels of moose and caribou.

The State continues to carry out airborne hunting by private citizens with authority from the State Department of Game, which argues that the moose and caribou populations must be increased.

It is estimated that the State's resident hunters alone contribute roughly $662 million annually to the economy. The hunting industry also sustains 10,000 jobs.

With this in mind, it is certainly not my intention to prevent Alaska, or any other state for that matter, from maintaining a robust hunting and tourism industry.

This is a balanced bill that will enable states to responsibly manage wildlife populations, while banning the most egregious cases of aerial hunting by civilians.

It limits the practice of airborne hunting to employees of State and Federal wildlife agencies without impinging on legitimate sport hunting practices.

It is also supported by former members of the Alaska Board of Game that agree this practice should be controlled.

I became concerned about inhumane wildlife management practices due to the slaughter of nonnative deer in my own State.

Beginning in the summer of 2007, the National Park Service began culling Axis and Fallow deer at Point Reyes National Seashore near San Francisco. This inhumane shooting resulted in a number of deer dying slow and painful deaths. Some were left to rot in the Park.

Hundreds of constituents from the Bay Area raised an outcry about this practice and I am pleased that the National Park Service has stopped slaughtering the deer.

In conclusion, this bill prohibits the cruel practice of aerial sport hunting, while safeguarding the rights of legitimate hunters and allowing States and the Federal Government to maintain responsible wildlife management.

I am certainly open to the suggestions of my colleagues who have ideas for improving this legislation and look forward to working with them to pass it quickly.

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. 1535

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 ''Protect America's Wildlife Act of 2009''.

SEC. 2. ADDITIONAL PROHIBITIONS.

Section 13(a) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j–1(a)) is amended—

(1) in paragraph (1), by striking ''or'' after the semicolon;

(2) in paragraph (2), by striking ''or'' after the semicolon;

(3) in paragraph (3), by adding ''or'' after the semicolon; and

(4) by inserting after paragraph (3) the following:

''(4) knowingly violates any regulation promulgated under this Act;''; and

(5) in the matter following paragraph (4) (as inserted by this section), by striking ''$5,000'' and inserting ''$50,000''.

SEC. 3. EXCEPTIONS TO PROHIBITIONS.

Section 13(b) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j–1(b)) is amended—

(1) in paragraph (1), by striking ''This section'' and inserting ''Subject to paragraph (3), this section'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''issues a permit referred to in'' and inserting ''authorizes an employee, agent, or person operating under a license or permit to take an action under'';

(B) in subparagraph (A), by striking ''to whom a permit was issued'' and inserting ''so authorized'';

(C) in subparagraph (B), by striking ''thereunder'';

(D) in subparagraph (C), by striking ''to whom a permit was issued''; and

(E) in subparagraph (D), by striking ''issuing the permit'' and inserting ''authorizing the action, including the scientific basis for actions identified in subsection (a) that are warranted to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops''; and

(3) by adding at the end the following:

''(3) ENHANCING THE PROPAGATION AND SURVIVAL OF WILDLIFE.—No person exempted under paragraph (1) may shoot, attempt to shoot, or harass any wolf, bear, or wolverine for the purpose of enhancing the propagation and survival of wildlife, including game populations, unless—

''(A) the head of the fish and wildlife agency of the State and, for game populations on land under the jurisdiction of the Department of the Interior, the Secretary of the Interior, or for game populations on land under the jurisdiction of the Department of Agriculture, the Secretary of Agriculture, determines, based on the best scientific data available, that—

''(i) a biological emergency is imminent; and

''(ii) all other practicable means to prevent the biological emergency, including stopping regulated takes of the declining population, have been implemented;

''(B) the action is carried out—

''(i) by an officer or employee of—

''(I) the fish and wildlife agency of the State; or

''(II)(aa) for game populations on land under the jurisdiction of the Department of the Interior, the Department of the Interior; or

''(bb) for game populations on land under the jurisdiction of the Department of Agriculture, the Department of Agriculture; and

''(ii) only in the specific geographical area in which the imminent biological emergency is located; and

''(C) the action results in the removal of not more than the minimum number of predators necessary to prevent the biological emergency.

''(4) EXCEPTION RELATING TO ACTIONS AUTHORIZED BY SECRETARY OF THE INTERIOR.—The Secretary of the Interior may authorize any action described in subsection (a)—

''(A) to prevent the extinction of a species that is listed as a threatened or endangered species under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)); and

''(B) if the Secretary of the Interior determines that there is no other means available to address the threat of extinction of the species described in subparagraph (A).''.

SEC. 4. DEFINITIONS.

Section 13 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742j–1) is amended by striking subsection (c) and inserting the following:

''(c) DEFINITIONS.—In this section:

''(1) AIRCRAFT.—The term 'aircraft' means any contrivance used for flight in the air.

''(2) BIOLOGICAL EMERGENCY.—The term 'biological emergency' means the likely extirpation or a significant and imminent threat to the sustainability of a wildlife population due to predation by wolves, bears, or wolverines, or any combination of those animals.

''(3) HARASS.—The term 'harass' means—

''(A) chasing or exhausting an animal; and

''(B) such other activities as are determined by the Secretary.''.

By Mr. ROCKEFELLER (for himself, Ms. CANTWELL, Mr. NELSON of Florida, and Mr. BEGICH):

S. 1538: A bill to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, as our Nation wrestles with the impacts of a changing climate, we need strong science to inform our decision-making. Today, I am introducing two bills to support that effort.

The first, the Black Carbon, S. 1538, and Other Aerosols Research Act, S. 1539, would direct research dollars towards improving our understanding of a major component of climate change—atmospheric aerosols. We need more information about how aerosols, including black carbon, impact climate change and how limiting their emissions will ultimately affect the rate of melting in the Arctic and overall climate change. Emerging research shows that black carbon and other aerosols have a major impact on global climate change. In fact, the effect of black carbon is thought to be second only to carbon dioxide. In order to reduce the impacts of aerosols on climate and air quality, we need to better understand their effects. Improved aerosols monitoring, measurements, and models are therefore necessary to improve our response to climate change. This legislation would authorize a program within the National Oceanic and Atmospheric Administration to observe, monitor, and model black carbon and other aerosols to better understand the roles of black carbon and other aerosols in climate change.

Identifying and quantifying human and natural emissions of greenhouse gases are necessary to make informed decisions about emission reduction strategies. Effective policy to address climate change requires monitoring and validation of emissions from specific sources and projects. Given the investments required to meet the challenge of greenhouse gas reductions, it is critical that efforts to reduce emissions be verifiable at local, regional, national, and international levels and consistent with evidence in the atmosphere. The second bill I am introducing today, the Greenhouse Gas Observing and Analysis System Act, would establish a robust monitoring and analysis program to provide more precise and verified estimates of the amount of greenhouse gases in the atmosphere. This would help us monitor the effectiveness of programs and policies designed to reduce emissions.

We need continued research investments to answer the ''hows,'' and the ''whys,'' regarding climate change. How are we going to be impacted? Why is our atmosphere and planet responding the way it is? We need sound answers to these questions to be agile and to adapt to the changes our globe is experiencing. These bills will help us answer these and many other questions.

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. 1538

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 ''Black Carbon and Other Aerosols Research Act of 2009''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to develop a monitoring and research plan—

(A) to identify natural and anthropogenic sources of black carbon and other aerosols and to monitor their atmospheric and deposited concentrations on both a temporal and a spatial scale;

(B) to measure, monitor, model, and assess black carbon and other aerosols in regard to their atmospheric concentrations and deposited forms—

(i) to establish how these substances impact regional- and global-scale climate change and air quality;

(ii) to determine their regional impacts, with a focus on the polar regions and other snow and ice covered areas; and

(iii) to estimate, in the United States and globally, spatial and temporal black carbon and other aerosol concentrations, and deposition trends in collaboration with the National Institute of Standards and Technology and other appropriate partners; and

(C) to develop models to assist policy makers and to increase understanding of—

(i) the transport and transformation of black carbon and other aerosols to improve knowledge of their distributions and climate-forcing properties; and

(ii) the individual and combined roles of black carbon and other aerosols on regional and global climate change on both a temporal and a spatial scale; and

(2) to establish a black carbon and other aerosols monitoring and research program within the National Oceanic and Atmospheric Administration.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) BLACK CARBON.—The term ''black carbon'' means the strongly light absorbing aerosol that—

(A) is composed of fine particles containing carbon produced by the incomplete combustion of fossil fuels, biofuel, and biomass and other activities;

(B) exists in both atmospheric and deposited forms; and

(C) is sometimes associated with impaired air quality and climate change.

(3) OTHER AEROSOLS.—The term ''other aerosols'' means the components of atmospheric aerosols, fine particles suspended in air, that contribute to climate-forcing and climate change, including inorganic, organic, dust, and carbonaceous substances, either separately or in combination.

SEC. 4. BLACK CARBON AND OTHER AEROSOLS MONITORING AND RESEARCH PLAN.

(a) IN GENERAL.—The Administrator shall develop an observation, monitoring, modeling, and research plan for black carbon and other aerosols that includes—

(1) analysis of gaps in scientific methods and research on—

(A) black carbon and other aerosols; and

(B) the effect of black carbon, both singly and in combination with other factors, on climate change and air quality on both a regional and a global scale; and

(2) identification of priorities for Federal research on black carbon and other aerosols necessary to understand their role in climate change and air quality on both a regional and a global scale;

(3) a framework for modeling—

(A) the temporal and spatial effects of black carbon and other aerosols on climate, both singly and in combination, on regional and global scales and processes;

(B) the transportation and transformation of black carbon and other aerosols to gain insight into their distribution and climate-forcing properties; and

(C) the influence of black carbon on clouds and cloud particles to understand and quantify their role in large-scale circulation and the hydrologic cycle;

(4) appropriate methods that—

(A) identify sources of black carbon and other aerosols, both anthropogenic and naturally occurring, and

(B) measure, monitor, and increase understanding of the atmospheric concentrations and properties as well as the deposited forms, on both a temporal and a spatial scale;

(5) a comparative evaluation of the global and regional climate-forcing properties of black carbon and other aerosols and their effect on regional and global climate change and the loss of Arctic sea ice; and

(6) observation systems, needs, and assets necessary to develop and implement a black carbon and other aerosols monitoring and research program within the National Oceanic and Atmospheric Administration.

(b) ADVISORY PANEL.—The Administrator shall establish a Black Carbon and Other Aerosols Advisory Panel to assist in the development and implementation of the plan.

(c) REPORT.—No later than 270 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology describing the plan required by subsection (a).

SEC. 5. BLACK CARBON AND OTHER AEROSOLS RESEARCH AND MONITORING PROGRAM.

(a) IN GENERAL.—The Administrator shall establish and maintain a black carbon and other aerosols monitoring and research program that combines observations, research, monitoring, modeling, and other activities within the National Oceanic and Atmospheric Administration, consistent with the plan required by section 4(a), that includes—

(1) coordinated monitoring and research activities to improve understanding of the sources, atmospheric concentrations, deposited forms, and interactions among black carbon and other aerosols that influence their contribution to climate change processes on both a regional and a global scale;

(2) strategic modeling activities that improve understanding of—

(A) the transportation and transformation of aerosols, to improve knowledge of their distributions and climate-forcing properties; and

(B) the separate and combined roles of black carbon and other aerosols in regional and global climate change and air quality, on regional, global and temporal scales, to improve understanding of these substances and their roles in climate change;

(3) educational opportunities that—

(A) encourage an interdisciplinary and international approach to exploring the associated sources and impacts of black carbon and other aerosols; and

(B) increase interactions between the measurement and modeling communities in order to optimize use of available data;

(4) public outreach activities that improve understanding of the current scientific knowledge of black carbon and other aerosols and their impact on climate change;

(5) coordination of black carbon and other aerosols monitoring research with the National Institute of Standards and Technology and other appropriate international and national government agencies, private entities, and others; and

(6) an assessment of the role black carbon and other aerosols have in regional and global climate change and air quality.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish a grant program to provide grants for critical research and projects that improve the ability to measure, monitor, model, and assess black carbon and other aerosols with respect to their atmospheric concentrations and deposited forms, including research that supports means of reducing the impacts of black carbon and other aerosols on climate.

(2) CONSULTATION WITH PANEL.—The Administrator shall consult with the Black Carbon and Other Aerosols Advisory Panel, and shall work cooperatively with the National Institute of Standards and Technology and other Federal agencies, to establish criteria for such research and projects.

(3) PARTICIPATION BY FEDERAL AGENCIES.—Federal agencies may collaborate with, and participate in, such research and projects to the extent requested by the grant recipient.

(4) AWARD PROCESS.—Grants under this subsection shall be awarded extramurally through a competitive peer-reviewed, merit-based process that may be conducted jointly with other Federal agencies working on black carbon and aerosols and their role in and relationship to climate change.

(c) COORDINATION WITH OTHER AGENCIES.—The Administrator shall coordinate development of the plan under section 4 and the monitoring and research program under subsection (a) of this section with the National Institute of Standards and Technology and other relevant Federal agencies.

(d) ADDITIONAL AUTHORITY.—In conducting the program, the Administrator may execute and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act on such terms as the Administrator considers appropriate.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator for each of fiscal years 2010 through 2015—

(1) $10,000,000 for grants under section 5(b); and

(2) $10,000,000 for the National Oceanic and Atmospheric Administration to carry out the other provisions of this Act.

By Mr. ROCKEFELLER (for himself and Mr. NELSON, of Florida):

S. 1539. A bill to authorize the National Oceanic and Atmospheric Administration to establish a comprehensive greenhouse gas observation and analysis system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. 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. 1539

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 ''Greenhouse Gas Observation and Analysis System Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish a comprehensive national greenhouse gas observation and analysis system to support verification of greenhouse gas emissions;

(2) to establish a baseline characterizing the influence of current and past greenhouse gas emissions on atmospheric composition; and

(3) to provide a scientifically-robust record of atmospheric greenhouse gas concentrations.

SEC. 3. ESTABLISHMENT OF GREENHOUSE GAS OBSERVATION AND ANALYSIS SYSTEM.

(a) IN GENERAL.—The Administrator shall establish a greenhouse gas observation and analysis system that will offer the resolution and widespread coverage required to verify reduction and mitigation of greenhouse gases. In establishing the system, the Administrator shall coordinate with the Department of Commerce's National Institute of Standards and Technology, the National Aeronautics and Space Administration, the National Science Foundation, the Department of Energy, the Department of Agriculture, and the United States Geological Survey.

(b) SYSTEM COMPONENTS.—The system—

(1) shall be an operational and scientifically-robust greenhouse gas observation and analysis system that includes local and regional ground-based observations, space-based observations, carbon-cycle modeling, greenhouse gas inventories, meta-analysis, and extensive data integration and distribution to provide quantitative information about sources, sinks, and fluxes of greenhouse gases at relevant temporal and spatial scales; and

(2) shall be capable of—

(A) differentiating between source and sink exchanges;

(B) identifying types of emissions (fossil-fuel and non-fossil fuel sources); and

(C) tracking agricultural and other sinks; and

(3) shall include—

(A) sustained ground, sea, and air-based measurements;

(B) sustained space-based observations;

(C) measurements of tracer, including isotopes and non-carbon dioxide gases;

(D) carbon cycle monitoring;

(E) carbon cycle modeling;

(F) traceability to the International System of Units; and

(G) data assimilation and analysis.

(c) COORDINATION.—The Administrator shall, to the extent appropriate—

(1) facilitate coordination of—

(A) observations and modeling;

(B) data and information management systems, including archive and access; and

(C) the development and transfer of technologies to facilitate the evaluation of greenhouse gas emission reductions, offsets, and other mitigation strategies;

(2) coordinate with the National Institute of Standards and Technology to make sure that the greenhouse gas observation and analysis system is based upon quantitative measurements traceable to international standards; and

(3) coordinate with other Federal agencies and international organizations and agencies involved in international or domestic programs.

SEC. 4. SYSTEM PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall, in coordination with the agencies described in section 3, develop and submit a plan for an integrated and comprehensive greenhouse gas observation and analysis system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe current national and international greenhouse gas observation networks, modeling, and data analysis efforts;

(2) contain an inventory of agency data relevant to greenhouse gases;

(3) assess gaps, conflicts, and opportunities with respect to the matters described in paragraphs (1) and (2);

(4) establish priorities, define agency roles, and make recommendations on necessary capacity and capabilities for—

(A) ground, sea, air-based measurements;

(B) sustained space-based observations;

(C) measurements of tracer, including isotopes and non-carbon dioxide gases;

(D) carbon cycle monitoring;

(E) carbon cycle modeling;

(F) measurement traceability and comparability;

(G) data assimilation and analysis; and

(H) data archive management and data access; and

(5) establish and define mechanisms for ensuring continuity of domestic and international greenhouse gas measurements, and contribute to international efforts to build and operate a global greenhouse gas information system, in coordination with the World Meteorological Organization and other international organizations and agencies, as appropriate.

SEC. 5. REPORTS.

The Administrator shall, not less than every 4 years after the date of enactment of this Act and in coordination with the agencies described in section 3, submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology that includes—

(1) an analysis of the progress made toward achieving the goals and objectives of the plan outlined in section 4;

(2) an evaluation of the effectiveness of the system;

(3) recommendations concerning modifications to the system;

(4) an analysis of the consistency of reported greenhouse gas emission reductions with independent observations of atmospheric and Earth-system trends; and

(5) an update on changes or trends in Earth-system sources and sinks of greenhouse gases.

SEC. 6. AGREEMENTS.

(a) IN GENERAL.—The Administrator may enter into and perform such contracts, leases, grants, cooperative agreements, or other agreements as may be necessary to carry out the purposes of this Act.

(b) SPECIFIC AUTHORITY.—Notwithstanding any other provision of law, the Administrator may—

(1) enter into long-term leases of up to 20 years for the use of unimproved land to site small shelter facilities, antennae, and equipment including weather, tide, tidal currents, river, and air sampling or measuring equipment;

(2) enter into long-term licenses of up to 20 years at no cost to site facilities and equipment including weather, tide, tidal currents, river, and air sampling or measuring equipment;

(3) acquire (by purchase, lease, or otherwise), lease, sell, and dispose of or convey services, money, securities, or property (whether real, personal, intellectual, or of any other kind) or an interest therein;

(4) construct, improve, repair, operate, maintain, outgrant, and dispose of real or personal property, including buildings, facilities, and land; and

(5) waive capital lease scoring requirements for any lease of space on commercial antennas to support weather radio equipment, air sampling, or measuring equipment.

(c) CERTAIN LEASED EQUIPMENT.—Notwithstanding any other provision of law, rule, or regulation, leases of antenna or equipment on towers or other structures shall be considered operating leases for the purpose of capital lease scoring.

SEC. 7. EFFECT ON OTHER LAWS.

Nothing in this Act shall be construed to supersede or alter the existing authorities of any Federal agency with respect to Earth science research or greenhouse gas mitigation.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) EARTH-SYSTEM.—The term ''Earth-system'' means the Earth's biosphere, including the ocean, atmosphere, and soils that influence the amounts of greenhouse gas in the atmosphere.

(3) GREENHOUSE GAS.—The term ''greenhouse gas'' means a gas in the atmosphere that increases the radiative forcing of the Earth-atmosphere system.

(4) INTERNATIONAL SYSTEM OF UNITS.—The term ''International System of Units'' means the modern metric system of units established in 1960 by the 11th General Conference on Weight and Measures.

(5) RADIATIVE FORCING.—The term ''radiative forcing'' means the measure of the influence that a substance or process has in altering the balance of incoming and outgoing energy in the Earth-system.

(6) SINK.—The term ''sink'' means the removal of a greenhouse gas from the atmosphere.

(7) SOURCE.—The term ''source'' means the emission of a greenhouse gas into the atmosphere.

(8) SYSTEM.—The term ''system'' means the national greenhouse gas observation and analysis system established under section 3.

(9) TRACER.—The term ''tracer'' means an atmospheric substance that can be used to assess or determine the origin of a greenhouse gas.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce such sums as appropriate to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 226—DESIGNATING SEPTEMBER 2009 AS ''GOSPEL MUSIC HERITAGE MONTH'' AND HONORING GOSPEL MUSIC FOR ITS VALUABLE CONTRIBUTIONS TO THE CULTURE OF THE UNITED STATES

Mrs. LINCOLN (for herself and Mrs. HUTCHISON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 226

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as ''Gospel Music Heritage Month''; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

SENATE RESOLUTION 227—DESIGNATING SEPTEMBER 2009 AS ''TAY-SACHS AWARENESS MONTH''

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 227

Whereas Tay-Sachs disease is a rare, genetic disorder that causes destruction of nerve cells in the brain and spinal cord due to the poor functioning of an enzyme called hexosaminidase A;

Whereas there is no proven treatment or cure for Tay-Sachs disease and the disease is always fatal in children;

Whereas the disorder was named after Warren Tay, an ophthalmologist from the United Kingdom, and Bernard Sachs, a neurologist from the United States, both of whom contributed to the discovery of the disease in the 1880s;

Whereas Tay-Sachs disease often affects families with no prior history of the disease;

Whereas approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, 1 in 50 Irish Americans, and 1 in every 250 people are carriers of Tay-Sachs disease, which means approximately 1,500,000 people in the United States are carriers;

Whereas unaffected carriers of the disease possess the recessive gene that can trigger the disease in future generations;

Whereas, if both parents of a child are carriers of Tay-Sachs disease, there is a 1 in 4 chance that the child will develop Tay-Sachs disease;

Whereas a simple and inexpensive blood test can determine if an individual is a carrier of Tay-Sachs disease, and all people in the United States, especially those people who are members of high-risk populations, should be screened; and

Whereas raising awareness of Tay-Sachs disease is the best way to fight this horrific disease: Now, therefore, be it

Resolved, That the Senate designates September 2009 as ''Tay-Sachs Awareness Month''.

SENATE RESOLUTION 228—DESIGNATING THE WEEK BEGINNING SEPTEMBER 14, 2009, AS ''NATIONAL DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK''

Mr. NELSON of Nebraska (for himself, Mr. KERRY, Mr. BROWNBACK, Mr. KENNEDY, Ms. COLLINS, Mr. CARPER, Mr. BUNNING, Ms. SNOWE, Mr. DODD, and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 228

Whereas direct support workers, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals (referred to in this preamble as ''direct support professionals'') are the primary providers of publicly funded long term support and services for millions of individuals;

Whereas a direct support professional must build a close, trusted relationship with an individual with disabilities;

Whereas a direct support professional assists an individual with disabilities with the most intimate needs, on a daily basis;

Whereas direct support professionals provide a broad range of support, including—

(1) preparation of meals;

(2) helping with medications;

(3) bathing;

(4) dressing;

(5) mobility;

(6) getting to school, work, religious, and recreational activities; and

(7) general daily affairs;

Whereas a direct support professional provides essential support to help keep an individual with disabilities connected to the family and community of the individual;

Whereas direct support professionals enable individuals with disabilities to live meaningful, productive lives;

Whereas direct support professionals are the key to allowing an individual with disabilities to live successfully in the community of the individual, and to avoid more costly institutional care;

Whereas the majority of direct support professionals are female, and many are the sole breadwinners of their families;

Whereas direct support professionals work and pay taxes, but many remain impoverished and are eligible for the same Federal and State public assistance programs on which the individuals with disabilities served by the direct support professionals must depend;

Whereas Federal and State policies, as well as the Supreme Court, in Olmstead v. L.C., 527 U.S. 581 (1999), assert the right of an individual to live in the home and community of the individual;

Whereas, in 2008, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase over the next decade;

Whereas there is a documented critical and growing shortage of direct support professionals in every community throughout the United States; and

Whereas many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of support to individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 14, 2009, as ''National Direct Support Professionals Recognition Week'';

(2) recognizes the dedication and vital role of direct support professionals in enhancing the lives of individuals with disabilities of all ages;

(3) appreciates the contribution of direct support professionals in supporting the needs that reach beyond the capacities of millions of families in the United States;

(4) commends direct support professionals as integral in supporting the long-term support and services system of the United States; and

(5) finds that the successful implementation of the public policies of the United States depends on the dedication of direct support professionals.

SENATE RESOLUTION 229—DESIGNATING THE WEEK BEGINNING AUGUST 30, 2009, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Mr. CARDIN, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. SESSIONS, Mr. SPECTER, Ms. STABENOW, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning August 30, 2009, as ''National Historically Black Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

SENATE RESOLUTION 230—DESIGNATING RICHARD A. BAKER AS HISTORIAN EMERITUS OF THE UNITED STATES SENATE

Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 230

Whereas, Richard A. Baker will retire from the United States Senate after serving with distinction as the Senate's first historian from 1975 to 2009, and as acting curator from 1969 to 1970;

Whereas, Richard A. Baker has dedicated his Senate service to preserving, protecting, and promoting the history of the Senate and its members;

Whereas, Richard A. Baker has produced or directed production of numerous books, articles, and pamphlets detailing the rich institutional history of the Senate;

Whereas, Richard A. Baker has worked with senators and Senate committees to archive their records and to make them available for scholarly research in a timely manner;

Whereas, Richard A. Baker has assisted in the Senate's commemoration of events of historical significance and in the development of exhibitions and educational programs on the history of the Senate and the U.S. Capitol;

Whereas, Richard A. Baker has upheld the high standards and traditions of the Senate with abiding devotion, and has performed his Senate duties in an impartial and professional manner;

Whereas Richard A. Baker has earned the respect, affection, and esteem of the United States Senate: Now, therefore, be it

Resolved, That, effective September 1, 2009, as a token of the appreciation of the Senate for his long and faithful service, Richard A. Baker is hereby designated as Historian Emeritus of the United States Senate.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1865. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

SA 1866. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1867. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1868. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1869. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1870. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1871. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1872. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1873. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1874. Mr. NELSON, of Nebraska proposed an amendment to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1875. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes; which was ordered to lie on the table.

SA 1876. Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1877. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1878. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra.

SA 1879. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1880. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1881. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1882. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1883. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1884. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1885. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1886. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1887. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1888. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1889. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1890. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1891. Mr. KAUFMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1892. Mr. KYL (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1893. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1894. Mr. REID submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1895. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1896. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1897. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1898. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1899. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1900. Mr. MENENDEZ (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1901. Mr. NELSON, of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1902. Mr. NELSON, of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1903. Mr. SANDERS (for himself, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1904. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table.

SA 1905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3357, supra; which was ordered to lie on the table.

SA 1906. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3357, supra; which was ordered to lie on the table.

SA 1907. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3357, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1865. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT; CREATION OF MANAGEMENT AUTHORITY FOR AUTOMOBILE MANUFACTURERS ASSISTED UNDER TARP.

(a) AUTHORITY TO DESIGNATE MANAGEMENT.—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: ", and the Secretary may delegate such management authority to a private entity, as the Secretary determines appropriate, with respect to any entity assisted under this Act".

(b) FEDERAL ASSISTANCE LIMITED.—Notwith- standing any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, no funds may be expended under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or to carry out the Advanced Technology Vehicles Manufacturing Incentive Program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) on or after the date of enactment of this Act, until the Secretary of the Treasury transfers all voting, nonvoting, and common equity in any designated automobile manufacturer to a limited liability company established by the Secretary for such purpose, to be held and managed in trust on behalf of the United States tax- payers.

(c) APPOINTMENT OF TRUSTEES.—

(1) IN GENERAL.—The President shall appoint 3 independent trustees to manage the equity held in the trust, separate and apart from the United States Government.

(2) CRITERIA.—Trustees appointed under this subsection

(A) may not be elected or appointed Government officials;

(B) shall serve at the pleasure of the President, and may be removed for just cause in violation of their fiduciary responsibilities only; and (C) shall serve without compensation for their services under his section.

(d) DUTIES OF TRUST.—Pursuant to protecting the interests and investment of the United States taxpayer, the trust established under this section shall, with the purpose of maximizing the profitability of the designated automobile manufacturers

(1) exercise the voting rights of the shares of the taxpayer on all core governance issues;

(2) select the representation on the boards of directors of any designated automobile manufacturer; and

(3) have a fiduciary duty to the American taxpayer for the maximization of the return on the investment of the taxpayer made under the Emergency Economic Stabilization Act of 2008, in the same manner and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applications of State law.

(e) LIQUIDATION.—The trustees shall liquidate the trust established under this section, including the assets held by such trust, not later than December 24, 2011.

(f) DEFINITIONS.—As used in this section—

(1) the term "designated automobile manufacturer" means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90–day period preceding the date of enactment of this Act;

(2) the term "Secretary" means the Secretary of the Treasury or the designee of the Secretary; and (3) the terms "director", "issuer", "securities", and "securities laws" have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1866. Mr. CORKER submitted an amendment intended to be proposed by

him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REIMBURSEMENT OF AUTOMOBILE DISTRIBUTORS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds provided by the United States Government, or any agency, department, or subdivision thereof, to an automobile manufacturer or a distributor thereof as credit, loans, financing, advances, or by any other agreement in connection with such automobile manufacturer's or distributor's proceeding as a debtor under title 11, United States Code, shall be conditioned upon use of such funds to fully reimburse all dealers of such automobile manufacturer or manufacturer's distributor for—

(1) the cost incurred by such dealers in acquisition of all parts and inventory in the dealer's possession as of the date on which the proceeding under title 11, United States Code, by or against the automobile manufacturer or manufacturer's distributor is commenced, on the same basis as if the dealers were terminating pursuant to existing franchise agreements or dealer agreements; and

(2) all other obligations owed by such automobile manufacturer or manufacturer's distributor under any other agreement between the dealers and the automobile manufacturer or manufacturer's distributor, including, without limitation, franchise agreement or dealer agreements.

(b) INCLUSION IN TERMS.—Any note, security agreement, loan agreement, or other agreement between an automobile manufacturer or manufacturer's distributor and the Government (or any agency, department, or subdivision thereof) shall expressly provide for the use of such funds as required by this section. A bankruptcy court may not authorize the automobile manufacturer or manufacturer's distributor to obtain credit under section 364 of title 11, United States Code, unless the credit agreement or agreements expressly provided for the use of funds as required by this section.

(c) EFFECTIVENESS OF REJECTION.—Notwithstanding any other provision of law, any rejection by an automobile manufacturer or manufacturer's distributor that is a debtor in a proceeding under title 11, United States Code, of a franchise agreement, or dealer agreement pursuant to section 365 of that title, shall not be effective until at least 180 days after the date on which such rejection is otherwise approved by a bankruptcy court.

SA 1867. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 43, line 16, before the period, insert the following: ": *Provided further*, That, in administering amounts made available by prior Act for projects covered by title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.), the Secretary of Energy is required by that title to consider the taxable obligations of low-risk finance programs that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies eligible for loan guarantees authorized under sections 1703 and 1705 of that Act (42 U.S.C. 16513, 16516)".

SA 1868. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, add the following:

SEC. 3____. No funds made available under this Act may be used for the permitting of any liquefied natural gas terminal in the United States if the terminal could liquify and export natural gas from any source located in the United States.

SA 1869. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, add the following:

SEC. 3____. No funds made available under this Act may be used for the permitting of any liquefied natural gas terminal in the State of Oregon if the terminal could liquify and export natural gas from any source located in the United States.

SA 1870. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 117. Of amounts not obligated under title IV of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $22,067,000 shall be made available to the Chief of Engineers for the Indian River Lagoon-South Project, Florida.

SA 1871. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows;

On page 3, line 11, strike "$1,924,000,000" and insert "$1,946,067,000".

On page 5, line 8, strike "Project." and insert the following: "Project: *Provided further*, That $22,067,000 shall be made available for the Indian River Lagoon-South Project, Florida.".

SA 1872. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows;

On page 3, line 11, strike "$1,924,000,000" and insert "$1,946,067,000".

On page 5, line 8, strike "Project." and insert the following: "Project: *Provided further*, That $22,067,000 shall be made available for the Indian River Lagoon-South Project, Florida.".

On page 68, between lines 15 and 16, insert the following:

SEC. 503. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by the pro rata percentage required to reduce the total amount provided by this Act by $22,067,000.

SA 1873. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, Line 2, after "that", insert the following:

"$8,000,000 is provided for the National Wind Resource Center: *Provided further*, That"

SA 1874. Mr. NELSON of Nebraska proposed an amendment to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

In the appropriate place, insert the following:

SEC. ____. (a) The Senate finds that—

(1) the United States is facing a deep economic crisis that has caused millions of workers in the United States to lose their jobs;

(2) the collapse of the automotive industry in the United States would have dealt a devastating blow to an already perilous economy;

(3) on December 19, 2008, President George W. Bush stated: "The actions I'm announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination and bounce back from tough times and emerge stronger than before.";

(4) on March 30, 2009, President Barack Obama stated: "We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it's an emblem of the American spirit; a once and future symbol of America's success. It's what helped build the middle class and sustained it throughout the 20th century. It's a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It's a pillar of our economy that has held up the dreams of millions of our people. . . .These companies—

and this industry—must ultimately stand on their own, not as wards of the state.'';

(5) the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC in order to provide economic stability to the United States;

(6) the Federal Government should work to protect the investment of the taxpayers of the United States;

(7) the Federal Government should not intervene in the day-to-day management of General Motors or Chrysler; and

(8) the Federal Government should closely monitor General Motors and Chrysler to ensure that they are being responsible stewards of taxpayer dollars and are taking all practicable steps to expeditiously return to viability.

(b) It is the sense of the Senate that—

(1) the Federal government is only a temporary stakeholder in the automotive industry of the United States and should take all practicable steps to protect the taxpayer dollars of the United States and to divest the ownership interests of the Federal Government in automotive companies as expeditiously as practicable; and

(2) the Comptroller General of the United States, the Congressional Oversight Panel, and the Special Inspector General for the Troubled Assets Relief Program should continue to oversee and report to Congress on automotive companies receiving financial assistance so that the Federal Government may complete divestiture without delay.

SA 1875. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 685, to require new vessels for carrying oil fuel to have double hulls, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 13, insert ''and'' after the semicolon.

On page 24, strike lines 14 and 15.

On page 24, line 16, strike ''(D)'' and insert ''(C)''.

On page 33, line 7, insert closing quotation marks and a period after ''section.''.

On page 33, strike lines 8 through 10.

At the end of the bill add the following:

SEC. 11. ELIMINATION OF CERTAIN REPORTS.

(a) INCIDENT REPORTS OF COAST GUARD FIRING ON VESSELS WITHOUT WARNING.—Section 205(d) of the Coast Guard and Maritime Transportation Act of 2004 (14 U.S.C. 637 note) is repealed.

(b) BIANNUAL AREA SECURITY MARITIME EXERCISE PROGRAM REPORTS.—Notwithstanding the direction of the House of Representatives Committee on Appropriations on page 60 of Report 109–79 (109th Congress, 1st Session) under the headings ''UNITED STATES COAST GUARD OPERATING EXPENSES'' and ''AREA SECURITY MARITIME EXERCISE PROGRAM'', concerning the submission by the Coast Guard of reports to that Committee on the results of port security terrorism exercises, beginning with October, 2010, the Coast Guard shall submit only 1 such report each year.

SA 1876. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 1 and all that follows through page 6, line 10, and insert the following:

CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,926,000,000, to remain available until expended; of which $2,500,000 shall be made available for the Acequias Irrigation System, New Mexico; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Chief of Engineers is directed to use $18,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use $21,750,000 of funds available for the Marlinton, West Virginia Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and construct the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008: *Provided further*, That the Federal and non-Federal shares shall be determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986, as amended: *Provided further*, That the Chief of Engineers is directed to use $2,750,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use $4,000,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $340,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $10,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,448,000,000, to remain available until expended, of which $2,188,000 shall be made available for the Upper Rio Grande Water Operations Model Study, New Mexico; of which such sums as

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SA 1877. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 8, strike ''Project.'' and insert the following:

Project: *Provided further*, That $100,000 shall be made available for the Norfolk Harbor, Craney Island, Virginia, project: *Provided further*, That $900,000 shall be made available for the Norfolk Harbor and Channels (Deepening), Virginia, project.

SA 1878. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in an appropriations Act shall be posted on the public Website of that committee upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SA 1879. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 44, line 4, strike ''$293,684,000'' and insert ''$279,884,000''.

SA 1880. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not more than $20,000,000 of the funds made available by this Act may be used to carry out the Nuclear Power 21 demonstration program.

SA 1881. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to refurbish the Los Alamos Neutron Science Center.

SA 1882. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 11, strike ''$1,924,000,000'' and insert ''$1,680,000,000''.

SA 1883. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds made available in this Act may be used to carry out water and waste water environmental infrastructure projects.

SA 1884. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award the grant uses competitive procedures to select the grantee or award recipient.

SA 1885. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1___. BARRIER ISLAND RESTORATION; ECOSYSTEM RESTORATION.

The matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1875) is amended, in the second proviso, by striking ''the Mississippi Gulf Coast'' and inserting ''all barrier islands affected by Hurricane Katrina''.

SA 1886. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 7, before the period, insert the following: '': *Provided further*, That an additional $100,000,000 shall be used to make grants for energy efficiency improvement and energy sustainability under subsections (c) and (d) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1): *Provided further*, That the amount made available under the heading 'NUCLEAR ENERGY' shall be reduced by $100,000,000''.

SA 1887. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 8, before the period, insert the following: '': *Provided further*, That, of the amount appropriated in this paragraph, $25,000,000 shall be made available for the Clean Coal Power Initiative Round II''.

SA 1888. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1___. PROJECT FOR PERMANENT PUMPS AND CLOSURE STRUCTURES, LAKE PONTCHARTRAIN, LOUISIANA.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term ''project'' means the project for permanent pumps and closure structures at or near the lakefront at Lake Pontchartrain and modifications to the 17th Street, Orleans Avenue, and London Avenue canals in and near the city of New Orleans that is—

(A) authorized by the matter under the heading ''GENERAL PROJECTS'' in section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1279); and

(iii) the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2349).

(2) PUMPING STATION REPORT.—The term ''pumping station report'' means the report—

(A) prepared by the Secretary that contains the results of the investigation required under section 4303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 154); and

(B) dated August 30, 2007.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(b) STUDY.—

(1) IN GENERAL.—In implementing the project, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a study of the residual risks associated with the options identified as ''Option 1'', ''Option 2'', and ''Option 2a'', as described in the pumping station report.

(2) REQUIREMENTS.—In carrying out the study under paragraph (1), the Secretary shall identify which option described in that paragraph—

(A) is most technically advantageous;

(B) is most effective from an operational perspective in providing the greatest long-term reliability in reducing the risk of flooding to the New Orleans area; and

(C) would increase the overall drainage capacity of the region for all types of events.

(3) INDEPENDENT EXTERNAL PEER REVIEW.—

(A) DUTY OF SECRETARY.—In accordance with procedures established by the Chief of Engineers, the Secretary shall carry out an independent external peer review of—

(i) the results of the study under paragraph (1); and

(ii) each cost estimate completed for each option described in paragraph (1).

(B) REPORT.—

(i) IN GENERAL.—Not later than 90 days after the date of completion of the independent external peer review under subparagraph (A), in accordance with clause (ii), the Secretary shall submit a report to—

(I) the Committee on Environment and Public Works of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Transportation and Infrastructure of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(ii) CONTENTS.—The report described in clause (i) shall contain—

(I) the results of the study described in paragraph (1); and

(II) a description of the findings of the independent external peer review carried out under subparagraph (A).

(4) SUSPENSION OF CERTAIN ACTIVITIES.—The Secretary shall suspend each activity of the Secretary that would result in the design and construction of any pumping station covered by the pumping station report unless the activity is consistent with each option described in paragraph (1).

(5) FEASIBILITY REPORT.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains a feasibility level of analysis (including a cost estimate) for the project, as modified under this subsection.

(6) FUNDING.—In carrying out this subsection, the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in the matter under the heading ''FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454).

SA 1889. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1____. Section 1001(38) of the Water Resources Development Act of 2007 (121 Stat. 1055) is amended—

(1) by striking ''$44,500,000'' and inserting ''$65,000,000'';

(2) by striking ''$28,925,000'' and inserting ''$42,250,000''; and

(3) by striking ''$15,575,000'' and inserting ''$22,750,000''.

SA 1890. Mr. SPECTER (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1____. (a) The project for flood protection, Lackawanna River at Scranton, Pennsylvania, as authorized under section 101(17) of the Water Resources Development Act of 1992 (106 Stat. 4803; 110 Stat. 3672), is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to implement nonstructural flood control measures in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(b) The non-Federal sponsor for the project described in subsection (a) shall receive credit towards the share of the nonstructural project costs of the non-Federal sponsor for work carried out by the non-Federal sponsor, as described in the document entitled ''Federal Emergency Management Agency Mitigation Plan, Scranton, Pennsylvania'' and dated June 2009.

SA 1891. Mr. KAUFMAN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 5, line 8, strike ''Project.'' and insert the following:

Project: *Provided further*, That none of the funds made available by this Act may be used to carry out any portion of the Delaware River Main Channel Deepening Project identified in the committee report accompanying this Act that is located in the State of Delaware until the date on which the government of the State of Delaware issues an applicable project permit for the Delaware River Main Channel Deepening Project.

SA 1892. Mr. KYL (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 63, after line 23, insert the following:

SEC. 312. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act—

(1) is selling refined petroleum products valued at $1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at $1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any goods, services, or technology valued at $1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3) that person shall no longer be ineligible under this section.

SA 1893. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 17, between lines 16 and 17, insert the following:

SEC. 1____. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army shall reimburse the non-Federal Sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

SA 1894. Mr. REID submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 42, line 25, strike ''such funds.'' and insert the following:

such funds: *Provided further*, That, of the funds made available under this Act, $5,000,000 shall be made available to the Secretary of Energy to carry out the Blue Ribbon Commission on nuclear waste to consider alternative solutions for nuclear waste management and disposal.

SA 1895. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 63, after line 23, add the following:

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Energy to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.''

SA 1896. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 13 and 14, insert the following:

SEC. ____.

(a) Section 3405(a)(1)(M) of Public Law 102–575 (106 Stat. 4709) is amended by striking ''countries'' and inserting ''counties''.

(b) A transfer of water between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor, approved during a two-year period beginning

on the date of enactment of this Act shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405 (a)(1) of Public Law 102–575 (106 Stat. 4709) if the transfer under this clause (1) does not interfere with the San Joaquin River Restoration Settlement Act (Part I of subtitle A of title X of Public Law 111–11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement) and the Settlement (as defined in section 10003 of that Act), and (2) is completed by September 30, 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize and implement the applicable draft recovery plan for the Giant Garter Snake (Thamnophis gigas).

SA 1897. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water develpment and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, after line 16, add the following:

SEC. 503. AUTOMOBILE DEALER ECONOMIC RIGHTS RESTORATION.

(a) FINDINGS.—Congress finds the following:

(1) Automobile dealers are an asset to automobile manufacturers that make it possible to serve communities and sell automobiles nationally.

(2) Forcing the closure of automobile dealers would have an especially devastating economic impact in rural communities, where dealers play an integral role in the community, provide essential services, and serve as a critical economic engine.

(3) The automobile manufacturers obtain the benefits from having a national dealer network at no material cost to the manufacturers.

(4) Historically, automobile dealers have had franchise agreement protections under State law.

(b) RESTORATION OF ECONOMIC RIGHTS.—

(1) IN GENERAL.—In order to protect assets of the Federal Government and better assure the viability of automobile manufacturers in which the Federal Government has an ownership interest, or to which it is a lender, an automobile manufacturer in which the Federal Government has an ownership interest, or which receives loans from the Federal Government, may not deprive an automobile dealer of its economic rights and shall honor those rights as they existed, for Chrysler LLC dealers, prior to the commencement of the bankruptcy case by Chrysler LLC on April 30, 2009, and for General Motors Corp. dealers, prior to the commencement of the bankruptcy case by General Motors Corp. on June 1, 2009, including the dealer's rights to recourse under State law.

(2) RESTORATION OF FRANCHISE AGREEMENTS.—In order to preserve economic rights pursuant to paragraph (1), at the request of an automobile dealer, an automobile manufacturer covered under this section shall restore the franchise agreement between that automobile dealer and Chrysler LLC or General Motors Corp. that was in effect prior to the commencement of their respective bankruptcy cases and take assignment of such agreements.

(3) CONSTRUCTION.—Except as set forth herein, nothing in this section shall be construed to make null and void—

(A) the court approved transfer of substantially all the assets of Chrysler LLC to New CarCo Acquisition LLC; or

(B) a transfer of substantially all the assets of General Motors Corp. that could be approved by a court after June 8, 2009.

SA 1898. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water develpment and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 8, strike ''Project.'' and insert the following:

Project: *Provided further*, That $26,500,000 shall be made available for the Site One Impoundment Project, Florida: *Provided further*, That, notwithstanding any other provision of this Act, each amount provided by this Act (other than the amount provided by the preceding proviso) is reduced by the pro rata percentage required to reduce the total amount provided by this Act by $26,500,000.

SA 1899. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water develpment and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 8, strike ''Project.'' and insert the following:

Project: *Provided further*, That $26,500,000 shall be made available for the Site One Impoundment Project, Florida.

SA 1900. Mr. MENENDEZ (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water develpment and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, add the following:

SEC. 3___. (a) The Secretary of Energy may make grants to original equipment manufacturers of light-duty and heavy-duty natural gas vehicles for the development of engines that reduce emissions, improve performance and efficiency, and lower cost.

(b) The aggregate amount of grants under subsection (a) for any fiscal year shall not exceed $5,000,000.

SA 1901. Mr. NELSON of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water develpment and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. __. LIMITATION ON CERTAIN TRAVEL AND CONFERENCES POLICIES.

No agency or department of the United States may establish a travel or conference policy that takes into account the perception of a location as a resort or vacation destination in determining the location for an event.

SA 1902. Mr. NELSON of Florida (for himself, Mr. REID, Mr. MARTINEZ, Mr. AKAKA, and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water develpment and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 16 and 17, insert the following:

SEC. 745. No agency or department of the United States may use funds made available under this Act to enforce a travel or conference policy that prohibits an event from being held in a certain location based on a perception that the location is a resort or vacation destination.

SA 1903. Mr. SANDERS (for himself, Mrs. SHAHEEN, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 34, line 7, before the period, insert the following: '': Provided further, That within existing funds for industrial technologies $15,000,000 shall be used to make technical assistance grants under subsection (b) of section 399A of the Energy Policy and Conversation Act (42 U.S.C. 6371h–1(b))

SA 1904. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RESCISSION OF UNOBLIGATED BALANCES.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1937) is repealed.

SA 1905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 8, add the following:

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS TO REPLENISH UNEMPLOYMENT TRUST FUND.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals $7,500,000,000 in order to offset the amount appropriated to the Unemployment Trust Fund under the amendment made by section 2 of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 1906. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and replace:

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2), and

(2) by adding at the end the following new

''(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund $7,000,000,000.''.

SEC. 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to ''Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds'' in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 754) is amended by striking ''to remain available through September 30, 2010'' and all that follows (before the heading for the following item) and inserting ''such sums as may be necessary''.

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to ''Federal Housing Administration—Mutual Mortgage Insurance Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 966) is amended by striking ''$315,000,000,000'' and inserting ''$400,000,000,000''.

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY.

The item relating to ''Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account'' in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 967) is amended by striking ''$300,000,000,000'' and inserting ''$400,000,000,000'',

SEC. 5. USE OF STIMULUS FUNDS TO OFFSET APPROPRIATION OF FUNDS.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is rescinded pro rata such that the aggregate amount of such rescissions equals the aggregate amount appropriated under the amendments made by this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 1907. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3357, to restore sums to the Highway Trust Fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 401, 402, 403, and 404, and insert the following:

SEC. 401. TEMPORARY PROTECTION OF HIGHWAY TRUST FUND SOLVENCY.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under such Act, the Director of the Office of Management and Budget shall transfer to the Highway Trust Fund such sums as the Secretary of Transportation determines in the aggregate will be necessary to ensure that the Highway Trust Fund balance does not fall below the threshold that would require a change from daily payments to weekly or biweekly payments of expenditures from the Highway Trust Fund through March 31, 2011. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so transferred within the jurisdiction of such committee. The amounts so transferred shall remain available without fiscal year limitation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, on July 29, 2009 at 2:30 p.m., to conduct a hearing entitled ''Protecting Shareholders and Enhancing Public Confidence by Improving Corporate Governance.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. 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 Wednesday, July 29, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 29, 2009.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 29, 2009, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 29, 2009, at 2:30 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 29, 2009, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 29, 2009, at 3 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 29, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, July 29, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:15 a.m.

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

SPECIAL COMMITTEE ON AGING

Mr. DORGAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 29, 2009, from 2–4 p.m. in room 562 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. DODD. Madam President, I ask unanimous consent that Rachael Holt, an intern in my office, be granted the privileges of the floor during today's session.

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

Mr. CORNYN. Mr. President, I ask unanimous consent that a member of my staff, Ramona McGee, and four of our law clerks, Amanda Hinson, Belisa Lay, Marisa Maleck, and John Heath, be granted floor privileges for the remainder of this session.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Patrick Chaney, be accorded the privilege of the floor for the duration of today.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

On Thursday, July 23, 2009, the Senate passed H.R. 2647, as amended, as follows:

H.R. 2647

Resolved, That the bill from the House of Representatives (H.R. 2647) entitled ''An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

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

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

(a) DIVISIONS.—This Act is organized into seven 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.

(4) Division D–Funding Tables.

(5) Division E–Matthew Shepard Hate Crimes Prevention Act.

(6) Division F–SBIR/STTR Reauthorization.

(7) Division G–Maritime Administration Authorization.

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Funding table.
Sec. 106. Elimination of F–22A aircraft procurement funding.

Subtitle B—Navy Programs

Sec. 111. Treatment of Littoral Combat Ship program as a major defense acquisition program.
Sec. 112. Report on strategic plan for homeporting the Littoral Combat Ship.
Sec. 113. Procurement programs for future naval surface combatants.
Sec. 114. Report on a service life extension program for Oliver Hazard Perry class frigates.
Sec. 115. Competitive bidding for procurement of steam turbines for ships service turbine generators and main propulsion turbines for Ohio-class submarine replacement program.

Subtitle C—Air Force Matters

Sec. 121. Limitation on retirement of C–5 aircraft.
Sec. 122. Revised availability of certain funds available for the F–22A fighter aircraft.
Sec. 123. Report on potential foreign military sales of the F–22A fighter aircraft.
Sec. 124. Next generation bomber aircraft.
Sec. 125. AC–130 gunships.
Sec. 126. Report on E–8C Joint Surveillance and Target Attack Radar System re-engining.

Subtitle D—Joint and Multiservice Matters

Sec. 131. Modification of nature of data link utilizable by tactical unmanned aerial vehicles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on use of funds for an alternative propulsion system for the F–35 Joint Strike Fighter program; increase in funding for procurement of UH–1Y/AH–1Z rotary wing aircraft and for management reserves for the F–35 Joint Strike Fighter program.
Sec. 212. Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the Major Range and Test Facility Base.
Sec. 213. Guidance on specification of funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities.
Sec. 214. Permanent authority for the Joint Defense Manufacturing Technology Panel.
Sec. 215. Extension and enhancement of Global Research Watch Program.
Sec. 216. Three-year extension of authority for prizes for advanced technology achievements.
Sec. 217. Modification of report requirements regarding Defense Science and Technology Program.
Sec. 218. Programs for ground combat vehicle and self propelled howitzer capabilities for the Army.
Sec. 219. Assessment of technological maturity and integration risk of Army modernization programs.
Sec. 220. Assessment of strategy for technology for modernization of the combat vehicle and tactical wheeled vehicle fleets.
Sec. 221. Systems engineering and prototyping program.

Subtitle C—Missile Defense Programs

Sec. 241. Sense of Congress on ballistic missile defense.
Sec. 242. Comprehensive plan for test and evaluation of the Ballistic Missile Defense System.
Sec. 243. Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.
Sec. 244. Report on potential missile defense cooperation with Russia.
Sec. 245. Continued production of Ground-based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska.
Sec. 246. Sense of Senate on and reservation of funds for development and deployment of missile defense systems in Europe.
Sec. 247. Extension of deadline for study on boost-phase missile defense.

Subtitle D—Other Matters

Sec. 251. Repeal of requirement for biennial joint warfighting science and technology plan.
Sec. 252. Modification of reporting requirement for defense nanotechnology research and development program.
Sec. 253. Evaluation of Extended Range Modular Sniper Rifle Systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with the former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Subtitle C—Workplace and Depot Issues

Sec. 321. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 322. Improvement of inventory management practices.
Sec. 323. Temporary suspension of authority for public–private competitions.
Sec. 323A. Public-private competition required before conversion of any department of defense function performed by civilian employees to contractor performance.
Sec. 323B. Time limitation on duration of public-private competitions.
Sec. 323C. Termination of certain public-private competitions for conversion of department of defense functions to performance by a contractor.
Sec. 324. Extension of arsenal support program initiative.
Sec. 325. Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads.

Subtitle D—Energy Provisions

Sec. 331. Energy security on Department of Defense installations.
Sec. 332. Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs.
Sec. 333. Alternative Aviation Fuel Initiative.
Sec. 334. Authorization of appropriations for Director of Operational Energy.
Sec. 335. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.

Subtitle E—Reports

Sec. 341. Study on Army modularity.
Sec. 342. Plan for managing vegetative encroachment at training ranges.
Sec. 343. Report on status of Air National Guard and Air Force Reserve.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Additional authority for increases of Army active-duty end strengths for fiscal years 2010, 2011, and 2012.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Report on trainee account for the Army National Guard.
Sec. 417. Authority for service Secretary variances for Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Modification of limitations on general and flag officers on active duty.
Sec. 502. Revisions to annual report requirement on joint officer management.
Sec. 503. Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff.
Sec. 504. Chief and Deputy Chief of Chaplains of the Air Force.

Subtitle B—Reserve Component Management

Sec. 511. Report on requirements of the National Guard for non-dual status technicians.

Subtitle C—Education and Training

Sec. 521. Grade of commissioned officers in uniformed medical accession programs.
Sec. 522. Expansion of criteria for appointment as member of the Board of Regents of the Uniformed Services University of the Health Sciences.
Sec. 523. Detail of commissioned officers as students at schools of psychology.
Sec. 524. Air Force Academy Athletic Association.

Subtitle D—Defense Dependents' Education Matters

Sec. 531. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 532. Impact aid for children with severe disabilities.
Sec. 533. Two-year extension of authority for assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.
Sec. 534. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.
Sec. 535. Study on options for educational opportunities for dependent children of members of the Armed Forces who do not attend Department of Defense dependents schools.
Sec. 536. Sense of Senate on the Interstate Compact on Educational Opportunity for Military Children.
Sec. 537. Comptroller General audit of assistance to local educational agencies for dependent children of members of the Armed Forces.
Sec. 538. Authority to extend eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents.

Subtitle E—Military Justice and Legal Assistance Matters

Sec. 541. Independent review of judge advocate requirements of the Department of the Navy.

Subtitle F—Military Family Readiness Matters

Sec. 551. Additional members on the Department of Defense Military Family Readiness Council.
Sec. 552. Comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the Armed Forces.
Sec. 553. Military community support for children with autism and their families.
Sec. 554. Reports on effects of deployments on military children and the availability of mental health care and counseling services for military children.
Sec. 555. Report on child custody litigation involving service of members of the Armed Forces.
Sec. 556. Sense of Senate on preparation and coordination of Family Care Plans.
Sec. 557. Expansion of suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program.
Sec. 558. Report on Yellow Ribbon Reintegration Program.
Sec. 559. Improved access to mental health care for family members of members of the National Guard and Reserve who are deployed overseas.
Sec. 560. Full access to mental health care for family members of members of the National Guard and Reserve who are deployed overseas.
Sec. 561. Comptroller General report on child care assistance for deployed members of the reserve components of the Armed Forces.

Subtitle G—Other Matters

Sec. 571. Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services.
Sec. 572. Clarification of performance policies for military musical units and musicians.
Sec. 573. Guarantee of residency for spouses of military personnel for voting purposes.
Sec. 574. Determination for tax purposes of residence of spouses of military personnel.
Sec. 575. Suspension of land rights residency requirement for spouses of military personnel.
Sec. 576. Modification of Department of Defense share of expenses under National Guard Youth Challenge Program.
Sec. 577. Provision to members of the Armed Forces and their families of comprehensive information on benefits for members of the Armed Forces and their families.

Subtitle H—Military Voting

Sec. 581. Short title.
Sec. 582. Findings.
Sec. 583. Clarification regarding delegation of State responsibilities.
Sec. 584. Establishment of procedures for absent uniformed services voters and overseas voters to request and for states to send voter registration applications and absentee ballot applications by mail and electronically.
Sec. 585. Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters.
Sec. 586. Ensuring absent uniformed services voters and overseas voters have time to vote.
Sec. 587. Procedures for Collection and Delivery of Marked Absentee Ballots of Absent Overseas Uniformed Services Voters.
Sec. 588. Federal write-in absentee ballot.
Sec. 589. Prohibiting refusal to accept voter registration and absentee ballot applications, marked absentee ballots, and federal write-in absentee ballots for failure to meet certain requirements.
Sec. 590. Federal Voting Assistance Program Improvements.
Sec. 591. Development of standards for reporting and storing certain data.
Sec. 592. Repeal of provisions relating to use of single application for all subsequent elections.
Sec. 593. Reporting requirements.
Sec. 594. Annual report on enforcement.
Sec. 595. Requirements payments.
Sec. 596. Technology pilot program.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.
Sec. 602. Comptroller General of the United States comparative assessment of military and private-sector pay and benefits.
Sec. 603. Increase in maximum monthly amount of supplemental subsistence allowance for low-income members with dependents.
Sec. 604. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. Extension of authorities relating to payment of referral bonuses.
Sec. 617. Special compensation for members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.
Sec. 618. Temporary authority for monthly special pay for members of the Armed Forces subject to continuing active duty or service under stop-loss authorities.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation allowances for designated individuals of wounded, ill, or injured members of the uniformed services for duration of inpatient treatment.
Sec. 632. Travel and transportation allowances for non-medical attendants of seriously wounded, ill, or injured members of the uniformed services.
Sec. 633. Travel and transportation allowances for members of the reserve components of the Armed Forces on leave for suspension of training.
Sec. 634. Reimbursement of travel expenses of members of the Armed Forces on active duty and their dependents for travel for specialty care under exceptional circumstances.
Sec. 635. Travel and transportation for survivors of deceased members of the uniformed services to attend memorial ceremonies.

Subtitle D—Other Matters

Sec. 651. Authority to continue provision of incentives after termination of temporary Army authority to provide additional recruitment incentives.
Sec. 652. Repeal of requirement of reduction of SBP survivor annuities by dependency and indemnity compensation.
Sec. 653. Sense of Congress on airfares for members of the Armed Forces.

Sec. 654. Continuation on active duty of reserve component members during physical disability evaluation following mobilization and deployment.
Sec. 655. Use of local residences for community-based care for certain reserve component members.
Sec. 656. Assistance with transitional benefits.
Sec. 657. Report on recruitment and retention of members of the Air Force in nuclear career fields.
Sec. 658. Sense of Congress on establishment of flexible spending arrangements for the uniformed services.
Sec. 659. Treatment as active service for retired pay purposes of service as member of Alaska Territorial Guard during World War II.
Sec. 660. Inclusion of service after September 11, 2001, in determination of reduced eligibility age for receipt of non-regular service retired pay.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

Sec. 701. TRICARE Standard coverage for certain members of the Retired Reserve, and family members, who are qualified for a non-regular retirement but are not yet age 60.
Sec. 702. Expansion of eligibility of survivors under the TRICARE dental program.
Sec. 703. Constructive eligibility for TRICARE benefits of certain persons otherwise ineligible under retroactive determination of entitlement to Medicare part A hospital insurance benefits.
Sec. 704. Reform and improvement of the TRICARE program.
Sec. 705. Comptroller General of the United States report on implementation of requirements on the relationship between the TRICARE program and employer-sponsored group health plans.
Sec. 706. Sense of the Senate on health care benefits and costs for members of the Armed Forces and their families.
Sec. 707. Notification of certain individuals regarding options for enrollment under Medicare part B.

Subtitle B—Other Health Care Benefits

Sec. 711. Mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
Sec. 712. Enhancement of transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation.
Sec. 713. Reduction of minimum distance of travel for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.
Sec. 714. Report on post-deployment health assessments of Guard and Reserve members.

Subtitle C—Health Care Administration

Sec. 721. Comprehensive policy on pain management by the military health care system.
Sec. 722. Plan to increase the behavioral health capabilities of the Department of Defense.
Sec. 723. Department of Defense study on management of medications for physically and psychologically wounded members of the Armed Forces.
Sec. 724. Prescription of antidepressants for troops serving in Iraq and Afghanistan.

Subtitle D—Wounded Warrior Matters

Sec. 731. Pilot program for the provision of cognitive rehabilitative therapy services under the TRICARE program.
Sec. 732. Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.
Sec. 733. Report on use of alternative therapies in treatment of post-traumatic stress disorder.

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

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

Sec. 801. Contract authority for advanced development of prototype units.
Sec. 802. Justification and approval of sole-source contracts.

Subtitle B—Acquisition Policy and Management

Sec. 811. Reporting requirements for programs that qualify as both major automated information system programs and major defense acquisition programs.
Sec. 812. Funding of Department of Defense Acquisition Workforce Development Fund.
Sec. 813. Enhancement of expedited hiring authority for defense acquisition workforce positions.
Sec. 814. Treatment of non-Defense Agency procurements under joint programs with the Department of Defense under limitations on non-Defense Agency procurements on behalf of the Department of Defense.
Sec. 815. Comptroller General of the United States report on training of acquisition and audit personnel of the Department of Defense.

Subtitle C—Contractor Matters

Sec. 821. Authority for government support contractors to have access to technical data belonging to prime contractors.
Sec. 822. Extension and enhancement of authorities on the Commission on Wartime Contracting in Iraq and Afghanistan.
Sec. 823. Prohibition on interrogation of detainees by contractor personnel.
Sec. 824. Modifications to database for Federal agency contract and grant officers and suspension and debarment officials.

Subtitle D—Other Matters

Sec. 831. Enhanced authority to acquire products and services produced in Central Asia, Pakistan, and the South Caucasus.
Sec. 832. Small arms production industrial base matters.
Sec. 833. Extension of SBIR and STTR programs of the Department of Defense.
Sec. 834. Expansion and permanent authority for small business innovation research commercialization program.
Sec. 835. Measures to ensure the safety of facilities, infrastructure, and equipment for military operations.
Sec. 836. Repeal of requirements relating to the military system essential item breakout list.
Sec. 837. Defense Science Board report on rare earth materials in the defense supply chain.
Sec. 838. Small business contracting programs parity.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Deputy Under Secretaries of Defense and Assistant Secretaries of Defense.
Sec. 902. Repeal of certain limitations on personnel and consolidation of reports on major Department of Defense headquarters activities.
Sec. 903. Sense of Senate on the Western Hemisphere Institute for Security Cooperation.
Sec. 904. Reestablishment of position of Vice Chief of the National Guard Bureau.

Subtitle B—Space Matters

Sec. 911. Provision of space situational awareness services and information to non-United States Government entities.
Sec. 912. Plan for management and funding of National Polar-Orbiting Operational Environmental Satellite System Program.

Subtitle C—Intelligence Matters

Sec. 921. Inclusion of Defense Intelligence Agency in authority to use proceeds from counterintelligence operations.

Subtitle D—Other Matters

Sec. 931. United States Military Cancer Institute.
Sec. 932. Instruction of private sector employees in cyber security courses of the Defense Cyber Investigations Training Academy.
Sec. 933. Plan on access to national airspace for unmanned aircraft.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Audit readiness of financial statements of the Department of Defense.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Temporary reduction in minimum number of aircraft carriers in active service.
Sec. 1012. Repeal of policy relating to the major combatant vessels of the strike forces of the United States Navy.
Sec. 1013. Sense of Senate on the maintenance of a 313-ship Navy.
Sec. 1014. Designation of U.S.S. Constitution as America's Ship of State.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension and modification of authority to provide additional support for counter-drug activities of certain foreign governments.
Sec. 1022. One-year extension of authority for joint task forces support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1023. One-year extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.

Subtitle D—Military Commissions

Sec. 1031. Military commissions.
Sec. 1032. Trial by military commission of alien unprivileged belligerents for violations of the law of war.
Sec. 1033. No Miranda warnings for Al Qaeda terrorists.

Subtitle E—Medical Facility Matters

Sec. 1041. Short title.
Sec. 1042. Executive agreement.
Sec. 1043. Transfer of property.
Sec. 1044. Transfer of civilian personnel of the Department of Defense.
Sec. 1045. Joint funding authority for the Captain James A. Lovell Federal Health Care Center.

Sec. 1046. Eligibility of members of the uniformed services for care and services at the Captain James A. Lovell Federal Health Care Center.
Sec. 1047. Extension of DOD–VA Health Care Sharing Incentive Fund.

Subtitle F—Miscellaneous Requirements, Authorities, and Limitations

Sec. 1051. Congressional earmarks relating to the Department of Defense.
Sec. 1052. National strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States.
Sec. 1053. One-year extension of authority to offer and make rewards for assistance in combating terrorism through government personnel of allied forces.
Sec. 1054. Business process reengineering.
Sec. 1055. Responsibility for preparation of biennial global positioning system report.
Sec. 1056. Additional subpoena authority for the Inspector General of the Department of Defense.
Sec. 1057. Reports on bandwidth requirements for major defense acquisition programs and major system acquisition programs.
Sec. 1058. Multiyear contracts under pilot program on commercial fee-for-service air refueling support for the Air Force.
Sec. 1059. Additional duty for advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents.

Subtitle G—Reports

Sec. 1071. National intelligence estimate on nuclear aspirations of non-state entities and nuclear weapons and related programs in non-nuclear-weapons states and countries not parties to the Nuclear Non-Proliferation Treaty.
Sec. 1072. Comptroller General of the United States assessment of military whistleblower protections.
Sec. 1073. Report on re-determination process for permanently incapacitated dependents of retired and deceased members of the Armed Forces.
Sec. 1074. Comptroller General review of spending in the final quarter of fiscal year 2009 by the Department of Defense.
Sec. 1075. Report on Air America.
Sec. 1076. Report on criteria for selection of strategic embarkation ports and ship layberthing locations.
Sec. 1077. Report on defense travel simplification.
Sec. 1078. Report on modeling and simulation activities of United States Joint Forces Command.
Sec. 1079. Report on enabling capabilities for special operations forces.

Subtitle H—Other Matters

Sec. 1081. Transfer of Navy aircraft N40VT.
Sec. 1082. Transfer of Big Crow aircraft.
Sec. 1083. Plan for sustainment of land-based solid rocket motor industrial base.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $5,144,891,000.
(2) For missiles, $1,375,109,000.
(3) For weapons and tracked combat vehicles, $2,451,952,000.
(4) For ammunition, $2,059,895,000.
(5) For other procurement, $9,617,991,000.

SEC. 102. NAVY AND MARINE CORPS.

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

(1) For aircraft, $18,655,412,000.
(2) For weapons, including missiles and torpedoes, $3,515,455,000.
(3) For shipbuilding and conversion, $13,776,867,000.
(4) For other procurement, $5,595,176,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of $1,600,638,000.

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

SEC. 103. AIR FORCE.

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

(1) For aircraft, $13,077,876,000.
(2) For missiles, $6,107,728,000.
(3) For ammunition, $822,462,000.
(4) For other procurement, $17,245,341,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement as follows:

(1) For Defense-wide procurement, $4,050,052,000.
(2) For the Rapid Acquisition Fund, $79,300,000.
(3) For the Mine Resistant Ambush Protected Vehicle Fund, $1,200,000,000.

SEC. 105. FUNDING TABLE.

The amounts authorized to be appropriated by sections 101, 102, 103, and 104 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4101.

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

(a) ELIMINATION OF FUNDING.—The amount authorized to be appropriated by section 103(1)

for procurement for the Air Force for aircraft procurement is hereby decreased by $1,750,000,000, with the amount of the decrease to be derived from amounts available for F–22A aircraft procurement.

(b) RESTORED FUNDING.—

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

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

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

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

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

(6) DIVISION A AND DIVISION B GENERALLY.—In addition to the amounts specified in paragraphs (1) through (5), the total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby increased by $500,000,000.

Subtitle B—Navy Programs

SEC. 111. TREATMENT OF LITTORAL COMBAT SHIP PROGRAM AS A MAJOR DEFENSE ACQUISITION PROGRAM.

Effective as of the date of the enactment of this Act, the program for the Littoral Combat Ship shall be treated as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 112. REPORT ON STRATEGIC PLAN FOR HOMEPORTING THE LITTORAL COMBAT SHIP.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the strategic plan of the Navy for homeporting the Littoral Combat Ship (LCS) on the East Coast and West Coast of the United States.

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

(1) The requirements for homeporting of the Littoral Combat ship of the commanders of the combatant commands, set forth by geographic area of responsibility (AOR).

(2) A description of the manner in which the Navy will meet the requirements identified under paragraph (1).

(3) An assessment of the effect of each type of Littoral Combat Ship on each port in which such ship could be homeported.

(4) A map, based on the current plan of 55 Littoral Combat Ships, identifying where each ship will homeport and how such ports will accommodate both types of Littoral Combat Ships, based on the current program and a 313-ship Navy.

(5) An estimate of the costs of infrastructure required for Littoral Combat Ships at each homeport, including—

(A) existing infrastructure; and

(B) such upgraded infrastructure as may be required.

SEC. 113. PROCUREMENT PROGRAMS FOR FUTURE NAVAL SURFACE COMBATANTS.

(a) LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORTS ABOUT SURFACE COMBATANT SHIPBUILDING PROGRAMS.—The Secretary of the Navy may not obligate or expend funds for the construction of, or advanced procurement of materials for, a surface combatant to be constructed after fiscal year 2011 until the Secretary has submitted to Congress each of the following:

(1) An acquisition strategy for such surface combatants that has been approved by the Department of Defense.

(2) The results of reviews by the Joint Requirements Oversight Council for an Acquisition Category I program that supports the need for an acquisition strategy to procure surface combatants after fiscal year 2011.

(3) A verification by an independent review panel convened by the Secretary of Defense that, in evaluating the shipbuilding program concerned, the Secretary of the Navy considered each of the following:

(A) Modeling and simulation, including war gaming conclusions regarding combat effectiveness for the selected ship platforms as compared to other reasonable alternative approaches.

(B) Assessments of platform operational availability.

(C) Life cycle costs from vessel manning levels to accomplish missions.

(4) An intelligence analysis reflecting a coordinated threat assessment of the Defense Intelligence Agency that provides the basis for deriving the mix of platforms in the shipbuilding program concerned when compared with the surface combatants in the 2009 shipbuilding plan.

(5) The differences in cost and schedule arising from the need to accommodate new sensors and weapons in future surface combatants to counter the future threats referred to in paragraph (4) when compared with the cost and schedule arising from the need to accommodate sensors and weapons on surface combatants as contemplated by the 2009 shipbuilding plan for the vessels concerned.

(6) A verification by the commanders of the combatant commands that the shipbuilding program for the vessels concerned would be preferable to the surface combatants included in the 2009 shipbuilding plan for the vessels concerned in meeting all of their future mission requirements.

(7) A joint review by the Navy and the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense (BMD) beyond the number of DDG–51 and CG–47 vessels planned to be equipped for this mission area in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) FUTURE SURFACE COMBATANT ACQUISITION STRATEGY.—Not later than the date upon which President submits to Congress the budget for fiscal year 2012 (as so submitted), the Secretary of the Navy shall submit to the congressional defense committees a plan to provide for full and open competition on the combat systems for surface combatants proposed in the future-years defense program submitted to Congress under section 221 of title 10, United States Code, together with such budget. The plan shall include specifics on the intent of the Navy to satisfy criteria described in subsection (a) and evaluate applicable technologies during the request for proposal and selection process.

(c) NAVAL SURFACE FIRE SUPPORT.—Not later than 120 days after the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an update to the March 2006 Report to Congress on Naval Surface Fire Support. The update shall identify how the Department of Defense intends to address any shortfalls between required naval surface fire support capability and the plan of the Navy to provide that capability. The update shall include addenda by the Chief of Naval Operations and Commandant of the Marine Corps, as was the case in the 2006 report.

(d) TECHNOLOGY ROADMAP FOR FUTURE SURFACE COMBATANTS AND FLEET MODERNIZATION.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall develop a plan to incorporate into surface combatants constructed after 2011, and into fleet modernization programs, the technologies developed for the DDG–1000 destroyer and the DDG–51 and CG–47 Aegis ships, including the following:

(A) For the DDG–1000 destroyer—

(i) combat system;

(ii) multi-function and dual-band radars;

(iii) hull, mechanical and electrical systems achieving significant manpower savings; and

(iv) integrated electric propulsion technologies.

(B) For the DDG–51 and CG–47 Aegis ships—

(i) combat system, including missile defense capability;

(ii) hull, mechanical and electrical systems achieving manpower savings; and

(iii) anti-submarine warfare sensor systems designed for operating in open ocean areas.

(2) SCOPE OF PLAN.—The plan required by paragraph (1) shall include sufficient detail for systems and subsystems to ensure that the plan—

(A) avoids redundant development for common functions;

(B) reflects implementation of Navy plans for achieving an open architecture for all naval surface combat systems; and

(C) fosters full and open competition.

(e) DEFINITION.—In this section:

(1) The term ''2009 shipbuilding plan'' means the 30-year shipbuilding plan submitted to Congress pursuant to section 231, title 10, United States Code, together with the budget of the President for fiscal year 2009 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(2) The term ''surface combatant'' means a cruiser, a destroyer, or any naval vessel under a program currently designated as a future surface combatant program.

SEC. 114. REPORT ON A SERVICE LIFE EXTENSION PROGRAM FOR OLIVER HAZARD PERRY CLASS FRIGATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the following:

(1) A detailed analysis of a service life extension program (SLEP) for the Oliver Hazard Perry class frigates (FFGs), including—

(A) the cost of the program;

(B) a schedule for the program; and

(C) the shipyards available to carry out the work under the program.

(2) A detailed plan of the Navy for achieving a 313-ship fleet as contemplated by the 2006 Quadrennial Defense Review, including a comparison for purposes of that plan of decommissioning Oliver Hazard Perry class frigates as scheduled with extending the service life of such frigates under the service life extension program.

(3) The strategic plan of the Navy for the manner in which the Littoral Combat Ship (LCS) will fulfill the roles and missions currently performed by the Oliver Hazard Perry class frigates as they are decommissioned.

(4) The strategic plan of the Navy for the Littoral Combat Ship if the extension of the service life of the Oliver Hazard Perry class frigates alleviates demand arising under the current capabilities gap in the Littoral Combat Ship.

(5) A description of the manner in which the Navy has met the needs of the United States Southern Command over time, including the assets and vessels the Navy has deployed for military-to-military engagements, UNITAS exercises, and counterdrug operations in support of the Commander of the United States Southern Command during the five-year period ending on the date of the report.

SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF STEAM TURBINES FOR SHIPS SERVICE TURBINE GENERATORS AND MAIN PROPULSION TURBINES FOR OHIO-CLASS SUBMARINE REPLACEMENT PROGRAM.

The Secretary of the Navy shall take measures to ensure competition, or the option of competition, for steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program in accordance with section 202 of the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note).

Subtitle C—Air Force Matters

SEC. 121. LIMITATION ON RETIREMENT OF C–5 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not proceed with a decision to retire C–5A aircraft from the active inventory of the Air Force in any number that would reduce the total number of such aircraft in the active inventory below 111 until—

(1) the Air Force has modified a C–5A aircraft to the configuration referred to as the Reliability Enhancement and Reengining Program (RERP) configuration, as planned under the C–5 System Development and Demonstration program as of May 1, 2003; and

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) conducts an operational evaluation of that aircraft, as so modified; and

(B) provides to the Secretary of Defense and the congressional defense committees an operational assessment.

(b) OPERATIONAL EVALUATION.—An operational evaluation for purposes of paragraph (2)(A) of subsection (a) is an evaluation, conducted during operational testing and evaluation of the aircraft, as so modified, of the performance of the aircraft with respect to reliability, maintainability, and availability and with respect to critical operational issues.

(c) OPERATIONAL ASSESSMENT.—An operational assessment for purposes of paragraph (2)(B) of subsection (a) is an operational assessment of the program to modify C–5A aircraft to the configuration referred to in subsection (a)(1) regarding both overall suitability and deficiencies of the program to improve performance of the C–5A aircraft relative to requirements and specifications for reliability, maintainability, and availability of that aircraft as in effect on May 1, 2003.

(d) ADDITIONAL LIMITATIONS ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire C–5 aircraft from the active inventory as of the date of this Act until the later of the following:

(1) The date that is 150 days after the date on which the Director of Operational Test and Evaluation submits the report referred to in subsection (a)(2)(B).

(2) The date that is 120 days after the date on which the Secretary submits the report required under subsection (e).

(3) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that—

(A) the retirement of such aircraft will not increase the operational risk of meeting the National Defense Strategy; and

(B) the retirement of such aircraft will not reduce the total strategic airlift force structure below 324 strategic airlift aircraft.

(e) REPORT ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(1) The rationale for the retirement of existing C–5 aircraft and a cost/benefit analysis of alternative strategic airlift force structures, including the force structure that would result from the retirement of such aircraft.

(2) An assessment of the costs and benefits of applying the Reliability Enhancement and Reengining Program (RERP) modification to the entire the C–5A aircraft fleet.

(3) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of operating a mix of C–5A aircraft and C–5M aircraft.

(4) An assessment of the costs and benefits of increasing the number of C–5 aircraft in Backup Aircraft Inventory (BAI) status as a hedge against future requirements of such aircraft.

(5) An assessment of the costs, benefits, and implications of transferring C–5 aircraft to United States flag carriers operating in the Civil Reserve Air Fleet (CRAF) program or to coalition partners in lieu of the retirement of such aircraft.

(6) Such other matters relating to the retirement of C–5 aircraft as the Secretary considers appropriate.

(f) MAINTENANCE OF AIRCRAFT UPON RETIREMENT.—The Secretary of the Air Force shall maintain any C–5 aircraft retired after the date of the enactment of this Act in Type 1000 storage until opportunities for the transfer of such aircraft as described in subsection (e)(5) have been fully exhausted.

SEC. 122. REVISED AVAILABILITY OF CERTAIN FUNDS AVAILABLE FOR THE F–22A FIGHTER AIRCRAFT.

(a) REPEAL OF AUTHORITY ON AVAILABILITY OF FISCAL YEAR 2009 FUNDS.—Section 134 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4378) is repealed.

(b) AVAILABILITY OF ADVANCE PROCUREMENT FUNDS FOR OTHER F–22A AIRCRAFT MODERNIZATION PRIORITIES.—Subject to the provisions of appropriations Acts and applicable requirements relating to the transfer of funds, the Secretary of the Air Force may transfer amounts authorized to be appropriated for fiscal year 2009 by section 103(1) for aircraft procurement for the Air Force and available for advance procurement for the F–22A fighter aircraft within that subaccount or to other subaccounts for aircraft procurement for the Air Force for purposes of providing funds for other modernization priorities with respect to the F–22A fighter aircraft.

SEC. 123. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F–22A FIGHTER AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on potential foreign military sales of the F–22A fighter aircraft.

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

(1) An estimate of the costs to the United States Government, industry, and any foreign military sales customer of developing an exportable version of the F–22A fighter aircraft.

(2) An assessment whether an exportable version of the F–22A fighter aircraft is technically feasible and executable, and, if so, a timeline for achieving an exportable version of the aircraft.

(3) An assessment of the potential strategic implications of permitting foreign military sales of the F–22A fighter aircraft.

(4) An assessment of the impact of foreign military sales of the F–22A fighter aircraft on the United States aerospace and aviation industry, and the advantages and disadvantages of such sales for sustaining that industry.

(5) An identification of any modifications to current law that are required to authorize foreign military sales of the F–22A fighter aircraft.

(c) ADDITIONAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide for a federally funded research and development center which will submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, through the Secretary of Defense, a report on potential foreign military sales of the F–22A fighter aircraft, addressing the same elements as in subsection (b) of this section.

SEC. 124. NEXT GENERATION BOMBER AIRCRAFT.

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

(1) Long-range strike is a critical mission in which the United States needs to retain a credible and dominant capability.

(2) Long range, penetrating strike systems provide—

(A) a hedge against being unable to obtain access to forward bases for political reasons;

(B) a capacity to respond quickly to contingencies;

(C) the ability to base outside the reach of emerging adversary anti-access and area-denial capabilities; and

(D) the ability to impose disproportionate defensive costs on prospective adversaries of the United States.

(3) The 2006 Quadrennial Defense Review found that there was a requirement for a next generation bomber aircraft and directed the United States Air Force to ''develop a new land-based, penetrating long range strike capability to be fielded by 2018''.

(4) On April 6, 2009, Secretary Gates announced that the United States ''will not pursue a development program for a follow-on Air Force bomber until we have a better understanding of the need, the requirement and the technology''.

(5) On May 7, 2009, President Barack Obama announced the termination of the next generation bomber aircraft program in the document of the Office of Management and Budget entitled ''Terminations, Reductions, and Savings'', stating that ''there is no urgent need to begin an expensive development program for a new bomber'' and that ''the future bomber fleet may not be affordable over the next six years''.

(6) The United States will need a new long-range strike capability because the conflicts of the future will likely feature heavily defended airspace, due in large part to the proliferation of relatively inexpensive, but sophisticated and deadly, air defense systems.

(7) General Michael Maples, the Director of the Defense Intelligence Agency, noted during a March 10, 2009, hearing of the Committee on Armed Services of the Senate on worldwide threats that ''Russia, quite frankly, is the developer of most of those [advanced air defense] systems and is exporting those systems both to China and to other countries in the world''.

(8) The Final Report of the Congressional Commission on the Strategic Posture of the United States, submitted to Congress on May 6, 2009, states that ''[t]he bomber force is valuable particularly for extending deterrence in time of crisis, as their deployment is visible and signals U.S. commitment. Bombers also impose a significant cost burden on potential adversaries in terms of the need to invest in advanced air defenses''.

(9) The commanders of the United States Pacific Command, the United States Strategic Command, and the United States Joint Forces Command have each testified before the Committee on Armed Services of the Senate in support of the capability that the next generation bomber aircraft would provide.

(10) On June 17, 2009, General James Cartwright, Vice-Chairman of the Joint Chiefs of Staff and chair of the Joint Requirements Oversight Council, stated during a hearing before the Committee on Armed Services of the Senate that ''the nation needs a new bomber''.

(11) Nearly half of the United States bomber aircraft inventory (47 percent) pre-dates the Cuban Missile Crisis.

(12) The only air-breathing strike platforms the United States possesses today with reach and survivability to have a chance of successfully executing missions more than 1,000 nautical miles into enemy territory from the last air-

to-air refueling are 16 combat ready B-2 bomber aircraft.

(13) The B-2 bomber aircraft was designed in the 1980s and achieved initial operational capability over a decade ago.

(14) The crash of an operational B-2 bomber aircraft during takeoff at Guam in early 2008 indicates that attrition can and does occur even in peacetime.

(15) The primary mission requirement of the next generation bomber aircraft is the ability to strike targets anywhere on the globe with whatever weapons the contingency requires.

(16) The requisite aerodynamic, structural, and low-observable technologies to develop the next generation bomber aircraft already exist in fifth-generation fighter aircraft.

(b) POLICY ON CONTINUED DEVELOPMENT OF NEXT GENERATION BOMBER AIRCRAFT IN FISCAL YEAR 2010.—It is the policy of the United States to support a development program for next generation bomber aircraft technologies.

SEC. 125. AC–130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

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

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

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

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

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

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

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

(d) ANALYSIS OF ALTERNATIVES.—The Secretary of the Air Force, in consultation with the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

SEC. 126. REPORT ON E–8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINING.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on replacing the engines of E-8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft. The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) LIMITATION ON CERTAIN ACTIONS.—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

Subtitle D—Joint and Multiservice Matters

SEC. 131. MODIFICATION OF NATURE OF DATA LINK UTILIZABLE BY TACTICAL UNMANNED AERIAL VEHICLES.

Section 141(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3164) is amended by striking '', until such time as the Tactical Common Data Link is replace by an updated standard for use by those vehicles'' and inserting ''or a data link that uses waveform capable of transmitting and receiving Internet Protocol communications''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,863,003,000.

(2) For the Navy, $19,597,696,000.

(3) For the Air Force, $28,693,952,000.

(4) For Defense-wide activities, $20,555,270,000.

(5) For Operational Test and Evaluation, Defense, $190,770,000.

(b) FUNDING TABLE.—The amounts authorized to be appropriated by subsection (a) shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

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

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

(1) will—

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

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

(2) will not—

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

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

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

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

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

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

(d) OFFSETS.—

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

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

SEC. 212. ENHANCEMENT OF DUTIES OF DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER WITH RESPECT TO THE MAJOR RANGE AND TEST FACILITY BASE.

(a) AUTHORITY TO REVIEW PROPOSALS FOR SIGNIFICANT CHANGES.—Section 196(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by inserting ''(1)'' before ''The Director'';

(4) by redesignating subparagraphs (B), (C), and (D), as so redesignated, as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (A), as so redesignated, the following new subparagraph (B):

''(B) To review proposed significant changes to the test and evaluation facilities and resources of the Major Range and Test Facility Base before they are implemented by the Secretaries of the military departments or the heads of the Defense Agencies with test and evaluation responsibilities and advise the Secretary of Defense and the Under Secretary of Acquisition, Technology, and Logistics of the impact of such changes on the adequacy of such test and evaluation facilities and resources to meet the test and evaluation requirements of the Department.''.

(b) ACCESS TO RECORDS AND DATA.—Such section is further amended by adding at the end the following new paragraph:

''(2) The Director shall have access to all records and data of the test and evaluation activities, facilities, and elements of the Major Range and Test Facility Base, including the records and data of each military department and Defense Agency, that the Director considers necessary in order to carry out the Director's duties under paragraph (1)(B).''.

SEC. 213. GUIDANCE ON SPECIFICATION OF FUNDING REQUESTED FOR OPERATION, SUSTAINMENT, MODERNIZATION, AND PERSONNEL OF MAJOR RANGES AND TEST FACILITIES.

(a) GUIDANCE ON SPECIFICATION OF FUNDING.—The Secretary of Defense shall, acting through the Under Secretary of Defense (Comptroller) and the Director of the Department of Defense Test Resource Management Center, issue guidance on the specification by the military departments and Defense Agencies of amounts to be requested in the budget of the President for a fiscal year (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) for funding for each facility and resource of the Major Range and Test Facility Base in connection with each of the following:

(1) Operation.

(2) Sustainment.

(3) Investment and modernization.

(4) Government personnel.

(5) Contractor personnel.

(b) APPLICABILITY.—The guidance issued under subsection (a) shall apply with respect to budgets of the President for fiscal years after fiscal year 2010.

(c) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major Range and Test Facility Base'' has the meaning given that term in section 196(h) of title 10, United States Code.

SEC. 214. PERMANENT AUTHORITY FOR THE JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.

Section 2521 of title 10, United States Code, is amended—

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

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

''(e) JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.—(1) There is in the Department of Defense the Joint Defense Manufacturing Technology Panel.

''(2)(A) The Chair of the Joint Defense Manufacturing Technology Panel shall be the head of the Panel. The Chair shall be appointed, on a rotating basis, from among the appropriate personnel of the military departments and Defense Agencies with manufacturing technology programs.

''(B) The Panel shall be composed of at least one individual from among appropriate personnel of each military department and Defense Agency with manufacturing technology programs. The Panel may include as ex-officio members such individuals from other government organizations, academia, and industry as the Chair considers appropriate.

''(3) The purposes of the Panel shall be as follows:

''(A) To identify and integrate requirements for the program.

''(B) To conduct joint planning for the program.

''(C) To develop joint strategies for the program.

''(4) In carrying out the purposes specified in paragraph (3), the Panel shall perform the functions as follows:

''(A) Conduct comprehensive reviews and assessments of defense-related manufacturing issues being addressed by the manufacturing technology programs and related activities of the Department of Defense.

''(B) Execute strategic planning to identify joint planning opportunities for increased cooperation in the development and implementation of technological products and the leveraging of funding for such purposes with the private sector and other government agencies.

''(C) Ensure the integration and coordination of requirements and programs under the program with Office of the Secretary of Defense and other national-level initiatives, including the establishment of information exchange processes with other government agencies, private industry, academia, and professional associations.

''(D) Conduct such other functions as the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify.

''(5) The Panel shall report to and receive direction from the Director of Defense Research and Engineering on manufacturing technology issues of multi-service concern and application.

''(6) The administrative expenses of the Panel shall be borne by each military department and Defense Agency with manufacturing technology programs in such manner as the Panel shall provide.''.

SEC. 215. EXTENSION AND ENHANCEMENT OF GLOBAL RESEARCH WATCH PROGRAM.

(a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR MILITARY DEPARTMENTS PENDING PROVISION OF ASSISTANCE UNDER PROGRAM.—Subsection (d) of section 2365 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Funds available to a military department for a fiscal year for monitoring or analyzing the research activities and capabilities of foreign nations may not be obligated or expended until the Director certifies to the Under Secretary of Defense for Acquisition, Technology, and Logistics that the Secretary of such military department has provided the assistance required under paragraph (2).

''(B) The limitation in subparagraph (A) shall not be construed to alter or effect the availability to a military department of funds for intelligence activities.''.

(b) FOUR-YEAR EXTENSION OF PROGRAM.—Subsection (f) of such section is amended by striking ''September 30, 2011'' and inserting ''September 30, 2015''.

SEC. 216. THREE-YEAR EXTENSION OF AUTHORITY FOR PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

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

SEC. 217. MODIFICATION OF REPORT REQUIREMENTS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

Section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is amended by striking subsection (b), (c), and (d) and inserting the following new subsections:

''(b) FUNDING OBJECTIVE.—It is the sense of Congress that it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program of each military department, for each fiscal year after fiscal year 2010 over the budget for that program for the preceding fiscal year by a percent that is at least equal to the rate of inflation, as determined by the Office of Management and Budget.

''(c) ACTIONS FOLLOWING FAILURE TO COMPLY WITH OBJECTIVE.—If the proposed budget of the Department of Defense for a fiscal year fails to comply with the objective set forth in subsection (b), the Secretary of Defense shall submit to the congressional defense committees each of the following:

''(1) Not later than 60 days after the proposed budget is submitted to Congress, a detailed, prioritized list, including estimates of required funding, of proposals for science and technology projects received by the Department through competitive solicitations in the fiscal year preceding the fiscal year covered by the proposed budget which were not funded but represent science and technology opportunities that support the research and development programs and goals of the military departments and the Defense Agencies.

''(2) Not later than six months after the proposed budget is submitted to Congress, an independent assessment, in both classified and unclassified form (as necessary), of any research, technology, or engineering areas that are of interest to the Department in which the United States may not have global technical leadership within the next 10 years.

''(d) SUNSET.—The requirements of this section shall terminate on December 31, 2014.''.

SEC. 218. PROGRAMS FOR GROUND COMBAT VEHICLE AND SELF PROPELLED HOWITZER CAPABILITIES FOR THE ARMY.

(a) PROGRAMS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a separate program to achieve each of the following:

(A) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation ground combat vehicle for the Army.

(B) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation self-propelled howitzer capability for the Army.

(2) COMPLIANCE WITH CERTAIN ACQUISITION REQUIREMENTS.—Each program under paragraph (1) shall comply with the requirements of the Weapons Systems Acquisition Reform Act of 2009, and the amendments made by that Act.

(b) STRATEGY AND PLAN FOR ACQUISITION.—

(1) IN GENERAL.—Not later than March 31, 2010, the Secretary shall submit to the congressional defense committees a report setting forth a strategy and plan for the acquisition of weapon systems under the programs required by subsection (a). Each strategy and plan shall include measurable goals and objectives for the acquisition of such weapon systems, and shall identify all proposed major development, testing, procurement, and fielding events toward the achievement of such goals and objectives.

(2) ELEMENTS.—In developing each strategy and plan under paragraph (1), the Secretary shall consider the following:

(A) A single vehicle or family of vehicles utilizing a common chassis and automotive components.

(B) The incorporation of weapon, vehicle, communications, network, and system of systems common operating environment technologies developed under the Future Combat Systems program.

(c) ANNUAL REPORTS.—

(1) REPORTS REQUIRED.—The Secretary shall submit to the congressional defense committees, at the same time the President submits to Congress the budget for each of fiscal years 2011 through 2015 (as submitted pursuant to section 1105(a) of title 31, United States Code), a report on the investments proposed to be made under such budget with respect to each program required by subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall set forth, for the fiscal year covered by the budget with which such report is submitted—

(A) the manner in which amounts requested in such budget would be available for each program required by subsection (a); and

(B) an assessment of the extent to which utilizing such amount in such manner would improve ground combat capabilities for the Army.

SEC. 219. ASSESSMENT OF TECHNOLOGICAL MATURITY AND INTEGRATION RISK OF ARMY MODERNIZATION PROGRAMS.

(a) ASSESSMENT REQUIRED.—The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, review and assess the technological maturity and integration risk of critical technologies (as jointly identified by the Director and the Secretary of the Army for purposes of this section) of Army modernization programs and appropriate associated programs, including the programs as follows:

(1) Manned Ground Vehicle and Ground Combat Vehicle.

(2) Future Combat Systems network hardware and software.

(3) Warfighter Information Network–Tactical, Increment 3.

(4) Joint Tactical Radio System.

(5) Reconnaissance unmanned aerial vehicles.

(6) Future Combat Systems Spin Out technologies.

(7) Any other programs jointly identified by the Director and the Secretary for purposes of this section.

(b) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the technological maturity and integration risk of critical technologies of Army modernization and associated programs covered by the review and assessment required under subsection (a), as determined pursuant to that assessment.

SEC. 220. ASSESSMENT OF STRATEGY FOR TECHNOLOGY FOR MODERNIZATION OF THE COMBAT VEHICLE AND TACTICAL WHEELED VEHICLE FLEETS.

(a) INDEPENDENT ASSESSMENT OF STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an independent assessment of current, anticipated, and potential research and engineering activities for or applicable to the modernization of the combat vehicle fleet and tactical wheeled vehicle fleet of the Department of Defense.

(2) ACCESS TO INFORMATION AND RESOURCES.—The Secretary shall provide the entity with which the Secretary contracts under paragraph (1) access to such information and resources as are appropriate to conduct the assessment required by that paragraph.

(b) REPORT.—

(1) IN GENERAL.—The contract required by subsection (a) shall provide that the entity with which the Secretary contracts under that subsection shall submit to the Secretary of Defense and the congressional defense committees a report on the assessment required by that subsection not later than December 31, 2010.

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

(A) A detailed discussion of the requirements and capability needs identified or proposed for current and prospective combat vehicles and tactical wheeled vehicles.

(B) An identification of capability gaps for combat vehicles and tactical wheeled vehicles based on lessons learned from recent conflicts and an assessment of emerging threats.

(C) An identification of the critical technology elements or integration risks associated with particular categories of combat vehicles and tactical wheeled vehicles, and with particular missions of such vehicles.

(D) Recommendations for a plan to develop and deploy within the next 10 years critical technology capabilities to address the capability gaps identified pursuant to subparagraph (B), including an identification of high priority science and technology, research & engineering, and prototyping opportunities.

(E) Such other matters as the Secretary considers appropriate.

SEC. 221. SYSTEMS ENGINEERING AND PROTOTYPING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, carry out a program to encourage and fund systems engineering and prototyping efforts in support of Department of Defense goals and missions.

(b) OBJECTIVES.—The objectives of the program required by subsection (a) shall be as follows:

(1) To develop system prototypes for systems that provide capabilities supportive of addressing Department of Defense goals, needs, and requirements.

(2) To successfully demonstrate new systems in relevant environments.

(3) To encourage the training of systems engineers and the development of systems engineering tools and practices.

(c) SELECTION OF PROJECTS.—

(1) PROGRAM AREAS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the military departments and the Defense Agencies, designate general areas for systems engineering and prototype projects under the program required by subsection (a).

(2) SOLICITATION OF PROJECTS.—The Under Secretary shall solicit for the selection of projects under the program within the areas designated under paragraph (1) from among other government entities, federally-funded research and development centers, academia, the private sector, and such other persons, organizations, and entities as the Under Secretary considers appropriate.

(3) SELECTION.—The Under Secretary shall select projects for implementation under the program from among responses to the solicitations made under paragraph (2). The Under Secretary shall select such projects on a competitive basis.

(d) IMPLEMENTATION OF PROJECTS.—For each project selected under subsection (c)(3), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate a military department or Defense Agency to implement the project as part of the program required by subsection (a).

(e) FUNDING OF PROJECTS.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, subject to paragraphs (2) and (3), provide funds for each project selected under subsection (c)(3) in an amount jointly determined by the Under Secretary and the acquisition executive of the military department or Defense Agency concerned.

(2) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds provided to a project under paragraph (1) shall be not greater than the amount equal to 50 percent of the total cost of the project.

(3) LIMITATION ON PERIOD OF FUNDING.—A project may not be provided funds under this subsection for more than three fiscal years.

(4) SOURCE OF OTHER FUNDING.—Any funds required for a project under this section that are not provided under this subsection shall be derived from funds available to the military department or Defense Agency concerned, or another appropriate source other than this subsection.

(f) ANNUAL REPORT.—Not later than March 31 each year, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the activities carried out under the program required by subsection (a) during the preceding fiscal year.

(g) ACQUISITION EXECUTIVE DEFINED.—In this section, the term ''acquisition executive'', with respect to a military department or Defense Agency, means the official designated as the senior procurement executive for the military department or Defense Agency for the purposes of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414 (c)).

Subtitle C—Missile Defense Programs

SEC. 241. SENSE OF CONGRESS ON BALLISTIC MISSILE DEFENSE.

It is the sense of Congress that—

(1) the United States should develop, test, field, and maintain operationally effective, cost-effective, affordable, reliable, suitable, and survivable ballistic missile defense systems that are capable of defending the United States, its forward-deployed forces, allies, and other friendly nations from the threat of ballistic missile attacks from nations such as North Korea and Iran;

(2) the missile defense force structure and inventory levels of such missile defense systems should be determined based on an assessment of ballistic missile threats and a determination by senior military leaders, combatant commanders, and defense officials of the requirements and capabilities needed to address those threats; and

(3) the test and evaluation program for such missile defense systems should be rigorous, robust, operationally realistic, and capable of providing a high level of confidence in the capability of such systems (including their continuing effectiveness over the course of their service lives), and adequate resources should be available for that test and evaluation program (including interceptor missiles and targets for flight tests).

SEC. 242. COMPREHENSIVE PLAN FOR TEST AND EVALUATION OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish a comprehensive plan for the developmental and operational testing and evaluation of the Ballistic Missile Defense System and its various elements.

(2) PERIOD OF PLAN.—The plan shall cover the period covered by the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(3) INPUT.—In establishing the plan, the Secretary shall receive input on matters covered by the plan from the following:

(A) The Director of the Missile Defense Agency.

(B) The Director of Operational Test and Evaluation.

(C) The operational test components of the military departments.

(b) ELEMENTS.—The plan required by subsection (a) shall include, with regard to developmental and operational testing of the Ballistic Missile Defense System, the following:

(1) Test and evaluation objectives.

(2) Test and evaluation criteria and metrics.

(3) Test and evaluation procedures and methodology.

(4) Data requirements.

(5) System and element configuration under test.

(6) Approaches to verification, validation, and accreditation of models and simulations.

(7) The relative role of models and simulations, ground tests, and flight tests in achieving the objectives of the plan.

(8) Test infrastructure and resources, including test range limitations and potential range enhancements.

(9) Test readiness review approaches and methodology.

(10) Testing for system and element integration and interoperability.

(11) Means for achieving operational realism and means of demonstrating operational effectiveness, suitability and survivability.

(12) Detailed descriptions of planned tests.

(13) A description of the resources required to implement the plan.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2011, the Secretary shall submit to the congressional defense committees a report setting forth and describing the plan required by subsection (a) and each of the elements required in the plan under subsection (b).

(2) ADDITIONAL INFORMATION ON GROUND-BASED MIDCOURSE DEFENSE.—The report required by this subsection shall, in addition to the matters specified in paragraph (1), include a detailed description of the test and evaluation activities pertaining to the Ground-based Midcourse Defense (GMD) element of the Ballistic Missile Defense System as follows:

(A) Plans for salvo testing.

(B) Plans for multiple simultaneous engagement testing.

(C) Plans for intercept testing using the Cobra Dane radar as the engagement sensor.

(D) Plans to test and demonstrate the ability of the system to accomplish its mission over the planned term of its operational service life (also known as ''sustainment testing'').

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

SEC. 243. ASSESSMENT AND PLAN FOR THE GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

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

(1) the Ground-based Midcourse Defense (GMD) element of the Ballistic Missile Defense System should be an operationally effective, cost-effective, affordable, reliable, suitable, and survivable system capable of defending the United States from the threat of long-range missile attacks from nations such as North Korea and Iran, and adequate resources should be available to create and maintain such a capability (including continuing effectiveness over the course of its service life);

(2) the force structure and inventory levels of the Ground-based Midcourse Defense element should be determined based on an assessment of ballistic missile threats from nations such as North Korea and Iran and a determination by senior military leaders, combatant commanders, and defense officials of the requirements and capabilities needed to address those threats; and

(3) the test and evaluation program for the Ground-based Midcourse Defense element should be rigorous, robust, operationally realistic, and capable of providing a high degree of confidence in the capability of the system (including testing to demonstrate the continuing effectiveness of the system over the course of its service life), and adequate resources should be available for that test and evaluation program (including interceptor missiles and targets for flight tests).

(b) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—As part of the Quadrennial Defense Review and the Ballistic Missile Defense Review, the Secretary of Defense shall conduct an assessment of the following:

(A) Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(B) Future options for the Ground-based Midcourse Defense element.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The ballistic missile threat against which the Ground-based Midcourse Defense element is intended to defend.

(B) The military requirement for Ground-based Midcourse Defense capabilities against such missile threat.

(C) The current capabilities of the Ground-based Midcourse Defense element.

(D) The planned capabilities of the Ground-based Midcourse Defense element, if different from the capabilities under subparagraph (B).

(E) The force structure and inventory levels necessary for the Ground-based Midcourse Defense element to achieve the planned capabilities of that element, including an analysis of the costs and the potential advantages and disadvantages of deploying 44 operational Ground-based Interceptor missiles.

(F) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(G) The number of Ground-based Interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(3) REPORT.—At or about the same time the budget of the President for fiscal year 2011 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 paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(c) PLAN REQUIRED.—

(1) IN GENERAL.—In addition to the assessment required by subsection (b), the Secretary shall establish a plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System. The plan shall cover the period of the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

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

(A) The schedule for achieving the planned capability of the Ground-based Midcourse Defense element, including the completion of operational silos, the delivery of operational Ground-Based Interceptors, and the deployment of such interceptors in those silos.

(B) The plan for funding the development, production, deployment, testing, improvement, and sustainment of the Ground-based Midcourse Defense element.

(C) The plan to maintain the operational effectiveness of the Ground-based Midcourse Defense element over the course of its service life, including any modernization or capability enhancement efforts, and any sustainment efforts.

(D) The plan for flight testing the Ground-based Midcourse Defense element, including aging and surveillance tests to demonstrate the continuing effectiveness of the system over the course of its service life.

(E) The plan for production of Ground-Based Interceptor missiles necessary for operational assets, developmental and operational test assets, aging and surveillance test assets, and spare missiles.

(3) REPORT.—At or about the same time the budget of the President for fiscal year 2011 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 plan required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(d) CONSTRUCTION.—Nothing in this section shall be construed as altering or revising the continued production of all Ground-Based Interceptor missiles on contract as of June 23, 2009.

(e) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review.

SEC. 244. REPORT ON POTENTIAL MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth potential options for cooperation among or between the United States, the North Atlantic Treaty Organization (NATO), and the Russian Federation on ballistic missile defense.

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

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

(1) A description of proposals made by the United States, the North Atlantic Treaty Organization, or the Russian Federation since January 1, 2007, for potential missile defense cooperation among or between such countries and that organization, including data sharing, cooperative regional missile defense architectures, joint exercises, and transparency and confidence building measures.

(2) A description of options for the sharing by such countries and that organization of ballistic missile surveillance or early warning data, including data from the Russian early warning radars at Gabala in Azerbaijan, and Armavir in southern Russia or other radars, such as the United States radar proposed for deployment in the Czech Republic.

(3) An assessment of the potential for implementation of the agreement between the United States and the Russian Federation on the establishment of a Joint Data Exchange Center.

(4) An assessment of the potential for missile defense cooperation between the Russian Federation and the North Atlantic Treaty Organization, including through the NATO-Russia Council.

(5) An assessment of the potential security benefits to the United States, Russia, and the North Atlantic Treaty Organization of the cooperation described in paragraph (4).

(6) Such other matters as the Secretary considers appropriate.

SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.

(a) LIMITATION ON BREAK IN PRODUCTION.—The Secretary of Defense shall ensure that the Missile Defense Agency does not allow a break in production of the Ground-based Interceptor missile until the Department of Defense has—

(1) completed the Ballistic Missile Defense Review; and

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.

(b) LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT GREELY, ALASKA.—

(1) LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, does not complete decommissioning until seven silos have been emplaced at Missile Field 2 at Fort Greely.

(2) LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the disposition of operational silos at Missile Field 2 at Fort Greely, Alaska, until that date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 243 are submitted to the congressional defense committees.

SEC. 246. SENSE OF SENATE ON AND RESERVATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF MISSILE DEFENSE SYSTEMS IN EUROPE.

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

(1) In the North Atlantic Treaty Organization (NATO) Bucharest Summit Declaration of April 3, 2008, the Heads of State and Government participating in the meeting of the North Atlantic Council declared that ''[b]allistic missile proliferation poses an increasing threat to Allies' forces, territory and populations. Missile defence forms part of a broader response to counter this threat. We therefore recognize the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets''.

(2) The Bucharest Summit Declaration also stated that ''[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision''.

(3) In the Bucharest Summit Declaration, the North Atlantic Council also reaffirmed to Russia that ''current, as well as any future, NATO

Missile Defence efforts are intended to better address the security challenges we all face, and reiterate that, far from posing a threat to our relationship, they offer opportunities to deepen levels of cooperation and stability''.

(4) In the Strasbourg/Kehl Summit Declaration of April 4, 2009, the heads of state and government participating in the meeting of the North Atlantic Council reaffirmed ''the conclusions of the Bucharest Summit about missile defense,'' and declared that ''we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk''.

(5) Iran is rapidly developing its ballistic missile capabilities, including its inventory of short-range and medium-range ballistic missiles that can strike portions of Eastern and Southern North Atlantic Treaty Organization European territory, as well as the pursuit of long-range ballistic missiles that could reach Europe or the United States.

(6) On July 8, 2008, the Government of the United States and the Government of the Czech Republic signed an agreement to base a radar facility in the Czech Republic that is part of a proposed missile defense system to protect Europe and the United States against a potential future Iranian long-range ballistic missile threat.

(7) On August 20, 2008, the United States and the Republic of Poland signed an agreement concerning the deployment of ground-based ballistic missile defense interceptors in the territory of the Republic of Poland.

(8) Section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4393; 10 U.S.C. 2431 note) establishes conditions for the availability of funds for procurement, construction, and deployment of the planned missile defense system in Europe, including that the host nations must ratify any missile defense agreements with the United States and that the Secretary of Defense must certify that the system has demonstrated the ability to accomplish the mission.

(9) On April 5, 2009, President Barack Obama, speaking in Prague, Czech Republic, stated, ''As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed.''.

(10) On June 16, 2009, Deputy Secretary of Defense William Lynn testified before the Committee on Armed Services of the Senate that the United States Government is reviewing its options for developing and deploying operationally effective, cost-effective missile defense capabilities to Europe against potential future Iranian missile threats, in addition to the proposed deployment of a missile defense system in Poland and the Czech Republic.

(11) On July 9, 2009, General James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that the Department of Defense was considering some 40 different missile defense architecture options for Europe that could provide a ''regional defense capability to protect the nations'' of Europe, and a ''redundant capability that would assist in protecting the United States,'' and that the Department was considering ''what kind of an architecture best suits the defense of the region, the defense of the homeland, and the regional stability''.

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

(1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense (GMD) system, including a midcourse radar in the Czech Republic and Ground-Based Interceptors in Poland, consistent with section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009;

(2) in conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against current and future Iranian ballistic missile capabilities;

(3) any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and

(4) any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization missile defense systems.

(c) RESERVATION OF FUNDS FOR MISSILE DEFENSE SYSTEMS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, $353,100,000 shall be available only for the purposes described in paragraph (2).

(2) USE OF FUNDS.—The purposes described in this paragraph are the following:

(A) Research, development, test, and evaluation of—

(i) the proposed midcourse radar element of the Ground-based Midcourse Defense system in the Czech Republic; and

(ii) the proposed long-range missile defense interceptor site element of such defense system in Poland.

(B) Research, development, test, and evaluation, procurement, construction, or deployment of other missile defense systems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense committees a report certifying that such systems are expected to be—

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

(ii) operationally effective and cost-effective in providing protection for Europe, and the United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(iii) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(d) CONSTRUCTION.—Nothing in this section shall be construed as limiting or preventing the Department of Defense from pursuing the development or deployment of operationally effective and cost-effective ballistic missile defense systems in Europe.

SEC. 247. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4392) is amended by striking ''October 31, 2010'' and inserting ''March 1, 2011''.

Subtitle D—Other Matters

SEC. 251. REPEAL OF REQUIREMENT FOR BIENNIAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is repealed.

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

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

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

SEC. 253. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.

(a) IN GENERAL.—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies capable of—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) FUNDING.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct the evaluation required by subsection (a) using amounts appropriated for fiscal year 2009 for extended range modular sniper rifle system research (PE # 0604802A) that are unobligated.

(c) REPORT.—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

(1) For the Army, $30,932,882,000.

(2) For the Navy, $35,890,046,000.

(3) For the Marine Corps, $5,547,223,000.

(4) For the Air Force, $34,053,559,000.

(5) For Defense-wide activities, $27,645,997,000.

(6) For the Army Reserve, $2,623,796,000.

(7) For the Navy Reserve, $1,278,501,000.

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

(9) For the Air Force Reserve, $3,079,228,000.

(10) For the Army National Guard, $6,260,634,000.

(11) For the Air National Guard, $5,888,461,000.

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

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

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

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

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

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

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

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

(20) For Cooperative Threat Reduction programs, $424,093,000.

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

(b) FUNDING TABLE.—The amounts authorized by subsection (a) shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4301.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORITY TO REIMBURSE.—

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

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

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

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(a)(18) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

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

Subtitle C—Workplace and Depot Issues

SEC. 321. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) CLARIFICATION OF AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS.—The second sentence of section 4544(a) of title 10, United States Code, as added by section 328(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66), is amended by inserting after ''not more than eight contracts or cooperative agreements'' the following: ''in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)''.

(b) ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS OF USE OF AUTHORITY.—Section 328(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67) is amended—

(1) by striking ''a report assessing the advisability'' and inserting the following: ''a report—

''(A) assessing the advisability''; and

(2) by striking ''pursuant to such authority.'' and inserting the following: ''pursuant to such authority;

''(B) assessing the benefit to the Federal Government of using such authority;

''(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and

''(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.''.

SEC. 322. IMPROVEMENT OF INVENTORY MANAGEMENT PRACTICES.

(a) INVENTORY MANAGEMENT PRACTICES IMPROVEMENT PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory management systems of the military departments and the Defense Logistics Agency with the objective of reducing the acquisition and storage of secondary inventory that is excess to requirements.

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

(1) A plan for a comprehensive review of demand-forecasting procedures to identify and correct any systematic weaknesses in such procedures, including the development of metrics to identify bias toward over-forecasting and adjust forecasting methods accordingly.

(2) A plan to accelerate the efforts of the Department of Defense to achieve total asset visibility, including efforts to link wholesale and retail inventory levels through multi-echelon modeling.

(3) A plan to reduce the average level of on-order secondary inventory that is excess to requirements, including a requirement for the systemic review of such inventory for possible contract termination.

(4) A plan for the review and validation of methods used by the military departments and the Defense Logistics Agency to establish economic retention requirements.

(5) A plan for an independent review of methods used by the military departments and the Defense Logistics Agency to establish contingency retention requirements.

(6) A plan to identify items stored in secondary inventory that require substantial amounts of storage space and shift such items, where practicable, to direct vendor delivery.

(7) A plan for a comprehensive assessment of inventory items on hand that have no recurring demands, including the development of—

(A) metrics to track years of no demand for items in stock; and

(B) procedures for ensuring the systemic review of such items for potential reutilization or disposal.

(8) A plan to more aggressively pursue disposal reviews and actions on stocks identified for potential reutilization or disposal.

(c) GAO REPORTS.—

(1) ASSESSMENT OF PLAN.—Not later than 60 days after the date on which the plan required by subsection (a) is submitted as specified in that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan meets the requirements of this section.

(2) ASSESSMENT OF IMPLEMENTATION.—Not later than 18 months after the date on which the plan required by subsection (a) is submitted, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan has been effectively implemented by each military department and by the Defense Logistics Agency.

(d) INVENTORY THAT IS EXCESS TO REQUIREMENTS DEFINED.—In this section, the term ''inventory that is excess to requirements'' means inventory that—

(1) is excess to the approved acquisition objective concerned; and

(2) is not needed for the purposes of economic retention or contingency retention.

SEC. 323. TEMPORARY SUSPENSION OF AUTHORITY FOR PUBLIC-PRIVATE COMPETITIONS.

(a) TEMPORARY SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Secretary of Defense submits to the congressional defense committees the certification described in subsection (b), no study or public-private competition regarding the conversion to contractor performance of any function of the Department of Defense performed by civilian employees may be begun or announced pursuant to section 2461 of title 10, United States Code, Office of Management and Budget Circular A–76, or any other authority.

(b) CERTIFICATION.—The certification described in this subsection is a certification that—

(1) the Secretary of Defense has completed and submitted to Congress a complete inventory of contracts for services for or on behalf of the Department of Defense in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code; and

(2) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory is in compliance with the review and planning requirements of subsection (e) of such section.

SEC. 323A. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

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

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

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

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

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

SEC. 323B. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

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

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

''(B) The period referred to in paragraph (A) is 30 months with respect to a single formation activity and 36 months with respect to a multi-formation activity.

''(C) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims.

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

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

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

''(iii) Assessing the availability of workload data, quantifiable outputs of functions, and

agency or industry performance standards applicable to the competition.

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

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

SEC. 323C. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

Any Department of Defense public-private competition that exceeds the time limits established in section 2461(a) shall be reviewed by the Secretary of Defense and considered for termination. If the Secretary of Defense does not terminate the competition, he shall report to Congress on the reasons for his decision.

SEC. 324. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note), as amended by section 341 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 69), is amended—

(1) in subsection (a), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (g)(1), by striking ''2010'' and inserting ''2011''.

SEC. 325. MODIFICATION OF DATE FOR SUBMITTAL TO CONGRESS OF ANNUAL REPORT ON FUNDING FOR PUBLIC AND PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

Section 2466(d)(1) of title 10, United States Code, is amended by striking ''April 1 of each year'' and inserting ''90 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31''.

Subtitle D—Energy Provisions

SEC. 331. ENERGY SECURITY ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) PLAN FOR ENERGY SECURITY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for identifying and addressing areas in which the electricity needed to carry out critical military missions on Department of Defense installations is vulnerable to disruption.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include, at a minimum, the following:

(A) An identification of the areas of vulnerability as described in paragraph (1), and an identification of priorities in addressing such areas of vulnerability.

(B) A schedule for the actions to be taken by the Department to address such areas of vulnerability.

(C) A strategy for working with other public or private sector entities to address such areas of vulnerability that are beyond the control of the Department.

(b) WORK WITH NON-DEPARTMENT OF DEFENSE ENTITIES.—

(1) IN GENERAL.—The Secretary of Defense shall work with other Federal entities, and with State and local government entities, to develop any regulations or other mechanisms needed to require or encourage actions to address areas of vulnerability identified pursuant to the plan developed under subsection (a) that are beyond the control of the Department of Defense.

(2) CONTRACT AUTHORITY.—Where necessary to achieve the purposes of this section, the Secretary may enter into a contract, grant, or other agreement with one or more appropriate public or private sector entities under which such entity or entities agree to carry out actions required to address areas of vulnerability identified pursuant to the plan developed under subsection (a) that are beyond the control of the Department. Any such contract, grant, or agreement may provide for the full or partial reimbursement of the entity concerned by the Department for actions taken by the entity under such contract, grant, or agreement.

SEC. 332. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

(a) NEW REPORTING REQUIREMENTS.—Section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1054) is amended to read as follows:

''(e) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later one year after the date of the enactment of this Act, and each January 1 thereafter through 2020, the Secretary shall submit to the congressional defense a report regarding progress made toward achieving the energy efficiency goals of the Department of Defense, consistent with the provisions of section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8521 note) and section 11(b) of Executive Order 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

''(2) REPORTS SUBMITTED AFTER JANUARY 1, 2009.—Each report required under paragraph (1) that is submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 shall include the following:

''(A) A table detailing funding, by account, for all energy projects and investments.

''(B) A description of the funding and steps taken to achieve the renewable energy goals in the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) and Executive Order 13423 by fiscal year 2015, and section 2911(e) of title 10, United States Code, by fiscal year 2025.

''(C) A description of steps taken to ensure that facility and installation management goals are consistent with current legislative and other requirements, including applicable requirements under the Energy Independence and Security Act of 2007 (Public Law 110–140).

''(D) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations in order to use the data for better energy management.

''(E) A description of steps taken to comply with requirements of the Energy Independence and Security Act of 2007, including new design and construction requirements for buildings.

''(F) A description of steps taken to comply with section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), regarding the supply by the General Services Administration and the Defense Logistics Agency of Energy Star and Federal Energy Management Program (FEMP) designated products to its Department of Defense customers.

''(G) A description of steps taken to encourage the use of Energy Star and FEMP designated products at military installations in government or contract maintenance activities.

''(H) A description of steps taken to comply with standards for projects built using appropriated funds and established by the Energy Independence and Security Act of 2007 for privatized construction projects, whether residential, administrative, or industrial.

''(I) A description of any other issues and strategies the Secretary determines relevant to a comprehensive and renewable energy policy.''.

(b) ADDITIONAL MATERIAL REQUIRED FOR FIRST EXPANDED REPORT.—The first report submitted by the Secretary of Defense under section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1054), as amended by subsection (a), after the date of the enactment of this Act shall include, in addition to the matters required under such section, the following:

(1) A determination of whether the existing tools, such as the Energy Conservation Investment Program (ECIP) and the Energy Savings Performance Contracts (ESPC) program, are sufficient to support renewable energy projects to achieve the Department's installation energy goals, or if new funding mechanisms would be beneficial.

(2) An appropriate goal or goals for the use of alternative fuels for ground vehicles, aircraft, sea vessels, and applicable weapons systems, taking into consideration a broad range of factors, including cost, availability, technological feasibility, energy independence and security, and environmental impact.

(3) A determination of the cost and feasibility of a policy that would require new power generation projects established on installations to be able to switch to provide power for military operations in the event of a commercial grid outage.

(4) An assessment of the extent to which State and regional laws and regulations and market structures provide opportunities or obstacles to establish renewable energy projects on military installations.

(5) A determination of the cost and feasibility of developing or acquiring equipment or systems that would result in the complete use of renewable energy sources at contingency locations.

(6) A determination of the cost and feasibility of implementing the recommendations of the 2008 Defense Science Board Report entitled, ''More Fight – Less Fuel''.

SEC. 333. ALTERNATIVE AVIATION FUEL INITIATIVE.

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

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The dramatically fluctuating price of fuel can have a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The Air Force's Alternative Aviation Fuel Initiative includes certification and testing of both biomass-derived (''biofuel'') and synthetic fuel blends produced via the Fischer-Tropsch (FT) process. By not later than December 31, 2016, the Air Force will be prepared to cost competitively acquire 50 percent of the Air Force's domestic aviation fuel requirement via an alternative fuel blend in which the alternative component is derived from domestic sources produced in a manner that is greener than fuels produced from conventional petroleum.

(7) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force with a goal of—

(A) certifying its aircraft, applicable vehicles and support equipment, and associated storage and distribution infrastructure for unrestricted operational use of a synthetic fuel blend by early 2011;

(B) being prepared to acquire 50 percent of its domestic aviation fuel requirement from alternative or synthetic fuels (including blends of alternative or synthetic fuels with conventional fuels) by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall be equal to or lower than such emissions from conventional fuels that are used in the same application, as determined in accordance with guidance by the Department of

Energy and the Environmental Protection Agency; and

(ii) prices for such fuels are cost competitive with petroleum-based alternatives that are used for the same functions;

(C) taking actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) taking actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ADJUSTMENT OF GOAL.—The Secretary of the Air Force may adjust the goal of acquiring 50 percent of Air Force domestic fuel requirements from alternative or synthetic fuels by not later than December 31, 2016, if the Secretary determines in writing that it would not be practicable, or in the best interests of the Air Force, to do so and informs the congressional defense committees within 30 days of the basis for such determination.

(3) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act and annually thereafter in each of fiscal years 2011 through 2016, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of alternative or synthetic fuels (including blends of alternative or synthetic fuels with conventional fuels) purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment or adjustment of goals and objectives for the current fiscal year or for future years.

(c) ANNUAL REPORT FOR ARMY AND NAVY.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter in each of fiscal years 2011 through 2016, the Secretary of the Army and the Secretary of the Navy shall each submit to Congress a report on goals and progress to research, test, and certify the use of alternative fuels in their respective aircraft fleets.

(d) DEFENSE SCIENCE BOARD REVIEW.—

(1) REPORT REQUIRED.—Not later than October 1, 2011, the Defense Science Board shall report to the Secretary of Defense on the feasibility and advisability of achieving the goals established in subsection (b)(1). The report shall address—

(A) the technological and economic achievability of the goals;

(B) the impact of actions required to meet such goals on the military readiness of the Air Force, energy costs, environmental performance, and dependence on foreign oil; and

(C) any recommendations the Defense Science Board may have for improving the Air Force program.

(2) SUBMISSION TO CONGRESS.—Not later than 30 days after receiving the report required by under paragraph (1), the Secretary of Defense shall forward the report to Congress, together with the comments and recommendations of the Secretary.

SEC. 334. AUTHORIZATION OF APPROPRIATIONS FOR DIRECTOR OF OPERATIONAL ENERGY.

Of the amounts authorized to be appropriated for Operation and Maintenance, Defense-wide, $5,000,000 is for the Director of Operational Energy Plans and Programs to carry out the duties prescribed for the Director under section 139b of title 10, United States Code, to be made available upon the confirmation of an individual to serve as the Director of Operational Energy Plans and Programs.

SEC. 335. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

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

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

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

''(1) An electric utility

''(2) An independent system operator.

''(3) A State agency.

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

''(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations Act. The Secretary concerned or the head of the Defense Agency or other instrumentality, as the case may be, shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

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

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

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

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

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

Subtitle E—Reports

SEC. 341. STUDY ON ARMY MODULARITY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center (FFRDC) to conduct a study on the current and planned modularity structures of the Army to determine the following:

(A) The operational capability of the Army to execute its core mission to contribute land power to joint operations.

(B) The ability to manage flexibility and versatility of Army forces across the range of military operations.

(C) The tactical, operational, and strategic risk associated with the heavy and light modular combat brigades and functional brigades.

(D) The required and planned end strength for the Army.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) The Army's historical experience with separate brigade structures.

(B) The original Army analysis, including explicit or implicit assumptions, upon which the brigade combat team, functional brigade, and higher headquarters' designs were based.

(C) Subsequent analysis that confirmed or modified the original designs.

(D) Lessons learned from Operations Iraqi Freedom and Enduring Freedom that confirmed or modified the original designs.

(E) Improvements in brigade and headquarters designs the Army has made or is implementing.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the FFRDC conducting the study has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with comments by the Chief of Staff of the Army and the Secretary of Defense.

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

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

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

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

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

''(i) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

''(ii) Identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

''(iii)(I) As part of the first such report submitted, a plan to address training constraints caused by vegetation and overgrowth.

''(II) As part of each subsequent report, any necessary updates to such plan.''.

SEC. 343. REPORT ON STATUS OF AIR NATIONAL GUARD AND AIR FORCE RESERVE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, the Chief of the Air Force Reserve, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the Air National Guard and the Air Force Reserve; and

(2) the plans of the Department of Defense to ensure that the Air National Guard and the Air Force Reserve remain ready to meet the requirements of the Air Force and the combatant commands and for homeland defense.

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, 2010, as follows:

(1) The Army, 547,400.

(2) The Navy, 328,800.

(3) The Marine Corps, 202,100.

(4) The Air Force, 331,700.

SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2010, 2011, AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTH.—

(1) AUTHORITY.—For each of fiscal years 2010, 2011, and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which an increase may be made in the active duty end strength for the Army under paragraph (1) are the following:

(A) To increase dwell time for members of the Army on active duty.

(B) To support operational missions.

(C) To achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the President under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority in subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—

(1) IN GENERAL.—If the Secretary of Defense increases active-duty end strength for the Army for fiscal year 2010 under subsection (a), the Secretary may fund such an increase through Department of Defense reserve funds or through an emergency supplemental appropriation.

(2) FISCAL YEARS 2011 AND 2012.—(2) If the Secretary of Defense plans to increase the active-duty end strength for the Army for fiscal year 2011 or 2012, the budget for the Department of Defense for such fiscal year as submitted to Congress shall include the amounts necessary for funding the active-duty end strength for the Army in excess of the fiscal-year 2010 baseline.

(e) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2010 BASELINE.—The term ''fiscal-year 2010 baseline'', with respect to the Army, means the active-duty end strength authorized for the Army in section 401(1).

(2) ACTIVE-DUTY END STRENGTH.—The term ''active-duty end strength'', with respect to the Army for a fiscal year, means the strength for active duty personnel of Army as of the last day of the fiscal year.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2010, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 69,500.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—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.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2010, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,818.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,555.

(6) The Air Force Reserve, 2,896.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2010 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,417.

(4) For the Air National Guard of the United States, 22,313.

SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

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

(A) For the Army National Guard of the United States, 1,600.

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

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

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

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

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

During fiscal year 2010, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. REPORT ON TRAINEE ACCOUNT FOR THE ARMY NATIONAL GUARD.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth an assessment of the establishment within the Army National Guard of a trainees, transients, holdees, and students account (commonly referred to as a ''TTHS'' account).

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the feasibility and advisability of permitting the Army National Guard to have, without regard to its authorized end strength levels for a fiscal year, a trainees, transients, holdees, and students account for assigning all members of the Army National Guard who have not completed initial entry training in order to ensure that all personnel of fully manned and deployable units of the Army National Guard have completed initial entry training.

SEC. 417. AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR SELECTED RESERVE END STRENGTHS.

Section 115(g) of title 10, United States Code, is amended to read as follows:

''(g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

''(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

''(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

''(2) Any increase under paragraph (1) of the end strength for an armed force or the Selected Reserve of a reserve component of an armed force shall be counted as part of the increase for that armed force or Selected Reserve for that fiscal year authorized under subsection (f)(1) or subsection (f)(3), respectively.''.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

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

(1) For military personnel, $124,864,942,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, $10,751,339,000.

(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 2010.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF LIMITATIONS ON GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) CLARIFICATION OF DISTRIBUTION LIMITS.—Section 525 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

''(a) For purposes of the applicable limitation in section 526(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made as follows:

''(1) in the Army, if that appointment would result in more than—

''(A) 7 officers in the grade of general;

''(B) 45 officers in a grade above the grade of major general; or

''(C) 90 officers in the grade of major general;

''(2) in the Air Force, if that appointment would result in more than—

''(A) 9 officers in the grade of general;

''(B) 43 officers in a grade above the grade of major general; or

''(C) 73 officers in the grade of major general;

''(3) in the Navy, if that appointment would result in more than—

''(A) 6 officers in the grade of admiral;

''(B) 32 officers in a grade above the grade of rear admiral; or

''(C) 50 officers in the grade of rear admiral;

''(4) in the Marine Corps, if that appointment would result in more than—

''(A) 2 officers in the grade of general;

''(B) 15 officers in a grade above the grade of major general; or

''(C) 22 officers in the grade of major general.

''(b)(1) The limitations of subsection (a) do not include the following:

''(A) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than 3 officers from each armed forces may be on active duty who are excluded under this subparagraph.

''(B) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title.

''(C) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.

''(D) An officer while serving as Chief of the National Guard Bureau.

''(2) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under subsection (a). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under subsection (a). An officer while serving as Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under subsection (a).''.

(b) CLARIFICATION ON OFFSETTING REDUCTIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

''(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and''; and

(B) in subparagraph (B), by striking ''subsection (b)(2)'' and inserting ''this section'';

(2) in paragraph (3)(A), by striking ''the number equal to 10 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps under subsection (b)'' and inserting ''15''; and

(3) in paragraph (3)(B), by striking ''the number equal to 15 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps'' and inserting ''5''.

(c) OTHER DISTRIBUTION CLARIFICATIONS.—Such section is further amended—

(1) in subsection (e), by striking ''In determining the total number of general officers or flag officers of an armed force on active duty for purposes of this section, the following officers shall not be counted:'' in the matter preceding paragraph (1) and inserting ''The following officers shall not be counted for purposes of this section:''; and

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

''(g) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty and serving in a position that is a joint duty assignment for the purposes of chapter 38 of this title for a period not to exceed three years.''.

(d) CHANGE TO AUTHORIZED STRENGTHS.—Subsection (a) of section 526 of such title is amended—

(1) in paragraph (1), by striking ''307'' and inserting ''230'';

(2) in paragraph (2), by striking ''216'' and inserting ''160'';

(3) in paragraph (3), by striking ''279'' and inserting ''208''; and

(4) in paragraph (4), by striking ''81'' and inserting ''60''.

(e) CHANGES TO LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''Chairman of the Joint Chiefs of Staff'' and inserting ''Secretary of Defense'';

(B) by striking ''65'' and inserting ''324''; and

(C) by striking the second sentence and inserting the following new sentence: ''The Secretary of Defense shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.'';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) Unless the Secretary of Defense determines that a lower number is in the best interest of the Department, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 85.

''(B) For the Navy, 61.

''(C) For the Air Force, 76.

''(D) For the Marine Corps, 21.

''(3) The number excluded under paragraph (1) and serving in positions designated under that paragraph—

''(A) in the grade of general or admiral may not exceed 20;

''(B) in a grade above the grade of major general or rear admiral may not exceed 68; and

''(C) in the grade of major general or rear admiral may not exceed 144.''.

(f) OTHER AUTHORIZATION CLARIFICATIONS.—Such section is further amended—

(1) in subsection (d), by adding at the end the following new paragraph:

''(3) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty and serving in a position that is a joint duty assignment for the purposes of chapter 38 of this title for a period not to exceed three years.''; and

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

''(g) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) and in section 525(a) of this title do not apply to a general or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

''(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period of longer than one year.

''(h) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment; except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day by an additional 120 days, but no more than 3 officers from each armed force may be on active duty who are excluded under this subsection.''.

(g) REPEAL OF LIMITATIONS ON GENERAL AND FLAG OFFICER ACTIVITIES OUTSIDE THE OFFICER'S OWN SERVICE.—

(1) REPEAL.—Section 721 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(h) REPEAL OF SUPERSEDED AUTHORITY.—Section 506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4434; 10 U.S.C. 525 note) is repealed.

SEC. 502. REVISIONS TO ANNUAL REPORT REQUIREMENT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''and their education and experience'';

(2) by striking paragraph (3);

(3) by transferring subparagraph (B) of paragraph (4) to the end of paragraph (1), redesignating that subparagraph as subparagraph (C), aligning that subparagraph with the margin of subparagraph (B) of paragraph (1), and capitalizing the first word of that subparagraph;

(4) by striking the remainder of paragraph (4), as amended by paragraph (3) of this section;

(5) by redesignating paragraph (5) as paragraph (3);

(6) by striking paragraph (6);

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

(8) by redesignating paragraph (12) as paragraph (9) and in that paragraph striking ''each time the'' and all that follows and inserting ''the principal courses of instruction for Joint Professional Military Education Level II, the number of officers graduating from each of the following:

''(A) The Joint Forces Staff College.

''(B) The National Defense University.

''(C) Senior Service Schools.''; and

(9) by redesignating paragraph (13) as paragraph (10).

SEC. 503. GRADE OF LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) IN GENERAL.—Section 156(c) of title 10, United States Code, is amended by striking '', while so serving, hold the'' and inserting ''be appointed in the regular''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Legal Counsel to the Chairman of the Joint Chiefs of Staff on or after that date.

SEC. 504. CHIEF AND DEPUTY CHIEF OF CHAPLAINS OF THE AIR FORCE.

(a) IN GENERAL.—Chapter 805 of title 10, United States Code, is amended by inserting after section 8038 the following new section:

''§ 8039. Chief and Deputy Chief of Chaplains: appointment; duties

''(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of Chaplains in the Air Force, who shall be appointed by the President, by and with the advice and consent of the Senate, from active duty officers of the Air Force Chaplain Corps serving in the grade of colonel or above who

have served on active duty as a chaplain for at least eight years.

''(2) An officer appointed as the Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

''(3) The Chief of Chaplains shall be appointed in the regular grade of major general.

''(4) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and by law.

''(b) DEPUTY CHIEF OF CHAPLAINS.—(1) There is a Deputy Chief of Chaplains in the Air Force who shall be appointed by the President by and with the advice and consent of the Senate from active duty officers of the Air Force Chaplain Corps serving in the grade of colonel who have served on active duty as a chaplain for at least eight years.

''(2) An officer appointed as the Deputy Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

''(3) The Deputy Chief of Chaplains shall be appointed in the regular grade of brigadier general.

''(4) The Deputy Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force, the Chief of Chaplains, and by law.

''(c) SELECTION OF RECOMMENDED OFFICERS THROUGH SELECTION BOARD PROCEDURES.—Under regulations approved by the Secretary of Defense, the Secretary of the Air Force in selecting an officer for recommendation to the President under subsection (a) for appointment as the Chief of Chaplains or under subsection (b) for appointment as the Deputy Chief of Chaplains shall ensure that the officer selected is recommended by a board of officers that, insofar as is practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such title is amended by inserting after the item related to section 8038 the following new item:

''8039. Chief and Deputy Chief of Chaplains: appointment; duties.''.

Subtitle B—Reserve Component Management

SEC. 511. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.

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

(1) A description of the types of duties performed for the National Guard by non-dual status technicians.

(2) A description of the current requirements of the National Guard for non-dual status technicians.

(3) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(b) CONSIDERATIONS.—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

Subtitle C—Education and Training

SEC. 521. GRADE OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ''Each medical student shall be appointed as a regular officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the regular grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades.''; and

(2) in paragraph (2), by striking ''grade of second lieutenant or ensign'' and inserting ''grade in which the member is serving under paragraph (1)''.

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2121(c) of such title is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ''Each person so commissioned shall be appointed as a reserve officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the reserve grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades for a period of 45 days during each year of participation in the program.''; and

(2) in paragraph (2), by striking ''grade of second lieutenant or ensign'' and inserting ''grade in which the member is serving under paragraph (1)''.

(c) OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.—Subsection (e) of section 2004a of such title is amended—

(1) in the subsection heading, by striking ''APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE'' and inserting ''SERVICE ON ACTIVE DUTY''; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) A commissioned officer detailed under subsection (a) shall serve on active duty, subject to the limitations on grade specified in section 2114(b)(1) of this title and with the entitlement to basic pay as specified in section 2114(b)(2) of this title.''.

SEC. 522. EXPANSION OF CRITERIA FOR APPOINTMENT AS MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113a(b)(1) of title 10, United States Code, is amended by striking ''health and health education'' and inserting ''health care, higher education administration, and public policy''.

SEC. 523. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT SCHOOLS OF PSYCHOLOGY.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004 the following new section:

''§ 2004a. Detail of commissioned officers as students at schools of psychology

''(a) DETAIL AUTHORIZED.—The Secretary of each military department may detail commissioned officers of the armed forces as students at accredited schools of psychology located in the United States for a period of training leading to the degree of Doctor of Philosophy in clinical psychology. No more than 25 officers from each military department may commence such training in any single fiscal year.

''(b) ELIGIBILITY FOR DETAIL.—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

''(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0–3 or below as of the time the training is to begin; and

''(2) sign an agreement that unless sooner separated the officer will—

''(A) complete the educational course of psychological training;

''(B) accept transfer or detail as a commissioned officer within the military department concerned when the officer's training is completed; and

''(C) agree to serve, following completion of the officer's training, on active duty (or on active duty and in the Selected Reserve) for a period as specified pursuant to subsection (c).

''(c) SERVICE OBLIGATION.—(1) Except as provided in paragraph (2), the agreement of an officer under subsection (b) shall provide that the officer shall serve on active duty for two years for each year or part thereof of the officer's training under subsection (a).

''(2) The agreement of an officer may authorize the officer to serve a portion of the officer's service obligation on active duty and to complete the service obligation that remains upon separation from active duty in the Selected Reserve. Under any such agreement, an officer shall serve three years in the Selected Reserve for each year or part thereof of the officer's training under subsection (a) for any service obligation that was not completed before separation from active duty.

''(d) SELECTION OF OFFICERS FOR DETAIL.—Officers detailed for training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

''(e) RELATION OF SERVICE OBLIGATIONS TO OTHER SERVICE OBLIGATIONS.—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

''(f) EXPENSES.—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

''(g) FAILURE TO COMPLETE PROGRAM.—(1) An officer who is dropped from a program of psychological training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

''(2) In no case shall an officer be required to serve on active duty under paragraph (1) for any period in excess of one year for each year or part thereof the officer participated in the program.

''(h) LIMITATION ON DETAILS.—No agreement detailing an officer of the armed forces to an accredited school of psychology may be entered into during any period in which the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2004 the following new item:

''2004a. Detail of commissioned officers as students at schools of psychology.''.

SEC. 524. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

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

''§ 9362. Air Force Academy athletic programs support

''(a) ESTABLISHMENT AUTHORIZED.—

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

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

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

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

''(2) in accordance with this section; and

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

''(c) CORPORATE BOARD OF DIRECTORS.—

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

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9361 the following new item:

''9362. Air Force Academy athletic programs support.''.

Subtitle D—Defense Dependents' Education Matters

SEC. 531. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(a)(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572, as amended by section 533 of this Act.

(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. 532. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(a)(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 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–77; 20 U.S.C. 7703a).

SEC. 533. TWO-YEAR EXTENSION OF AUTHORITY FOR ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.

Section 572(b)(4) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b(b)(4)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2012''.

SEC. 534. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) PERMANENT AUTHORITY.—Subsection (a)(2) of section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended by striking '', and only through the 2010–2011 school year''.

(b) COMBATANT COMMANDER ADVICE AND ASSISTANCE.—Subsection (c)(1) of such section is amended by inserting after ''Secretary'' the following: '', with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium,''.

SEC. 535. STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DO NOT ATTEND DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS.

(a) STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES.—

(1) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Education, conduct a study on options for educational opportunities that are, or may be, available for dependent children of members of the Armed Forces who do not attend Department of Defense dependents' schools when the public elementary and secondary schools attended by such children are determined to be in need of improvement pursuant to the No Child Left Behind Act of 2001 (Public Law 110–117).

(2) OPTIONS.—The options to be considered under the study required by paragraph (1) shall include the following:

(A) Vouchers.

(B) Education provided by the Department of Defense through the Internet.

(C) Charter schools.

(D) Such other options as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate for purposes of the study.

(3) ELEMENTS.—The study required by paragraph (1) shall address the following matters:

(A) The challenges faced by parents in military families in securing quality elementary and secondary education for their children when the public elementary and secondary schools attended by their children are identified as being in need of improvement.

(B) The extent to which perceptions of differing degrees of quality in public elementary and secondary schools in different regions of the United States affect plans of military families to relocate, including relocation pursuant to a permanent change of duty station.

(C) The various reasons why military families seek educational opportunities for their children other than those available through local public elementary and secondary schools.

(D) The current level of student achievement in public elementary and secondary schools in school districts which have a high percentage of students who are children of military families.

(E) The educational needs of children of military families who are required by location to attend public elementary and secondary schools identified as being in need of improvement.

(F) The value and impact of a school voucher or other alternative educational program for military families.

(G) The extent to which the options referred to in paragraph (2) would provide a meaningful option for education for military children when the public elementary and secondary schools attended by such children are determined to be in need of improvement.

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

(I) Such other matters as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate for purposes of the study.

(b) REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (b). The report shall include the following:

(1) A description of the results of the study.

(2) Such recommendations for legislative or administrative action as the Secretary of Defense considers appropriate in light of the results of the study.

SEC. 536. SENSE OF SENATE ON THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

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

(1) The incongruity in how States assess and enroll transfer students creates challenges for the moving military family and can, in some cases, be detrimental to the higher education opportunities of military children.

(2) The inability to transfer credits, maintain the proper number of school-year hours, missing exams, and other obstacles can make moving as a military family difficult.

(3) The average military child moves six to nine times between kindergarten and high school graduation, creating a variety of challenges and obstacles related to permanent change of station moves.

(4) The demands and strains on members of the Armed Forces and their families continue to increase and will do so for the foreseeable future as the United States continues overseas contingency operations, and children and adolescents are acutely vulnerable to family stresses caused by the high operational tempo and may therefore be at a heightened risk for emotional distress.

(5) The routine of the school environment can be a source of stability for military children as they cope with the disruptive challenges caused by the deployment of a parent or a relocation.

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

(1) express strong support and commendation for Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, Florida, Hawaii, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, Texas, Virginia, and Washington as States that have successfully enacted the Interstate Compact on Educational Opportunity for Military Children;

(2) express its strong support and encourage all remaining States to enact the Interstate Compact on Educational Opportunity for Military Children;

(3) recognize the importance of the components of the Interstate Compact on Educational Opportunity for Military Children, including—

(A) the transfer of educational records to expedite the proper enrollment and placement of students;

(B) the ability of students to continue their enrollment at a grade level in the receiving State commensurate with their grade level from the sending State;

(C) priority for attendance to children of members of the Armed Forces assuming the school district accepts transfer students;

(D) the ability of students to continue their course placement, including but not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses;

(E) the recalculation of grades to consider the weights offered by a receiving school for the same performance in the same course when a student transfers from one grading system to another system (for example, number-based system to letter-based system);

(F) the waiver of specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or the provision of an alternative means of acquiring required coursework so that graduation may occur on time; and

(G) the recognition of an appointed guardian as a custodial parent while the child's parent or parents are deployed; and

(4) express strong support for States to develop a State Council to provide for the coordination among their agencies of government, local education agencies, and military installations concerning the participation of a State in the Interstate Compact on Educational Opportunity for Military Children.

SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) ASSISTANCE SPECIFIED.—The assistance specified in this subsection is—

(1) assistance provided under—

(A) section 572 the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b);

(B) section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1917);

(C) section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1474);

(D) section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2514);

(E) section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1063); or

(F) section 362 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–76); and

(2) payments made under section 363 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–77; 20 U.S.C. 7703a).

(c) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

SEC. 538. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.—(1) The Secretary may authorize the enrollment in an education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

''(2) An individual referred to in paragraph (1) is any of the following:

''(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

''(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.''.

Subtitle E—Military Justice and Legal Assistance Matters

SEC. 541. INDEPENDENT REVIEW OF JUDGE ADVOCATE REQUIREMENTS OF THE DEPARTMENT OF THE NAVY.

(a) INDEPENDENT PANEL FOR REVIEW.—

(1) ESTABLISHMENT.—There is hereby established an independent panel to review the judge advocate requirements of the Department of the Navy.

(2) COMPOSITION.—The panel shall be composed of five members, appointed by the Secretary of Defense from among private United States citizens who have expertise in law, military manpower policies, the missions of the Navy and Marine Corps, and the current responsibilities of Navy and Marine Corps judge advocates in ensuring competent legal representation and advice to commanders.

(3) CHAIR.—The chair of the panel shall be appointed by the Secretary from among the members of the panel appointed under paragraph (2).

(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) MEETINGS.—The panel shall meet at the call of the chair.

(6) DEADLINE FOR APPOINTMENTS.—All original appointments to the panel shall be made not later than April 1, 2010.

(7) FIRST MEETING.—The chair shall call the first meeting of the panel not later than June 1, 2010.

(b) DUTIES.—

(1) IN GENERAL.—The panel established under subsection (a) shall carry out a study of the policies and management and organizational practices of the Navy and Marine Corps with respect to the responsibilities, assignment, and career development of judge advocates for purposes of determining the number of judge advocates required to fulfill the legal mission of the Department of the Navy.

(2) REVIEW.—In carrying out the study required by paragraph (1), the panel shall—

(A) review the emergent operational law requirements of the Navy and Marine Corps, including requirements for judge advocates on joint task forces, in support of rule of law objectives in Iraq and Afghanistan, and in operational units;

(B) review new requirements to support the Office of Military Commissions and to support the disability evaluation system for members of the Armed Forces;

(C) review the judge advocate requirements of the Department of the Navy for the military justice mission, including assignment policies, training and education, increasing complexity of court-martial litigation, and the performance of the Navy and Marine Corps in providing legally sufficient post-trial processing of cases in general courts-martial and special courts-martial;

(D) review the role of the Judge Advocate General of the Navy, as the senior uniformed legal officer of the Department of the Navy, to determine whether additional authority for the Judge Advocate General over manpower policies and assignments of judge advocates in the Navy and Marine Corps is warranted;

(E) review directives issued by the Navy and the Marine Corps pertaining to jointly-shared missions requiring legal support;

(F) review career patterns for Marine Corps judge advocates in order to identify and validate assignments to nonlegal billets required for professional development and promotion; and

(G) review, evaluate, and assess such other matters and materials as the panel considers appropriate for purposes of the study.

(3) UTILIZATION OF OTHER STUDIES.—In carrying out the study required by paragraph (1), the panel may review, and incorporate as appropriate, the findings of applicable ongoing and completed studies in future manpower requirements, including the two-part study by CNA Analysis and Solutions entitled ''An Analysis of Navy JAG Corps Future Manpower Requirements''.

(4) REPORT.—Not later than 120 days after its first meeting under subsection (a)(7), the panel shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the study. The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

(c) PERSONNEL MATTERS.—

(1) PAY OF MEMBERS.—(A) Members of the panel established under subsection (a) shall serve without pay by reason of their work on the panel.

(B) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this section.

(2) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.

Subtitle F—Military Family Readiness Matters

SEC. 551. ADDITIONAL MEMBERS ON THE DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Section 1781a(b)(1) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) In addition to the representatives appointed under subparagraph (B)—

''(i) one representative from the National Guard, who shall be appointed by the Secretary of Defense; and

''(ii) one representative from a reserve component of the armed forces (other than the National Guard), who shall be so appointed.''; and

(3) in subparagraph (E), as redesignated by paragraph (1), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

SEC. 552. COMPREHENSIVE PLAN ON PREVENTION, DIAGNOSIS, AND TREATMENT OF SUBSTANCE USE DISORDERS AND DISPOSITION OF SUBSTANCE ABUSE OFFENDERS IN THE ARMED FORCES.

(a) REVIEW AND ASSESSMENT OF CURRENT CAPABILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, conduct a comprehensive review of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include, but not be limited to, an assessment of each of the following:

(A) The current state and effectiveness of the programs of the Department of Defense and the military departments relating to the prevention, diagnosis, and treatment of substance use disorders.

(B) The adequacy of the availability of and access to care for substance abusers in military medical treatment facilities and under the TRICARE program.

(C) The adequacy of oversight by the Department of Defense of programs relating to the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces.

(D) The adequacy and appropriateness of current credentials and other requirements for healthcare professionals treating members of the Armed Forces with substance use disorders.

(E) The advisable ratio of physician and nonphysician care providers for substance use disorders to members of the Armed Forces with such disorders.

(F) The adequacy and appropriateness of protocols and directives for the diagnosis and treatment of substance use disorders in members of the Armed Forces and for the disposition, including disciplinary action and administrative separation, of members of the Armed Forces who abuse substances.

(G) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces, including an identification of any obstacles that are unique to the prevention, diagnosis, and treatment of substance use disorders and the appropriate disposition of substance abuse offenders (including disciplinary action and administrative separation) in members of the reserve components of the Armed Forces.

(H) The adequacy of the prevention, diagnosis, and treatment of substance use disorders in family members of members of the Armed Forces.

(I) Any gaps in the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the findings and recommendations of the Secretary as a result of the review conducted under paragraph (1). The report shall—

(A) set forth the findings and recommendations of the Secretary regarding each element of the review specified in paragraph (2);

(B) set forth relevant statistics on the frequency of substance use disorders, disciplinary actions, and administrative separations for substance abuse in members of the regular components of the Armed Forces, members of the reserve component of the Armed Forces, and to the extent applicable, dependents of such members (including spouses and children); and

(C) include such other findings and recommendations on improvements to the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and the policies relating to the disposition, including disciplinary action and administrative separation, of members of the Armed Forces for substance abuse, as the Secretary considers appropriate.

(b) PLAN FOR IMPROVEMENT AND ENHANCEMENT OF PROGRAMS AND POLICIES.—

(1) PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the improvement and enhancement of the following:

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependent family members.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) BASIS.—The comprehensive plan required by paragraph (1) shall take into account the following:

(A) The results of the review and assessment conducted under subsection (a).

(B) Similar initiatives of the Secretary of Veterans Affairs to expand and improve care for substance use disorders among veterans, including the programs and activities conducted under title I of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 112 Stat. 4112).

(3) COMPREHENSIVE STATEMENT OF POLICY.—The comprehensive plan required by paragraph (1) shall include a comprehensive statement of the following:

(A) The policy of the Department of Defense regarding the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependent family members.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(4) AVAILABILITY OF SERVICES AND TREATMENT.—The comprehensive plan required by paragraph (1) shall include mechanisms to ensure the availability to members of the Armed Forces and their dependent family members of a core of evidence-based practices across the spectrum of medical and non-medial services and treatments for substance use disorders.

(5) PREVENTION AND REDUCTION OF DISORDERS.—The comprehensive plan required by paragraph (1) shall include mechanisms to facilitate the prevention and reduction of substance use disorders in members of the Armed Forces through science-based initiatives, including education programs, for members of the Armed Forces and their families.

(6) SPECIFIC INSTRUCTIONS.—The comprehensive plan required by paragraph (1) shall include each of the following:

(A) SUBSTANCES OF ABUSE.—Instructions on the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces, including the abuse of alcohol, illicit drugs, and nonmedical use and abuse of prescription drugs.

(B) HEALTHCARE PROFESSIONALS.—Instructions on—

(i) appropriate training of healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces;

(ii) appropriate staffing levels for healthcare professionals at military medical treatment facilities for the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces; and

(iii) such uniform training and credentialing requirements for physician and nonphysician healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces as the Secretary considers appropriate.

(C) SERVICES FOR DEPENDENT FAMILY MEMBERS.—Instructions on the availability of services for substance use disorders for dependent family members of members of the Armed Forces, including instructions on making such services available to such dependents to the maximum extent practicable.

(D) RELATIONSHIP BETWEEN DISCIPLINARY ACTION AND TREATMENT.—Policy on the relationship between disciplinary actions and administrative separation processing and prevention and treatment of substance use disorders in members of the Armed Forces.

(E) CONFIDENTIALITY.—Recommendations regarding policies pertaining to confidentiality for members of the Armed Forces in seeking or receiving services or treatment for substance use disorders.

(F) PARTICIPATION OF CHAIN OF COMMAND.—Policy on appropriate consultation, reference to, and involvement of the chain of command of members of the Armed Forces in matters relating to the diagnosis and treatment of substance abuse and disposition of military members who abuse substances.

(G) CONSIDERATION OF GENDER.—Instructions on gender specific requirements, if appropriate, in the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces, including gender specific care and treatment requirements.

(H) COORDINATION WITH OTHER HEALTHCARE INITIATIVES.—Instructions on the integration of efforts on the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces with efforts to address co-occurring health care disorders (such as post-traumatic stress disorder (PTSD) and depression) and suicide prevention.

(7) OTHER ELEMENTS.—In addition to the matters specified in paragraph (3), the comprehensive plan required by paragraph (1) shall include the following:

(A) IMPLEMENTATION PLAN.—An implementation plan for the achievement of the goals of the comprehensive plan, including goals relating to the following:

(i) Enhanced education of members of the Armed Forces and their families regarding substance use disorders.

(ii) Enhanced and improved identification and diagnosis of substance use disorders in members of the Armed Forces and their families.

(iii) Enhanced and improved access of members of the Armed Forces to services and treatment for and management of substance use disorders.

(iv) Appropriate staffing of military medical treatment facilities and other facilities for the treatment of substance use disorders in members of the Armed Forces.

(B) BEST PRACTICES.—The incorporation of evidence-based best practices utilized in current military and civilian approaches to the prevention, diagnosis, treatment, and management of substance use disorders.

(C) AVAILABLE RESEARCH.—The incorporation of applicable results of available studies, research, and academic reviews on the prevention, diagnosis, treatment, and management of substance use disorders.

(8) UPDATE IN LIGHT OF INDEPENDENT STUDY.—Upon the completion of the study required by subsection (c), the Secretary of Defense shall—

(A) in consultation with the Secretaries of the military departments, make such modifications and improvements to the comprehensive plan required by paragraph (1) as the Secretary of Defense considers appropriate in light of the findings and recommendations of the study; and

(B) submit to the congressional defense committees a report setting forth the comprehensive plan as modified and improved under subparagraph (A).

(c) INDEPENDENT REPORT ON SUBSTANCE USE DISORDERS PROGRAMS FOR MEMBERS OF THE ARMED FORCES.—

(1) STUDY REQUIRED.—Upon completion of the policy review required by subsection (a), the

Secretary of Defense shall provide for a study on substance use disorders programs for members of the Armed Forces to be conducted by the Institute of Medicine of the National Academies of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

(2) ELEMENTS.—The study required by paragraph (1) shall include a review and assessment of the following:

(A) The adequacy and appropriateness of protocols for the diagnosis, treatment, and management of substance use disorders in members of the Armed Forces.

(B) The adequacy of the availability of and access to care for substance use disorders in military medical treatment facilities and under the TRICARE program.

(C) The adequacy and appropriateness of current credentials and other requirements for physician and non-physician healthcare professionals treating members of the Armed Forces with substance use disorders.

(D) The advisable ratio of physician and non-physician care providers for substance use disorders to members of the Armed Forces with such disorders.

(E) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces when compared with the availability of and access to care for substance use disorders for members of the regular components of the Armed Forces.

(F) The adequacy of the prevention, diagnosis, treatment, and management of substance use disorder programs for dependent family members of members of the Armed Forces, whether such family members suffer from their own substance use disorder or because of the substance use disorder of a member of the Armed Forces.

(G) Such other matters as the Secretary considers appropriate for purposes of the study.

(3) REPORT.—Not later than two years after the date of the enactment of this Act, the entity conducting the study required by paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the study. The report shall set forth the findings and recommendations of the entity as a result of the study.

SEC. 553. MILITARY COMMUNITY SUPPORT FOR CHILDREN WITH AUTISM AND THEIR FAMILIES.

(a) POLICY ON MILITARY COMMUNITY SUPPORT REQUIRED.—The Secretary of Defense shall develop and implement a policy for the Department of Defense on the support of military children with autism and their families. The policy shall seek to establish and further an integrated, family-centered approach to providing services to military children with autism and their families by leveraging the resources of local military communities and local and national public and private entities devoted to research and services for autism.

(b) PROGRAM ON SUPPORT.—

(1) PROGRAM REQUIRED.—In carrying out the policy required by subsection (a), the Secretary shall develop and carry out a program on support for military children with autism and their families.

(2) ELEMENTS.—The program required by this subsection shall provide for broad-based services, including the following:

(A) Research.

(B) Early intervention.

(C) Evidence-based therapeutic and medical services.

(D) Education and training on autism for family members.

(E) Appropriate coordination with applicable school programs.

(F) Vocational training for adolescent military children with autism.

(G) Family counseling for families of military children with autism.

(3) PILOT PROJECTS.—In carrying out the program required by this subsection, the Secretary shall conduct one or more pilot projects to assess the effectiveness of various approaches to developing and enhancing integrated community support for military children with autism, including adolescent military children with autism, and their families utilizing the program elements specified in paragraph (2).

(4) CONSULTATION.—For purposes of carrying out the requirements of this subsection, the Secretary shall establish a partnership with one or more entities (whether public or private) that provide services or support for, or conduct research on, individuals with autism spectrum disorder and their families.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the actions the Secretary proposes to take to carry out this section and a proposed schedule for the taking of such actions.

(2) PILOT PROJECTS.—Not later than 60 days after the date of the completion of the pilot project or projects conducted under subsection (b)(3), the Secretary shall submit to the congressional defense committees a report on the pilot project or projects. The report shall include a description of the pilot project or projects, an assessment of the lessons learned from the pilot project or projects, and a discussion of the manner in which the lessons so learned shall be integrated into the policy required by subsection (a) and the program required by subsection (b).

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(a)(5) for operation and maintenance, Defense-wide activities, $5,000,000 may be available to carry out this section.

(e) MILITARY CHILDREN WITH AUTISM DEFINED.—In this section, the term ''military children with autism'' means dependent children of members of the Armed Forces with autism spectrum disorder.

SEC. 554. REPORTS ON EFFECTS OF DEPLOYMENTS ON MILITARY CHILDREN AND THE AVAILABILITY OF MENTAL HEALTH CARE AND COUNSELING SERVICES FOR MILITARY CHILDREN.

(a) IMPACT OF DEPLOYMENTS OF MILITARY PARENTS ON MILITARY CHILDREN.—

(1) IN GENERAL.—The Secretary of Defense shall undertake a comprehensive assessment of the impacts of military deployment on dependent children of members of the Armed Forces. The assessment shall separately address each of the categories of such children as follows:

(A) Preschool-age children.

(B) Elementary-school age children.

(C) Teenage or adolescent children.

(2) ELEMENTS.—The assessment undertaken under paragraph (1) shall include an assessment of the following:

(A) The impact that separation due to the deployment of a military parent or parents has on children.

(B) The impact that multiple deployments of a military parent or parents have on children.

(C) The impact that the return from deployment of a severely wounded or injured military parent or parents has on children.

(D) The impact that the death of a military parent or parents in connection with a deployment has on children.

(E) The impact that deployment of a military parent or parents has on children with preexisting psychological conditions, such as anxiety and depression.

(F) The impact that deployment of a military parent or parents has on risk factors such as child abuse, child neglect, family violence, substance abuse by children, or parental substance abuse.

(G) Such other matters as the Secretary considers appropriate.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment undertaken under paragraph (1), including the findings and recommendations of the Secretary as a result of the assessment.

(b) MENTAL HEALTH CARE AND COUNSELING SERVICES AVAILABLE TO MILITARY CHILDREN.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive review of the mental health care and counseling services available to dependent children of members of the Armed Forces through the Department of Defense.

(2) ELEMENTS.—The review under paragraph (1) shall include an assessment of the following:

(A) The availability, quality, and effectiveness of Department of Defense programs intended to meet the mental health care needs of military children.

(B) The availability, quality, and effectiveness of Department of Defense programs intended to promote resiliency in military children in coping with deployment cycles, injury, or death in military parents.

(C) The extent of access to, adequacy, and availability of mental health care and counseling services for military children in military medical treatment facilities, in family assistance centers, through Military OneSource, under the TRICARE program, and in Department of Defense dependents' schools.

(D) Whether the status of a member of the Armed Forces on active duty, or in reserve active status, affects the access of a military child to mental health care and counseling services.

(E) Whether, and to what extent, waiting lists, geographic distance, and other factors may obstruct the receipt by military children of mental health care and counseling services.

(F) The extent of access to, availability, and viability of specialized mental health care for military children (including adolescents).

(G) The extent of any gaps in the current capabilities of the Department of Defense to provide preventive mental health services for military children.

(H) Such other matters as the Secretary considers appropriate.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under paragraph (1), including the findings and recommendations of the Secretary as a result of the review.

(4) COMPREHENSIVE PLAN FOR IMPROVEMENTS IN ACCESS TO CARE AND COUNSELING.—The Secretary shall develop a comprehensive plan for improvements in access to quality mental health care and counseling services for military children in order to develop and promote psychological health and resilience in children of deploying and deployed members of the Armed Forces. The information in the report required by paragraph (3) shall provide the basis for the development of the plan.

SEC. 555. REPORT ON CHILD CUSTODY LITIGATION INVOLVING SERVICE OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than June 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all known reported cases since September 2003 involving child custody disputes in which the service of a member of the Armed Forces, whether a member of a regular component of the Armed Forces or a member of a reserve component of the Armed Forces, was an issue in the custody dispute.

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

(1) A statement of the total number of cases, by Armed Force, in which members of the Armed Forces have lost custody of a child as a result of deployment, or the prospect of deployment, under military orders.

(2) A summary of applicable Federal law pertaining to child custody disputes involving members of the Armed Forces.

(3) An analysis of the litigation history of all available reported cases involving child custody disputes in which the deployment of a member of the Armed Forces was an issue in the dispute, and a discussion of the rationale presented by deciding judges and courts of the reasons for their rulings.

(4) An assessment of the nature and extent of the problem, if any, for members of the Armed Forces who are custodial parents in being able to deploy and perform their operational mission while continuing to fulfill their role as parents with sole or joint custody of minor children.

(5) A discussion of measures being taken by the States, or which are under consideration by State legislatures, to address matters relating to child custody disputes in which one of the parties is a member of the Armed Forces, and an assessment whether State legislatures and State courts are cognizant of issues involving members of the Armed Forces with minor children.

(6) A discussion of Family Care Plan policies aimed at ensuring that appropriate measures are taken by members of the Armed Forces to avoid litigation in child custody disputes.

(7) Such recommendations as the Secretary considers appropriate regarding how best to assist members of the Armed Forces who are single, custodial parents with respect to child custody disputes in connection with the performance of military duties, including the need for legislative or administrative action to provide such assistance.

(8) Such other recommendations for legislative or administrative action as the Secretary considers appropriate.

SEC. 556. SENSE OF SENATE ON PREPARATION AND COORDINATION OF FAMILY CARE PLANS.

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

(1) Family Care Plans provide a military tool to document the plan by which members of the Armed Forces provide for the care of their family members when military duties prevent members of the Armed Forces from doing so themselves. Properly prepared Family Care Plans are essential to military readiness. Minimizing the strain on members of the Armed Forces of unresolved, challenged, or voided child custody arrangements arising during deployments or temporary duty directly contributes to the national defense by enabling members of the Armed Forces to devote their entire energy to their military mission and duties.

(2) When Family Care Plans are properly prepared and coordinated with all affected parties, the legal difficulties that may otherwise arise in the absence of the military custodial parent often can be minimized, if not eliminated.

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

(1) the responsibility for establishing workable and legally supportable Family Care Plans lies with the members of the Armed Forces;

(2) notwithstanding that responsibility, commanders should—

(A) ensure that the members of their command fully understand the purpose of the Family Care Plan and its limitations, including the overriding authority of State courts to determine child custody arrangements notwithstanding a Family Care Plan;

(B) understand and emphasize to their members that failure to involve, or at least inform, the non-custodial parent of custody arrangements in anticipation of an absence can undermine the Family Care Plan or even render it useless, in such cases; and

(C) apprise their members of the risks described in subparagraph (B), and strongly encourage them to seek legal assistance, as far in advance of actual absences as practicable;

(3) the Secretary of Defense, and the Secretary of Homeland Security with respect to matters concerning the Coast Guard when it is not operating as a service in the Navy, should ensure that members of the Armed Forces update their Family Care Plans and emphasize—

(A) the importance of prior planning;

(B) that Family Care Plans are necessary not only for the single parent and for the dual military couple but also for a married member of the Armed Forces who has custody of a child pursuant to a court order or separation agreement or who has custody of a child whose other parent is not the current spouse of the member;

(C) that in spite of how important Family Care Plans are to readiness, they are not legal documents that can change a court-mandated custodial arrangement or interfere with the other parent's right to custody of his or her child;

(D) that, to the greatest extent possible, a member of the Armed Forces should inform the other parent of the member's impending absence due to military orders if such absence prohibits the member from fulfilling the member's custody responsibilities and inform that other parent of the Family Care Plan;

(E) that a member of the Armed Forces should attempt to obtain the consent of the non-custodial or adoptive parent to any Family Care Plan that would leave the child in the care of a third party; and

(F) that if a member of the Armed Forces cannot or will not contact the non-custodial parent or cannot obtain that parent's consent to the Family Care Plan, the commander of the member should—

(i) counsel the member about the implications; and

(ii) encourage in the strongest possible terms that the member seek immediate help from a legal assistance attorney or other qualified legal counsel; and

(4) attorneys providing legal assistance as described in paragraph (3)(F)(ii) should provide members of the Armed Forces a full explanation of the dangers of not involving the non-custodial parent and discuss appropriate courses of action.

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

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

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

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

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

''(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

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

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

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

''(3) OPERATION.—

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

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

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

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

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

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

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

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

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

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

''(4) TERMINATION.—The program established under this subsection shall terminate on October 1, 2012.''.

SEC. 558. REPORT ON YELLOW RIBBON REINTEGRATION PROGRAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of National Guard and Reserve members and their families.

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

(1) An evaluation of the initial implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including an assessment of the best practices from pilot programs offered by various States to provide supplemental services to Yellow Ribbon and the feasibility of incorporating those practices into Yellow Ribbon.

(2) An assessment of the extent to which Yellow Ribbon funding, although requested in multiple component accounts, supports robust joint programs that provide reintegration and support services to National Guard and Reserve members and their families regardless of military affiliation.

(3) An assessment of the extent to which Yellow Ribbon programs are coordinating closely with the Department of Veterans Affairs and its various veterans' programs.

(4) Plans for further implementation of the Yellow Ribbon Reintegration Program in fiscal year 2010.

SEC. 559. IMPROVED ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to expand existing initiatives of the Department of Defense to increase access to mental health care for family members of members of the National Guard

and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

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

(A) Programs and activities to educate family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Efforts to expand counseling activities for such family members in local communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times thereafter as the Secretary of Defense considers appropriate, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SEC. 560. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) EXPANDED INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall expand existing Department of Defense initiatives to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The expanded initiatives, which shall build upon and be consistent with ongoing efforts, shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Guidelines for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times as the Secretary deems appropriate thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SEC. 561. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR DEPLOYED MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representative a report on financial assistance for child care provided by the Department of Defense, including through the Operation: Military Child Care and Military Child Care in Your Neighborhood programs, to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

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

(1) The types of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) Any other matters the Comptroller General determines relevant to the improvement of financial assistance for child care made available by the Department of Defense to members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation.

Subtitle G—Other Matters

SEC. 571. DEADLINE FOR REPORT ON SEXUAL ASSAULT IN THE ARMED FORCES BY DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE MILITARY SERVICES.

Section 576(e)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1924; 10 U.S.C. 4331 note) is amended by striking ''one year after the initiation of its examination under subsection (b)'' and inserting ''December 1, 2009''.

SEC. 572. CLARIFICATION OF PERFORMANCE POLICIES FOR MILITARY MUSICAL UNITS AND MUSICIANS.

(a) CLARIFICATION.—Section 974 of title 10, United States Code, is amended to read as follows:

''§ 974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians

''(a) MILITARY MUSICIANS PERFORMING IN AN OFFICIAL CAPACITY.—(1) A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not engage in the performance of music in competition with local civilian musicians.

''(2) For purposes of paragraph (1), the following shall, except as provided in paragraph (3), be included among the performances that are considered to be a performance of music in competition with local civilian musicians:

''(A) A performance that is more than incidental to an event that—

''(i) is not supported, in whole or in part, by United States Government funds; and

''(ii) is not free to the public.

''(B) A performance of background, dinner, dance, or other social music at an event that—

''(i) is not supported, in whole or in part, by United States Government funds; and

''(ii) is held at a location not on a military installation.

''(3) For purposes of paragraph (1), the following shall not be considered to be a performance of music in competition with local civilian musicians:

''(A) A performance (including background, dinner, dance, or other social music) at an official United States Government event that is supported, in whole or in part, by United States Government funds.

''(B) A performance at a concert, parade, or other event, that—

''(i) is a patriotic event or a celebration of a national holiday; and

''(ii) is free to the public.

''(C) A performance that is incidental to an event that—

''(i) is not supported, in whole or in part, by United States Government funds; or

''(ii) is not free to the public.

''(D) A performance (including background, dinner, dance, or other social music) at—

''(i) an event that is sponsored by or for a military welfare society, as defined in section 2566 of this title;

''(ii) an event that is a traditional military event intended to foster the morale and welfare of members of the armed forces and their families; or

''(iii) an event that is specifically for the benefit or recognition of members of the armed forces, their family members, veterans, civilian employees of the Department of Defense, or former civilian employees of the Department of Defense, to the extent provided in regulations prescribed by the Secretary of Defense.

''(E) A performance (including background, dinner, dance, or other social music)—

''(i) to uphold the standing and prestige of the United States with dignitaries and distinguished or prominent persons or groups of the United States or another nation; or

''(ii) in support of fostering and sustaining a cooperative relationship with another nation.

''(b) PROHIBITION OF MILITARY MUSICIANS ACCEPTING ADDITIONAL REMUNERATION FOR OFFICIAL PERFORMANCES.—A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not receive remuneration for an official performance, other than applicable military pay and allowances.

''(c) RECORDINGS.—(1) When authorized under regulations prescribed by the Secretary of Defense for purposes of this section, a military musical unit may produce recordings for distribution to the public, at a cost not to exceed expenses of production and distribution.

''(2) Amounts received in payment for a recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of the recording. Any amount so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) PERFORMANCES AT FOREIGN LOCATIONS.—Subsection (a) does not apply to a performance outside the United States, its commonwealths, or its possessions.

''(e) MILITARY MUSICAL UNIT DEFINED.—In this section, the term 'military musical unit' means a band, ensemble, chorus, or similar musical unit of the armed forces.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

''974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians.''.

SEC. 573. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking ''For'' and inserting the following:

''(a) IN GENERAL.—For'';

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

''(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become a resident in or a resident of any other State.''; and

(3) in the section heading, by inserting ''**AND SPOUSES OF MILITARY PERSONNEL**'' before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

''Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.''.

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

SEC. 574. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking ''A servicemember'' and inserting the following:

''(1) IN GENERAL.—A servicemember''; and

(B) by adding at the end the following:

''(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.'';

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

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

''(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders.''; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting ''or the spouse of a servicemember'' after ''The personal property of a servicemember''; and

(B) in paragraph (2), by inserting ''or the spouse's'' after ''servicemember's''.

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting ''or the spouse of such servicemember'' after ''a servicemember in military service''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

SEC. 576. MODIFICATION OF DEPARTMENT OF DEFENSE SHARE OF EXPENSES UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

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

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

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

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 577. PROVISION TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES OF COMPREHENSIVE INFORMATION ON BENEFITS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) PROVISION OF COMPREHENSIVE INFORMATION REQUIRED.—The Secretary of the military department concerned shall, at each time specified in subsection (b), provide to each member of the Armed Forces and, when practicable, the family members of such member comprehensive information on the benefits available to such member and family members as described in subsection (c), including the estimated monetary amount of such benefits and of any applicable offsets to such benefits.

(b) TIMES FOR PROVISION OF INFORMATION.—Comprehensive information on benefits shall be provided a member of the Armed Forces and family members at each time as follows:

(1) Within 180 days of the enlistment, accession, or commissioning of the member as a member of the Armed Forces.

(2) Within 180 days of a determination that the member—

(A) has incurred a service-connected disability; and

(B) is unfit to perform the duties of the member's office, grade, rank, or rating because of such disability.

(3) Upon the discharge, separation, retirement, or release of the member from the Armed Forces.

(c) COVERED BENEFITS.—The benefits on which a member of the Armed Forces and family members shall be provided comprehensive information under this section shall be as follows:

(1) At all the times described in subsection (b), the benefits shall include the following:

(A) Financial compensation, including financial counseling.

(B) Health care and life insurance programs for members of the Armed Forces and their families.

(C) Death benefits.

(D) Entitlements and survivor benefits for dependents of the Armed Forces, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(E) Educational assistance benefits, including limitations on and the transferability of such assistance.

(F) Housing assistance benefits, including counseling.

(G) Relocation planning and preparation.

(H) Such other benefits as the Secretary concerned considers appropriate.

(2) At the time described in paragraph (1) of such subsection, the benefits shall include the following:

(A) Maintaining military records.

(B) Legal assistance.

(C) Quality of life programs.

(D) Family and community programs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(3) At the times described in paragraphs (2) and (3) of such subsection, the benefits shall include the following:

(A) Employment assistance.

(B) Continuing Reserve Component service.

(C) Disability benefits, including offsets in connection with the receipt of such benefits.

(D) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(d) BIENNIAL NOTICE TO MEMBERS OF THE ARMED FORCES ON THE VALUE OF PAY AND BENEFITS.—

(1) BIENNIAL NOTICE REQUIRED.—The Secretary of each military department shall provide to each member of the Armed Forces under the jurisdiction of such Secretary on a biennial

basis notice on the value of the pay and benefits paid or provided to such member by law during the preceding year. The notice may be provided in writing or electronically, at the election of the Secretary.

(2) ELEMENTS.—Each notice provided a member under paragraph (1) shall include the following:

(A) A statement of the estimated value of the military health care, retirement benefits, disability benefits, commissary and exchange privileges, government-provided housing, tax benefits associated with service in the Armed Forces, and special pays paid or provided the member during the preceding 24 months.

(B) A notice regarding the death and survivor benefits, including Servicemembers' Group Life Insurance, to which the family of the member would be entitled in the event of the death of the member, and a description of any offsets that might be applicable to such benefits.

(C) Information on other programs available to members of the Armed Forces generally, such as access to morale, welfare, and recreation (MWR) facilities, child care, and education tuition assistance, and the estimated value, if ascertainable, of the availability of such programs in the area where the member is stationed or resides.

(e) OTHER OUTREACH.—

(1) IN GENERAL.—The Secretaries of the military departments shall, on a periodic basis, conduct outreach on the pay, benefits, and programs and services available to members of the Armed Forces by reason of service in the Armed Forces. The outreach shall be conducted pursuant to public service announcements, publications, and such other announcements through general media as will serve to disseminate the information broadly among the general public.

(2) INTERNET OUTREACH WEBSITE.—

(A) IN GENERAL.—The Secretary of Defense shall establish an Internet website for the purpose of providing the comprehensive information about the benefits and offsets described in subsection (c) to members of the Armed Forces and their families.

(B) CONTACT INFORMATION.—The Internet website required by subparagraph (A) shall provide contact information, both telephone and e-mail, that a member of the Armed Forces and a family member of the member can use to get personalized information about the benefits and offsets described in subsection (c).

(f) REPORTS.—

(1) INITIAL 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 implementation of the requirements of this section by the Department of Defense. Such report shall include a description of the quality and scope of available online resources that provide information about benefits for members of the Armed Forces and their families.

(2) RECORDS MAINTAINED.—The Secretary of Defense or the military department concerned shall maintain records that contain the number of individuals that received a briefing under this section in the previous year disaggregated by the following:

(A) Whether the individual is a member of the Armed Forces or a family member of a member of the Armed Forces.

(B) The Armed Force of the members.

(C) The State or territory in which the briefing occurred.

(D) The subject of the briefing.

Subtitle H—Military Voting

SEC. 581. SHORT TITLE.

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

SEC. 582. FINDINGS.

Congress makes the following findings:

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

(2) Due to logistical, geographical, operational and environmental barriers, military and overseas voters are burdened by many obstacles that impact their right to vote and register to vote, the most critical of which include problems transmitting balloting materials and not being given enough time to vote.

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

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

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

SEC. 583. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.

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

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

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

(1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(6) SECURITY AND PRIVACY PROTECTIONS.—

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

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

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

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

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 584, is amended—

(1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

''(3) SECURITY AND PRIVACY PROTECTIONS.—

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

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

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

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

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

(1) in subsection (a)—

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

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

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

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

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

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

''(i) in accordance with State law; and

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

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

''(g) HARDSHIP EXEMPTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(3) TIMING OF WAIVER.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

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

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

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

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

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

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

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

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

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

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

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

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

''(b) DELIVERY TO APPROPRIATE ELECTION OFFICIALS.—

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

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

''(3) DEADLINE DESCRIBED.—

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

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

''(4) NO POSTAGE REQUIREMENT.—In accordance with section 3406 of title 39, United States

Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

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

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

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

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

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

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

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

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

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

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

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

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

(3) by adding the following new paragraph:

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

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

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

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

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

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

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

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

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

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

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

SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

''(1) Notarization requirements.

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

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

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

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

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

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

''(1) Notarization requirements.

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

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

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

SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

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

''SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

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

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

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

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

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

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

(A) in subparagraph (b)—

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) DEVELOPMENT OF PROCEDURES.—Each Secretary of a military department shall develop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

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

''(A) An absent uniformed services voter—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(8) DEFINITION OF MILITARY DEPARTMENT AND SECRETARY CONCERNED.—In this subsection, the terms 'military department' and 'Secretary concerned' have the meaning given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in section 101(b)—

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

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

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

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

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

SEC. 593. REPORTING REQUIREMENTS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

"SEC. 105A. REPORTING REQUIREMENTS.

''(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

''(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

''(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

''(A) A thorough and complete assessment of whether the Program, as configured and implemented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

''(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

''(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

''(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 102(j), including the designation of offices under paragraphs (1) and (5) of such section.

''(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

''(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

''(2) A description of the utilization of voter registration assistance under section 102(j), which shall include the following:

''(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

''(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

''(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for

Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

''(c) DEFINITIONS.—In this section:

''(1) ABSENT OVERSEAS UNIFORMED SERVICES VOTER.—The term 'absent overseas uniformed services voter' has the meaning given such term in section 103A(d).

''(2) PRESIDENTIAL DESIGNEE.—The term 'Presidential designee' means the Presidential designee under section 101(a).

''(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—The term 'relevant committees of Congress' means—

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

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

SEC. 594. ANNUAL REPORT ON ENFORCEMENT.

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

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

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

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

SEC. 595. REQUIREMENTS PAYMENTS.

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

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

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

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

(b) REQUIREMENTS.—

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

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

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

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

(B) in paragraph (2)—

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

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

''(B) The requirement under subparagraph (A) shall not apply in the case of a requirements payment made using funds appropriated pursuant to the authorization under section 257(4).''.

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

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

SEC. 596. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

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

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

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

(b) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

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

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

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

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

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

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

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Election Assistance Commission and the National Institute of Standards and Technology shall work with the Presidential designee to support the pilot program or programs established under this section through best practices or standards and in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(2) REPORT.—In the case where the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after enactment of this Act, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission's actions in establishing such guidelines since the date of enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

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

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

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

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

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

SEC. 602. COMPTROLLER GENERAL OF THE UNITED STATES COMPARATIVE ASSESSMENT OF MILITARY AND PRIVATE-SECTOR PAY AND BENEFITS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study comparing pay and benefits provided by law to members of the Armed Forces with pay and benefits provided by the private sector to comparably situated private-sector employees.

(b) ELEMENTS.—The study required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of total military compensation for officers and for enlisted personnel, including basic pay, the basic allowance for housing (BAH), the basic allowance for subsistence (BAS), tax benefits applicable to military pay and allowances under Federal law (including the Social Security laws) and State law, military retirement benefits, commissary and exchange privileges, and military healthcare benefits.

(2) An assessment of private-sector pay and benefits for civilians of similar age, education, and experience in like fields of officers and enlisted personnel of the Armed Forces, including pay, bonuses, employee options, fringe benefits, retirement benefits, individual retirement investment benefits, flexible spending accounts and health savings accounts, and any other elements of private-sector compensation that the Comptroller General considers appropriate.

(3) An identification of the percentile of comparable private-sector compensation at which members of the Armed Forces are paid, including an assessment of the adequacy of percentile comparisons generally and whether the Department of Defense goal of compensating members of the Armed Forces at the 80th percentile of

comparable private-sector compensation, as described in the 10th Quadrennial Review of Military Compensation, is appropriate and adequate to achieve comparability of pay between members of the Armed Forces and private-sector employees.

(c) REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a) by not later than April 1, 2010.

SEC. 603. INCREASE IN MAXIMUM MONTHLY AMOUNT OF SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) INCREASE IN MAXIMUM MONTHLY AMOUNT.—Section 402a(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''$500'' and inserting ''$1,100''; and

(2) in paragraph (3)(B), by striking ''$500'' and inserting ''$1,100''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to monthly supplemental subsistence allowances for low-income members with dependents payable on or after that date.

(c) REPORT ON ELIMINATION OF RELIANCE ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM TO MEET NUTRITIONAL NEEDS OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.—

(1) IN GENERAL.—Not later than September 1, 2010, the Secretary of Defense shall, in consultation with the Secretary of Agriculture, submit to the congressional defense committees a report setting forth a plan for actions to eliminate the need for members of the Armed Forces and their dependents to rely on the supplemental nutrition assistance program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) for their monthly nutritional needs.

(2) ELEMENTS.—The plan required by paragraph (1) shall address the following:

(A) An appropriate amount or amounts for the monthly supplemental subsistence allowance for low-income members with dependents payable under section 402a of title 37, United States Code.

(B) Such modifications, if any, to the eligibility requirements for the monthly supplemental subsistence allowance, including limitations on the maximum size of the household of a member for purposes of eligibility for the allowance, as the Secretary of Defense considers appropriate.

(C) The advisability of requiring members of the Armed Forces to apply for the monthly supplemental subsistence allowance before seeking assistance under the supplemental nutrition assistance program.

(D) Such other matters as the Secretary of Defense considers appropriate.

SEC. 604. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(g) INCOME REPLACEMENT PAYMENTS.—Section 910(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) ACCESSION AND RETENTION BONUSES FOR PSYCHOLOGISTS.—Section 302c-1(f) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(d) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(e) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(g) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(h) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(i) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(j) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

(a) GENERAL BONUS AUTHORITY FOR ENLISTED MEMBERS.—Section 331(h) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) GENERAL BONUS AUTHORITY FOR OFFICERS.—Section 332(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) SPECIAL BONUS AND INCENTIVE PAY AUTHORITIES FOR NUCLEAR OFFICERS.—Section 333(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(d) SPECIAL AVIATION INCENTIVE PAY AND BONUS AUTHORITIES.—Section 334(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(e) SPECIAL HEALTH PROFESSIONS INCENTIVE PAY AND BONUS AUTHORITIES.—Section 335(k) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) HAZARDOUS DUTY PAY.—Section 351(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(g) ASSIGNMENT PAY OR SPECIAL DUTY PAY.—Section 352(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(h) SKILL INCENTIVE PAY OR PROFICIENCY BONUS.—Section 353(j) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(i) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(g) INCENTIVE BONUS FOR TRANSFER BETWEEN ARMED FORCES.—Section 327(h) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(h) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 616. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Section 1030(i) of title 10, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) ARMY REFERRAL BONUS.—Section 3252(h) of such title is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 617. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH SERIOUS INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living

''(a) MONTHLY COMPENSATION.—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

''(b) COVERED MEMBERS.—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

''(1) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

''(2) has a serious injury, disorder, or disease of either a temporary or permanent nature that—

''(A) is incurred or aggravated in the line of duty; and

''(B) compromises the member's ability to carry out one or more activities of daily living or requires the member to be constantly supervised to avoid physical harm to the member or to others; and

''(3) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

''(c) AMOUNT.—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

''(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:

''(A) The extent to which home health care and related services are being provided by the Government.

''(B) The extent to which aid and attendance services are being provided by family and friends who may be compensated with funds provided through the monthly special compensation.

''(d) PAYMENT UNTIL MEDICAL RETIREMENT.—Monthly special compensation is payable under this section to a member described in subsection (b) for any month that begins before the date on which the member is medically retired.

''(e) CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

''(f) BENEFIT INFORMATION.—The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families.

''(g) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.''.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a report on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

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

(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.

(B) The number of members of the uniformed services receiving compensation under such section.

(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.

(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for the compensation.

(E) A summary of the types of injuries, disorders, and diseases of members of the uniformed services receiving such compensation that made such members eligible for such compensation.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

''439. Special compensation: members of the uniformed services with serious injuries or illnesses requiring assistance in everyday living.''.

SEC. 618. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES.

(a) SPECIAL PAY AUTHORIZED.—The Secretary of the military department concerned may pay monthly special pay to any member of the Armed Forces described in subsection (b) for any month or portion of a month in which the member serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in that subsection.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) who, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, while the member's enlistment or period of obligated service is extended, or has the member's eligibility for retirement suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a ''stop-loss authority'') authorizing the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(c) AMOUNT.—The amount of monthly special pay payable to a member under this section for a month may not exceed $500.

(d) CONSTRUCTION WITH OTHER PAYS.—Monthly special pay payable to a member under this section is in addition to any other amounts payable to the member by law.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS OF THE UNIFORMED SERVICES FOR DURATION OF INPATIENT TREATMENT.

(a) AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''family members of a member described in paragraph (2)'' and inserting ''individuals who, with respect to a member described in paragraph (2), are designated individuals for that member'';

(B) by striking ''that the presence of the family member'' and inserting '', with respect to any such individual, that the presence of such individual''; and

(C) by striking ''of family members'' and inserting ''of designated individuals''; and

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

''(4) In the case of a designated individual who is also a member of the uniformed services,

that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.''.

(b) DEFINITION OF DESIGNATED INDIVIDUAL.—

(1) IN GENERAL.—Paragraph (1) of subsection (b) of such section is amended by striking ''the term'' and all that follows and inserting ''the term 'designated individual', with respect to a member, means—

''(A) an individual designated by the member for the purposes of this section; or

''(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence may aid and support the health and welfare of the member during the duration of the member's inpatient treatment.''.

(2) DESIGNATIONS NOT PERMANENT.—Paragraph (2) of such subsection is amended to read as follows:

''(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.''.

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

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of section (a)(2) of such section is amended—

(A) in clause (i), by striking ''in or outside the United States''; and

(B) in clause (ii), by striking ''in the United States''.

(2) CLARIFICATION OF MEMBERS COVERED.—Such subparagraph is further amended—

(A) in clause (i), by inserting ''seriously wounded,'' after ''(i) is''; and

(B) in clause (ii)—

(i) by striking ''an injury'' and inserting ''a wound or an injury''; and

(ii) by striking ''that injury'' and inserting ''that wound or injury''.

(d) COVERAGE OF MEMBERS WITH SERIOUS MENTAL DISORDERS.—

(1) IN GENERAL.—Subsection (a)(2)(B)(i) of such section, as amended by subsection (c) of this section, is further amended by inserting ''(including having a serious mental disorder)'' after ''seriously injured''.

(2) SERIOUS MENTAL DISORDER DEFINED.—Subsection (b) of such section 411h, as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

''(4)(A) In this section, the term 'serious mental disorder', in the case of a member, means that the member has been diagnosed with a mental disorder that requires intensive mental health treatment or hospitalization.

''(B) The circumstances in which a member shall be considered to have a serious mental disorder for purposes of this section shall include, but not be limited to, the following:

''(i) The member is considered to be a potential danger to self or others as a result of a diagnosed mental disorder that requires intensive mental health treatment or hospitalization.

''(ii) The member is diagnosed with a mental disorder and has psychotic symptoms that require intensive mental health treatment or hospitalization.

''(iii) The member is diagnosed with a mental disorder and has severe symptoms or severe impairment in functioning that require intensive mental health treatment or hospitalization.''.

(e) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section 411h is amended to read as follows:

''(3) Not more than a total of three roundtrips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who, with respect to a member, are the designated individuals of that member in effect during that period. However, if the Secretary concerned has granted a waiver under the second sentence of paragraph (1) with respect to a member, then for any 60-day period in which the waiver is in effect the limitation in the preceding sentence shall be adjusted accordingly. In addition, during any period during which there is in effect a non-medical attendant designation for a member under section 411h–1 of this title, not more than a total of two roundtrips may be provided under paragraph (1) in any 60-day period at Government expense until there no longer is a designation of a non-medical attendant or that designation transfers to another individual, in which case during the transfer period three roundtrip tickets may be provided.''.

(f) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking ''(a)(1)'' and inserting ''(a) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1)'';

(2) in subsection (b)—

(A) by striking ''(b)(1)'' and inserting ''(b) DEFINITIONS.—(1)''; and

(B) in paragraph (3)—

(i) by inserting ''(A)'' after ''(3)''; and

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

''(B) In this paragraph, the term 'family member', with respect to a member, means the following:

''(i) The member's spouse.

''(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

''(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

''(iv) Siblings of the member.

''(v) A person related to the member as described in clause (i), (ii), (iii), or (iv) who is also a member of the uniformed services.'';

(3) in subsection (c)—

(A) by striking ''(c)(1)'' and inserting ''(c) ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—(1)''; and

(B) in paragraph (1), by striking ''family member'' and inserting ''designated individual''; and

(4) in subsection (d), by striking ''(d)(1)'' and inserting ''(d) METHOD OF TRANSPORTATION AUTHORIZED.—(1)''.

(g) CLERICAL AMENDMENTS.—

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

''§ 411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.''.

(h) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Section 1602(4) of the Wounded Warrior Act (10 U.S.C. 1071 note) is amended by striking ''411h(b)(1)'' and inserting ''411h(b)(3)(B)''.

(i) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS OF SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS OF THE UNIFORMED SERVICES.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is mended by inserting after section 411h the following new section:

''§ 411h–1. Travel and transportation allowances: transportation of non-medical attendants for members who are seriously wounded, ill, or injured

''(a) IN GENERAL.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member jointly determine that the presence of such an attendant may contribute to the member's health and welfare.

''(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant with respect to a member described in subsection (c) is an individual who—

''(1) the member designates for purposes of this section to be a non-medical attendant for the member; or

''(2) the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member jointly determine is an appropriate non-medical attendant for the member whose presence may contribute to the member's health and welfare.

''(c) COVERED MEMBERS.—A member of the uniformed services described in this subsection is a member who—

''(1) is serving on active duty, is entitled to pay and allowances under section 204(g) of this title (or would be so entitled if not for offsetting earned income described in that subsection), or is retired for the wound, illness, or injury for which the member is categorized as described in paragraph (2);

''(2) has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or in the category known as 'seriously wounded, ill, and injured'; and

''(3) either—

''(A) is hospitalized for treatment of the wound, illness, or injury for which the member is so categorized; or

''(B) requires continuing outpatient treatment for such wound, illness, or injury.

''(d) TRAVEL AND TRANSPORTATION.—(1)(A) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment, including transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment.

''(B) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement, or a combination thereof, for the actual and necessary expenses of travel as described in subparagraph (A), but at rates not to exceed the rates for travel established under section 404(d) of this title.

''(2) The transportation authorized by subsection (a) includes transportation, while accompanying the member, necessary to obtain treatment for the member at the location to which the member is permanently assigned.

''(3) The transportation authorized by subsection (a) may be provided by any means as follows:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind.

''(C) Reimbursement for the cost of commercial transportation.

''(4) An allowance payable under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection for air travel may not exceed the cost of Government-procured commercial round-trip air travel.

''(e) COORDINATION WITH TRANSPORTATION AND ALLOWANCES FOR DESIGNATED INDIVIDUALS.—An individual may not receive travel and transportation allowances under section 411h of this title and this section simultaneously.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item related to section 411h the following new item:

''411h–1. Travel and transportation allowances: transportation of non-medical attendants for members who are seriously wounded, ill, or injured.''.

(b) APPLICABILITY.—No reimbursement may be provided under section 411h–1 of title 37, United States Code (as added by subsection (a)), for any costs of travel or transportation incurred before the date of the enactment of this Act.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

''(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

''(1) In the case of a member who travels between a temporary duty station and permanent duty station by air transportation, if the distance between such stations is not less than 300 miles.

''(2) In the case of a member who travels between a temporary duty station and permanent duty station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

''(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

''(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

''(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

''411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

SEC. 634. REIMBURSEMENT OF TRAVEL EXPENSES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND THEIR DEPENDENTS FOR TRAVEL FOR SPECIALTY CARE UNDER EXCEPTIONAL CIRCUMSTANCES.

(a) REIMBURSEMENT AUTHORIZED.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

''(b) REIMBURSEMENT FOR TRAVEL UNDER EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Defense may provide reimbursement for reasonable travel expenses of travel of members of the armed forces on active duty and their dependents, and accompaniment, to a specialty care provider not otherwise authorized by subsection (a) under such exceptional circumstances as the Secretary considers appropriate for purposes of this section.''.

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by inserting ''of Defense'' after ''the Secretary''.

SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, 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):

''(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.''.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended—

(1) by striking ''subsection (a)(1)'' the first place it appears and inserting ''paragraphs (1) and (2) of subsection (a)''; and

(2) by striking ''subsection (a)(1)'' the second place it appears and inserting ''paragraph (1) or (2) of subsection (a)''.

Subtitle D—Other Matters

SEC. 651. AUTHORITY TO CONTINUE PROVISION OF INCENTIVES AFTER TERMINATION OF TEMPORARY ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended to read as follows:

''(i) TERMINATION OF AUTHORITY.—

''(1) IN GENERAL.—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2009.

''(2) CONTINUATION OF INCENTIVES.—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.''.

SEC. 652. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 653. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

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

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

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

(3) Military service often precludes long range planning for leave and liberty to provide opportunities for reunions and recreation with loved ones and requires changes in planning due to military necessity which results in last minute changes in planning.

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

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

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

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

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

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

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

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

SEC. 654. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

''(A) cleared by appropriate authorities for continuation on active duty; or

''(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

''(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

''(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

''(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

''(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.''.

SEC. 655. USE OF LOCAL RESIDENCES FOR COMMUNITY-BASED CARE FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.—(1)(A) A member of a reserve component described by subparagraph (B) may be assigned to the community-based warrior transition unit located nearest to the member's permanent place of residence if residing at that location is—

''(i) medically feasible, as determined by a licensed military health care provider; and

''(ii) consistent with—

''(I) the needs of the armed forces; and

''(II) the optimal course of medical treatment of the member.

''(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

''(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member's fitness for duty.

''(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member's permanent place of residence under this subsection in connection with travel from the member's permanent place of residence to a medical facility during the period in which the member is covered by this subsection.''.

SEC. 656. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

''§ 1218a. Discharge or release from active duty: transition assistance

''The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

''(1) Information on the availability of care and administrative processing through community based warrior transition units.

''(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

''(3) An opportunity to consult with a member of the applicable judge advocate general's corps, or other qualified legal assistance attorney, regarding the member's eligibility for compensation, disability, or other transitional benefits.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

''1218a. Discharge or release from active duty: transition assistance.''.

SEC. 657. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons.

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

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and retention of officers and enlisted personnel by the Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

SEC. 658. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) IN GENERAL.—It is the sense of Congress that, the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) CONSIDERATIONS.—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

SEC. 659. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term ''World War II'' has the meaning given that term in section 101(8) of title 38, United States Code.

SEC. 660. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''September 11, 2001''; and

(2) by striking ''in any fiscal year after such date'' and inserting ''in any fiscal year after fiscal year 2001''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE, AND FAMILY MEMBERS, WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

''§ 1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the Armed Forces who is qualified for a non-regular retirement at age 60 under chapter 1223, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

''(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE coverage at age 60 under section 1086 of this title.

''(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under the section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

''(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

''(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

''(3)(A) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

''(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined in the manner specified in section 1076d(d)(3)(B) of this title with respect to the cost of coverage applicable under subparagraph (A).

''(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

''(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1076d the following new item:

''1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.''.

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SEC. 702. EXPANSION OF ELIGIBILITY OF SURVIVORS UNDER THE TRICARE DENTAL PROGRAM.

Section 1076a(k)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: '', except that, in the case of a dependent described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continuing eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which the dependent attains 21 years of age.

''(C) In the case of a dependent who, at 21 years of age, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was, at the time of the member's death, in fact dependent on the member for over one-half of the dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which the dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which the dependent attains 23 years of age''.

SEC. 703. CONSTRUCTIVE ELIGIBILITY FOR TRICARE BENEFITS OF CERTAIN PERSONS OTHERWISE INELIGIBLE UNDER RETROACTIVE DETERMINATION OF ENTITLEMENT TO MEDICARE PART A HOSPITAL INSURANCE BENEFITS.

Section 1086(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) If a person referred to in subsection (c) and described by paragraph (2)(B) is subject to a retroactive determination by the Social Security Administration of entitlement to hospital insurance benefits described in paragraph (1), the person shall, during the period described in subparagraph (B), be deemed for purposes of health benefits under this section—

''(i) not to have been covered by paragraph (1); and

''(ii) not to have been subject to the requirements of section 1079(j)(1) of this title, whether through the operation of such section or subsection (g) of this section.

''(B) The period described in this subparagraph with respect to a person covered by subparagraph (A) is the period that—

''(i) begins on the date that eligibility of the person for hospital insurance benefits referred to in paragraph (1) is effective under the retroactive determination of eligibility with respect to the person as described in subparagraph (A); and

''(ii) ends on the date of the issuance of such retroactive determination of eligibility by the Social Security Administration.''.

SEC. 704. REFORM AND IMPROVEMENT OF THE TRICARE PROGRAM.

(a) IN GENERAL.—Commencing not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the other administering Secretaries, undertake actions to reform and improve the TRICARE program.

(b) ELEMENTS.—In undertaking actions to reform and improve the TRICARE program under subsection (a), the Secretary shall consider actions as follows:

(1) Actions to guarantee the availability of care without delay for eligible beneficiaries.

(2) Actions to expand and enhance sharing of health care resources among Federal health care programs, including designated providers (as that term is defined in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 1073 note)).

(3) Actions utilizing medical technology to speed and simplify referrals for specialty care.

(4) Actions, including a comprehensive plan, for the enhanced availability of prevention and wellness care.

(5) Actions to expand and enhance options for mental health care.

(6) Actions utilizing technology to improve direct communication with beneficiaries regarding health and preventive care.

(7) Actions regarding additional financing options for health care provided by civilian providers.

(8) Actions to improve regional or national staffing capabilities in order to enhance support provided to military medical treatment facilities facing staff shortages.

(9) Actions to reduce administrative costs.

(10) Actions to control the cost of health care and pharmaceuticals.

(11) Actions to ensure consistency throughout the TRICARE program, including actions to hold commanders of military medical treatment facilities and civilian providers accountable for compliance with access standards.

(12) Actions to create performance metrics by which to measure improvement in the TRICARE program.

(13) Such other actions as the Secretary, in consultation with the other administering Secretaries, considers appropriate.

(c) CONSULTATION.—In considering actions to be undertaken under this section, and in undertaking such actions, the Secretary shall consult with a broad range of national health care and military advocacy organizations.

(d) REPORTS.—

(1) IN GENERAL.—The Secretary shall, on a periodic basis, submit to the congressional defense committees a report on the progress being made in the reform and improvement of the TRICARE program under this section.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description and assessment of the progress made as of the date of such report in the reform and improvement of the TRICARE program.

(B) Such recommendations for administrative or legislative action as the Secretary considers appropriate to expedite and enhance the reform and improvement of the TRICARE program.

(e) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 705. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION OF REQUIREMENTS ON THE RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH PLANS.

(a) REPORT REQUIRED.—Not later than March 31, 2010, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of section 1097c of title 10, United States Code, relating to the relationship between the TRICARE program and employer-sponsored group health plans.

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

(1) A description of the extent to which the Department of Defense has established measures to assess the effectiveness of section 1097c of title 10, United States Code, in reducing health care costs to the Department for military retirees and their families, and an assessment of the effectiveness of any measures so established.

(2) An assessment of the extent to which the implementation of such section 1097c has resulted in the migration of military retirees from coverage under the TRICARE Standard option of the TRICARE program to coverage under the TRICARE Prime option of the TRICARE program.

(3) A description of the exceptions adopted under subsection (a)(2) of such section 1097c to the requirements under such section 1097c, and an assessment of the effect of the exercise of any exceptions adopted on the administration of such section 1097c.

(4) An assessment of the extent to which the Department collects and assembles data on the treatment of employees eligible for participation in the TRICARE program in comparison with similar employees who are not eligible for participation in that program.

(5) A description of the outreach conducted by the Department to inform individuals eligible for participation in the TRICARE program and employers of their respective rights and responsibilities under such section 1097c, and an assessment of the effectiveness of any outreach so conducted.

(6) Such other matters with respect to the administration and effectiveness of the authorities in such section 1097c as the Comptroller General considers appropriate.

SEC. 706. SENSE OF THE SENATE ON HEALTH CARE BENEFITS AND COSTS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

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

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current combat operations, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of retirement benefits, including lifetime health benefits, that a grateful Nation provides for those who choose to subordinate their personal life to the national interest for so many years.

(4) Currently serving and retired members of the uniformed services and their families and survivors deserve benefits equal to their commitment and service to our Nation.

(5) Many employers are curtailing health benefits and shifting costs to their employees, which may result in retired members of the Armed Forces returning to the Department of Defense, and its TRICARE program, for health care benefits during retirement, and contribute to health care cost growth.

(6) Defense health costs also expand as a result of service-unique military readiness requirements, wartime requirements, and other necessary requirements that represent the ''cost of business'' for the Department of Defense.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, too many of those efforts have been devoted to shifting a larger share of the costs of benefits under that program to retired members of the Armed Forces who have earned health care benefits in return for a career of military service.

(8) In some cases health care providers refuse to accept TRICARE patients because that program pays less than other public and private payors and imposes unique administrative requirements.

(9) The Department of Defense records deposits to the Department of Defense Military Retiree Health Care Fund as discretionary costs to the Department in spite of legislation enacted in 2006 that requires such deposits to be made directly from the Treasury of the United States.

(10) As a result, annual payments for the future costs of servicemember health care continue to compete with other readiness needs of the Armed Forces.

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

(1) the Department of Defense and the Nation have an obligation to provide health care benefits to retired members of the Armed Forces that equals the quality of their selfless service to our country;

(2) past proposals by the Department of Defense to impose substantial fee increases on military beneficiaries have failed to acknowledge properly the findings addressed in subsection (a); and

(3) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the Armed Forces who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program.

SEC. 707. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

''SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

''(a) IN GENERAL.—The Secretary of Defense shall establish procedures for identifying individuals described in subsection (b). The Secretary of Defense shall immediately notify individuals identified under the preceding sentence that they are no longer eligible for health care benefits under the TRICARE program under chapter 55 of title 10, United States Code, and of any options available for enrollment of the individual under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). The Secretary of Defense shall consult with the Secretary of Health and Human Services to accurately identify and notify individuals described in subsection (b) under this subsection.

''(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A of title XVIII of the Social Security Act under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426–1) and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period under part B of such title.''.

Subtitle B—Other Health Care Benefits

SEC. 711. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) MENTAL HEALTH ASSESSMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the provision of a person-to-person mental health assessment for each member of the Armed Forces who is deployed in connection with a contingency operation as follows:

(A) At a time during the period beginning 60 days before the date of deployment in connection with the contingency operation.

(B) At a time during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after the date of redeployment from the contingency operation.

(C) Subject to subsection (d), not later than each of 6 months, 12 months, and 24 months after return from deployment.

(2) EXCLUSION OF CERTAIN MEMBERS.—A mental health assessment is not required for a member of the Armed Forces under subparagraphs (B) and (C) of paragraph (1) if the Secretary determines that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned.

(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify Post Traumatic Stress Disorder (PTSD), suicidal tendencies, and other behavioral health issues identified among members of the Armed Forces described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health issues.

(c) ELEMENTS.—

(1) IN GENERAL.—The mental health assessments provided pursuant to this section shall—

(A) be performed by personnel trained and certified to perform such assessments and may be performed by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks;

(B) include a person-to-person dialogue between members of the Armed Forces described in subsection (a) and the professionals or personnel described by paragraph (1), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns; and

(D) be provided in a consistent manner across the military departments.

(2) TREATMENT OF CURRENT ASSESSMENTS.—The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the Armed Forces as of the date of the enactment of this Act as meeting the requirements for mental

health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

(d) CESSATION OF ASSESSMENTS.—No mental health assessment is required to be provided to an individual under subsection (a)(1)(C) after the individual's discharge or release from the Armed Forces.

(e) SHARING OF INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the Armed Forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this Act, as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the Armed Forces during their transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

(2) PROTOCOLS.—Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), including in particular, section 1614 of that Act (122 Stat. 443; 10 U.S.C. 1071 note).

(B) Section 1720F of title 38, United States Code.

(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.

(g) REPORTS.—

(1) REPORT ON GUIDANCE.—Upon the issuance of the guidance required by subsection (a), the Secretary of Defense shall submit to Congress a report describing the guidance.

(2) REPORTS ON IMPLEMENTATION OF GUIDANCE.—

(A) INITIAL REPORT.—Not later than 270 days after the date of the issuance of the guidance, the Secretary shall submit to Congress an initial report on the implementation of the guidance by the military departments.

(B) SUBSEQUENT REPORT.—Not later than two years after the date of the issuance of the guidance, the Secretary shall submit to Congress a report on the implementation of the guidance by the military departments. The report shall include an evidence based assessment of the effectiveness of the mental health assessments provided pursuant to the guidance in achieving the purpose specified in subsection (b) for such assessments.

SEC. 712. ENHANCEMENT OF TRANSITIONAL DENTAL CARE FOR MEMBERS OF THE RESERVE COMPONENTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(B) in subparagraph (A), by inserting ''except as provided in paragraph (3),'' before ''medical and dental care'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for more than 30 days is entitled under section 1074 of this title.''; and

(4) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking ''paragraph (4)'' and inserting ''paragraph (5)''.

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking ''100 miles'' and inserting ''50 miles''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby decreased by $14,000,000, with the amount of the decrease to be derived from unobligated balances.

SEC. 714. REPORT ON POST-DEPLOYMENT HEALTH ASSESSMENTS OF GUARD AND RESERVE MEMBERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on post-deployment health assessments of Guard and Reserve members.

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

(1) An assessment of the feasibility of administering a Post-Deployment Health Assessment (PDHA) to each member of a reserve component of the Armed Forces returning to the member's home station from deployment in connection with a contingency operation at such home station or in the county of residence of the member within the following timeframes:

(A) In the case of a member of the Individual Ready Reserve, an assessment administered by not later than the member's release from active duty following such deployment or 10 days after the member's return to such station or county, whichever occurs earlier.

(B) In the case of any other member of a reserve component of the Armed Forces returning from deployment, by not later than the member's release from active duty following such deployment.

(2) An assessment of the feasibility of requiring that Post-Deployment Health Assessments described under paragraph (1) be performed by a practitioner trained and certified as qualified to participate in the performance of Post-Deployment Health Assessments or Post-Deployment Health Reassessments.

(3) A description of—

(A) the availability of personnel described under paragraph (2) to perform assessments described under this subsection at the home stations or counties of residence of members of the reserve components of the Armed Forces; and

(B) if such personnel are not available at such locations, the additional resources necessary to ensure such availability within one year after the date of the enactment of this Act.

Subtitle C—Health Care Administration

SEC. 721. COMPREHENSIVE POLICY ON PAIN MANAGEMENT BY THE MILITARY HEALTH CARE SYSTEM.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than October 1, 2010, the Secretary of Defense shall develop and implement a comprehensive policy on pain management by the military health care system.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) The management of acute and chronic pain.

(2) The standard of care for pain management to be used throughout the Department.

(3) The consistent application of pain assessments throughout the Department.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department when medically necessary.

(5) Programs of research related to acute and chronic pain, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare, brain injuries, and chronic migraine headache.

(6) Programs of pain care education and training for health care personnel of the Department.

(7) Programs of patient education for members suffering from acute or chronic pain and their families.

(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 180 days after the date of the commencement of the implementation of the policy required by subsection (a), and on October 1 each year thereafter through 2018, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy.

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

(A) A description of the policy implemented under subsection (a), and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of the policy in improving pain care for beneficiaries enrolled in the military health care system.

(C) An assessment of the adequacy of Department pain management services based on a current survey of patients managed in Department clinics.

(D) An assessment of the research projects of the Department relevant to the treatment of the types of acute and chronic pain suffered by members of the Armed Forces and their families.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the pain care education programs of the Department.

(G) An assessment of the dissemination of information on pain management to beneficiaries enrolled in the military health care system.

SEC. 722. PLAN TO INCREASE THE BEHAVIORAL HEALTH CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to significantly increase the number of military and civilian behavioral health personnel of the Department of Defense by September 30, 2013.

(2) ELEMENTS.—The plan required by paragraph (1) may include the following:

(A) The allocation of scholarships and financial assistance under the Health Professions Scholarship and Financial Assistance Program under subchapter I of chapter 105 of title 10, United States Code, to students pursuing advanced degrees in clinical psychology and other behavioral health professions.

(B) The offering of accession and retention bonuses for psychologists as authorized by section 620 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4489).

(C) An expansion of the capacity for training doctoral-level clinical psychologists at the Uniformed Services University of the Health Sciences.

(D) An expansion of the capacity of the Department of Defense for training masters-level clinical psychologists and social workers with

expertise in deployment-related mental health disorders, such as post traumatic stress disorder.

(E) The detail of commissioned officers of the Armed Forces to accredited schools of psychology for training leading to a doctoral degree in clinical psychology or social work.

(F) The reassignment of military behavioral health providers from administrative positions to clinical positions in support of military units.

(G) The offering of civilian hiring incentives and bonuses and the utilization of direct hiring authority to increase the number of behavioral health personnel of the Department of Defense.

(H) Such other mechanisms to increase the number of behavioral health personnel of the Department of Defense as the Secretary considers appropriate.

(3) REPORT.—Not later than January 31, 2010, the Secretary shall submit to the congressional defense committees a report on the plan required by paragraph (1). The report shall include a comprehensive description of the plan and the actions the Secretary proposes to undertake in the implementation of the plan.

(b) REPORT ON ADDITIONAL OFFICER OR ENLISTED MILITARY SPECIALTIES FOR BEHAVIORAL HEALTH COUNSELORS.—

(1) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the feasability and advisability of establishing one or more military specialties for officers or enlisted members of the Armed Forces as counselors with behavioral health expertise in order to better meet the mental health care needs of members of the Armed Forces and their families.

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

(A) A recommendation as to the feasability and advisability of establishing one or more military specialties for officers or enlisted members of the Armed Forces as counselors with behavioral health expertise.

(B) For each military specialty recommended to be established under subparagraph (A)—

(i) a description of the qualifications required for such speciality, which qualifications shall reflect lessons learned from best practices in academia and the civilian health care industry regarding positions analogous to such specialty; and

(ii) a description of the incentives or other mechanisms, if any, that would be advisable to facilitate recruitment and retention of individuals to and in such specialty.

SEC. 723. DEPARTMENT OF DEFENSE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

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

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the risk of misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that may increase the risks of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the Armed Forces, other departments and agencies of government, and the private sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risks of misadministration of medications and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) REPORT.—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a). The report shall include such findings and recommendations as the Secretary considers appropriate in light of the study.

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

(a) REPORT.—

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

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

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

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

(b) NATIONAL INSTITUTE OF MENTAL HEALTH STUDY.—

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

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

Subtitle D—Wounded Warrior Matters

SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COGNITIVE REHABILITATIVE THERAPY SERVICES UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense may, in consultation with the entities and officials referred to in subsection (d), carry out a pilot program under the TRICARE program to determine the feasibility and advisability of expanding the availability of cognitive rehabilitative therapy services for members or former members of the Armed Forces described in subsection (b).

(b) COVERED MEMBERS AND FORMER MEMBERS.—A member or former member of the Armed Forces is described in this subsection if—

(1) the member or former member—

(A) is otherwise eligible for medical care under the TRICARE program;

(B) has been diagnosed with a moderate to severe traumatic brain injury incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom;

(C) is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code; and

(D) is referred by a qualified physician for cognitive rehabilitative therapy; and

(2) cognitive rehabilitative therapy is not reasonably available to the member or former member through the Department of Veterans Affairs.

(c) ELEMENTS OF PILOT PROGRAM.—The Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), develop for inclusion in the pilot program the following:

(1) Procedures for access to cognitive rehabilitative therapy services.

(2) Qualifications and supervisory requirements for licensed and certified health care professionals providing such services.

(3) A methodology for reimbursing providers for such services.

(d) ENTITIES AND OFFICIALS TO BE CONSULTED.—The entities and officials referred to in this subsection are the following:

(1) The Secretary of Veterans Affairs.

(2) The Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

(3) Relevant national organizations with experience in treating traumatic brain injury.

(e) REPORT.—Not later than 18 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 report—

(1) evaluating the effectiveness of the pilot program in providing increased access to safe, effective, and quality cognitive rehabilitative therapy services for members and former members of the Armed Forces described in subsection (b); and

(2) making recommendations with respect to the effectiveness of cognitive rehabilitative therapy services and the appropriateness of including such services as a benefit under the TRICARE program.

(f) TRICARE PROGRAM DEFINED.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

(g) FUNDING.—Of the amount authorized to be appropriated by section 1403 for the Defense Health Program, not more than $5,000,000 may be available to carry out the pilot program under this section.

SEC. 732. DEPARTMENT OF DEFENSE TASK FORCE ON THE CARE, MANAGEMENT, AND TRANSITION OF RECOVERING WOUNDED, ILL, AND INJURED MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a task force to be known as the ''Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces'' (in this section referred to as the ''Task Force'').

(2) PURPOSE.—The purpose of the Task Force shall be to assess the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, and to make recommendations for the further improvement of such policies and programs.

(b) COMPOSITION.—

(1) MEMBERS.—The Task Force shall consist of not more than 14 members, appointed by the Secretary of Defense from among the individuals as described in paragraph (2).

(2) COVERED INDIVIDUALS.—The individuals appointed to the Task Force shall include the following:

(A) At least one member of each of the regular components of the Army, the Navy, the Air Force, and the Marine Corps.

(B) One member of the National Guard.

(C) One member of a reserve component of the Armed Forces other than National Guard.

(D) A number of persons from outside the Department of Defense equal to the total number

of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the Task Force.

(E) Persons who have experience in—

(i) medical care and coordination for wounded, ill, and injured members of the Armed Forces;

(ii) medical case management;

(iii) non-medical case management;

(iv) the disability evaluation process for members of the Armed Forces;

(v) veterans benefits;

(vi) treatment of traumatic brain injury and post traumatic stress disorder;

(vii) family support;

(viii) medical research;

(ix) vocational rehabilitation; or

(x) disability benefits.

(F) At least one family member of a wounded, ill, or injured member of the Armed Forces or veteran who has experience working with wounded, ill, and injured members of the Armed Forces or their families.

(3) INDIVIDUALS APPOINTED FROM WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the Task Force from within the Department of Defense shall be the surgeon general of an Armed Force.

(4) INDIVIDUALS APPOINTED FROM OUTSIDE DEPARTMENT OF DEFENSE.—The individuals appointed to the Task Force from outside the Department of Defense—

(A) with the concurrence of the Secretary of Veterans Affairs, shall include an officer or employee of the Department of Veterans Affairs; and

(B) may include individuals from other departments or agencies of the Federal Government, from State and local agencies, or from the private sector.

(5) DEADLINE FOR APPOINTMENTS.—All original appointments to the Task Force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS.—There shall be two co-chairs of the Task Force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the individuals appointed to the Task Force from within the Department of Defense. The other co-chair shall be selected from among the individuals appointed from outside the Department of Defense by those individuals.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the Task Force have been appointed, the Task Force shall submit to the Secretary of Defense a report. The report shall include the following:

(A) The findings and conclusions of the Task Force as a result of its assessment of the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(B) A description of various ways in which the Department of Defense and the military departments could more effectively address matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, including members of the regular components, and members of the reserve components, and support for their families.

(C) Such recommendations for other legislative or administrative action as the Task Force considers appropriate for measures to improve the policies and programs described in subparagraph (A).

(2) METHODOLOGY.—For purposes of the report, the Task Force—

(A) shall conduct site visits and interviews as the Task Force considers appropriate;

(B) may consider the findings and recommendations of previous reviews and evaluations of the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces; and

(C) may utilize such other means for directly obtaining information relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces as the Task Force considers appropriate.

(3) MATTERS TO BE REVIEWED AND ASSESSED.—For purposes of the report, the Task Force shall review and assess the following:

(A) Case management, including the numbers and types of case managers (including Federal Recovery Coordinators, Recovery Care Coordinators, National Guard or Reserve case managers, and other case managers) assigned to recovering wounded, ill, and injured members of the Armed Forces, the training provided such case mangers, and the effectiveness of such case mangers in providing care and support to recovering wounded, ill, and injured members of the Armed Forces.

(B) The effectiveness of the Interagency Program Office in achieving fully interoperable electronic health records by September 30, 2009, in accordance with section 1635 of the Wounded Warrior Act (10 U.S.C. 1071 note).

(C) Staffing of Army Warrior Transition Units, Marine Corps Wounded Warrior Regiments, Navy and Air Force Medical Hold or Medical Holdover Units, and other service-related programs or units for recovering wounded, ill, and injured members of the Armed Forces, including the use of applicable hiring authorities to ensure the proper staffing of such programs and units.

(D) The legal support available to recovering wounded, ill, and injured members of the Armed Forces and their families.

(E) The support and assistance provided to recovering wounded, ill, and injured members of the Armed Forces as they progress through the military disability evaluation system.

(F) The effectiveness of any measures under pilot programs to improve or enhance the military disability evaluation system.

(G) The effectiveness of the Senior Oversight Committee in facilitating and overseeing collaboration between the Department of Defense and the Department of Veterans Affairs on matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(H) The establishment and effectiveness of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, and the centers of excellence for military eye injuries, hearing loss and auditory system injuries, and traumatic extremity injuries and amputations.

(I) The establishment and effectiveness of performance and accountability standards for warrior transition units and programs.

(J) The support available to family caregivers of recovering wounded, ill, and injured members of the Armed Forces.

(K) The availability of vocational training for recovering wounded, ill, and injured members of the Armed Forces seeking to transition to civilian life.

(L) The availability of services for traumatic brain injury and post traumatic stress disorder.

(M) The support systems in place to ease the transition of recovering wounded, ill, and injured members of the Armed Forces from the Department of Defense to the Department of Veterans Affairs.

(N) The effectiveness of wounded warrior information resources, including the Wounded Warrior Resource Center, the National Resource Directory, Military OneSource, Family Assistance Centers, and Service hotlines, in providing meaningful information for recovering wounded, ill, and injured members of the Armed Forces.

(O) Interagency matters affecting recovering wounded, ill, and injured members of the Armed Forces in their transition to civilian life.

(P) Overall coordination between the Department of Defense and the Department of Veterans Affairs on the matters specified in this paragraph.

(Q) Such other matters as the Task Force considers appropriate in connection with the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(4) TRANSMITTAL.—Not later than 90 days after receipt of the report required by paragraph (1) the Secretary of Defense shall transmit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and the House of Representatives.

(d) PLAN REQUIRED.—Not later than six months after the receipt under subsection (c) of the report of the Task Force under that subsection, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to implement the recommendations of the Task Force as included in the report of the Task Force under subsection (c).

(e) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the Task Force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve on the Task Force without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the Task Force shall be appointed in accordance with, and subject to, the provisions of section 3161 of title 5, United States Code.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the Task Force. The Washington Headquarters Services of the Department of Defense shall provide the Task Force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the Task Force.

(3) VISITS TO MILITARY FACILITIES.—Any visit by the Task Force to a military installation or facility shall be undertaken through the Deputy Under Secretary of Defense for Personnel and Readiness, in coordination with the Secretaries of the military departments.

(f) TERMINATION.—The Task Force shall terminate 90 days after the date on which the Task Force submits to the Secretary of Defense the report of the Task Force under subsection (c).

SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on research related to post-traumatic stress disorder.

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

(1) The status of all studies and clinical trials that involve treatments of post-traumatic stress disorder conducted by the Department of Defense and the Department of Veterans Affairs.

(2) The effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(3) Identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans' Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans' Affairs of the House of Representatives.

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

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

SEC. 801. CONTRACT AUTHORITY FOR ADVANCED DEVELOPMENT OF PROTOTYPE UNITS.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359b the following new section:

''§ 2359c. Contract authority for advanced development of prototype units

''(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a broad agency announcement pursuant to section 2302(2)(B) of this title may contain a contract line item or an option, including not-to-exceed prices, for either of the following:

''(1) The delivery of a specified number of prototype items to demonstrate technology developed under the contract.

''(2) The provision, for a specified period of time, of advanced component development effort or effort to prototype technology developed under the contract.

''(b) LIMITATIONS.—(1) The number of prototype items specified pursuant to subsection (a)(1) may not exceed the minimum number required to ensure that research and development work can continue without interruption during the solicitation and award of a follow-on competitive contract.

''(2) The period of time specified under subsection (a)(2) may not exceed 12 months.

''(3) The dollar value of the work to be performed pursuant to a contract line item or option under subsection (a) may not exceed the lesser of the amounts as follows:

''(A) The amount that is three times the dollar value of the work previously performed under the contract.

''(B) $20,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by inserting after the item relating to section 2359b the following new item:

''2359c. Contract authority for advanced development of prototype units.''.

(b) SUNSET.—

(1) IN GENERAL.—Effective on the date that is five years after the date of the enactment of this Act—

(A) section 2359c of title 10, United States Code (as added by subsection (a)), is repealed; and

(B) the table of sections at the beginning of chapter 139 of such title (as amended by subsection (a)) is further amended by striking the item relating to section 2359c.

(2) CONTINUATION OF LINE ITEMS AND OPTIONS.—The repeal of section 2359c of title 10, United States Code (as so added), by paragraph (1) shall not affect the authority of the Department of Defense to exercise any contract line item or option included in a contract under the authority of such section before the effective date of the repeal of such section under paragraph (1).

(c) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by section 2359c of title 10, United States Code (as added by subsection (a)). The report shall, at a minimum—

(1) identify the number of times the authority in section 2359c of title 10, United States Code (as so added), has been used by each military department and Defense Agency, and the dollar amount of contract line items or options exercised pursuant to such authority;

(2) assess the effectiveness of the authority in promoting the maturation of technologies and in addressing potential gaps between science and technology projects and acquisition programs;

(3) assess any potential anti-competitive impacts resulting from the use of the authority; and

(4) make such recommendations as the Secretary considers appropriate.

SEC. 802. JUSTIFICATION AND APPROVAL OF SOLE-SOURCE CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the Department of Defense Supplement to the Federal Acquisition Regulation to provide that the head of an agency may not award a sole-source contract for an amount exceeding $20,000,000 unless—

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing; and

(2) the justification is approved by an official designated in section 2304(f)(1)(B) of title 10, United States Code, to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract.

(b) ELEMENTS OF JUSTIFICATION.—The justification of a sole-source contract required pursuant to subsection (a) shall include the following:

(1) A description of the needs of the agency concerned for the matters covered by the contract.

(2) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract.

(3) A determination that the use of a sole-source contract is in the best interest of the Department of Defense.

(4) A determination that the anticipated cost of the contract will be fair and reasonable.

(5) Such other matters as the Secretary shall specify for purposes of this section.

(c) CONSTRUCTION WITH COMPETITION IN CONTRACTING ACT REQUIREMENTS.—In the case of any contract for which a justification and approval is required under section 2304(f) of title 10, United States Code, a justification and approval meeting the requirements of such section may be treated as meeting the requirements of this section for purposes of the award of a sole-source contract.

Subtitle B—Acquisition Policy and Management

SEC. 811. REPORTING REQUIREMENTS FOR PROGRAMS THAT QUALIFY AS BOTH MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS AND MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Section 2445d of title 10, United States Code, is amended by striking ''of this title'' and all that follows and inserting ''of this title, the Secretary may designate the program to be treated only as a major automated information system program covered by this chapter or to be treated only as a major defense acquisition program covered by such chapter 144.''.

(b) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on the implementation of section 2445d of title 10, United States Code (as amended by subsection (a)). The guidance shall provide that, as a general rule—

(1) a program covered by such section that requires the development of customized hardware shall be treated only as a major defense acquisition program under chapter 144 of title 10, United States Code; and

(2) a program covered by such section that does not require the development of customized hardware shall be treated only as a major automated information system program under chapter 144A of title 10, United States Code.

SEC. 812. FUNDING OF DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) ADDITIONAL ELEMENT OF FUND.—Subsection (d) of section 1705 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) Amounts transferred to the Fund pursuant to paragraph (3).''; and

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

''(3) TRANSFER OF CERTAIN UNOBLIGATED BALANCES.—To the extent provided in appropriations Acts, the Secretary of Defense may, during the 24-month period following the expiration of availability for obligation of any appropriations made to the Department of Defense for procurement, research, development, test, and evaluation, or operation and maintenance, transfer to the Fund any unobligated balance of such appropriations. Any amount so transferred shall be credited to the Fund.''.

(b) NATURE OF EXPENDED AMOUNTS PROVIDING BASIS FOR CREDIT TO FUND.—Subparagraph (A) of paragraph (2) of such subsection is amended by striking '', other than'' and all that follows and inserting ''from amounts available for operation and maintenance.''.

(c) REMITTANCES.—Subparagraph (B) of paragraph (2) of such subsection is amended by inserting '', from amounts available to such military department or Defense Agency, as the case may be, for operation and maintenance,'' after ''remit to the Secretary of Defense''.

(d) ADDITIONAL MATTERS RELATING TO REMITTANCES.—Such subsection is further amended—

(1) in paragraph (2)(B), by striking ''Not later than'' and inserting ''Subject to paragraph (4), not later than''; and

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

''(4) ADDITIONAL REQUIREMENTS AND LIMITATIONS ON REMITTANCES.—(A) In the event amounts are transferred to the Fund during a fiscal year pursuant to paragraph (1)(B) or appropriated to the Fund for a fiscal year pursuant to paragraph (1)(C), the aggregate amount otherwise required to be remitted to the Fund for that fiscal year pursuant to paragraph (2)(B) shall be reduced by the amount equal to the amounts so transferred or appropriated to the Fund during or for that fiscal year. Any reduction in the aggregate amount required to be remitted to the Fund for a fiscal year under this subparagraph shall be allocated as provided in applicable provisions of appropriations Acts or, absent such provisions, on a pro rata basis among the military departments and Defense Agencies required to make remittances to the Fund for that fiscal year under paragraph (2)(B).

''(B) Any remittance of amounts to the Fund for a fiscal year under paragraph (2) shall be subject to the availability of appropriations for that purpose.''.

(e) REMITTANCE AMOUNTS.—Paragraph (2) of such subsection is further amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

''(C) For purposes of this paragraph, the applicable percentage for a fiscal year is the percentage that results in the credit to the Fund in such fiscal year of an amount as follows:

''(i) For fiscal year 2010, $570,000,000.

''(ii) For fiscal year 2011, $770,000,000.

''(iii) For fiscal year 2012, $900,000,000.

''(iv) For fiscal year 2013, $1,180,000,000.

''(v) For fiscal year 2014, $1,330,000,000.

''(vi) For fiscal year 2015, $1,470,000,000.

''(D) The Secretary of Defense may reduce a percentage specified in subparagraph (C) for a fiscal year if the Secretary determines that the application of such percentage would result in the crediting to the Fund in such fiscal year of

an amount greater than is reasonably needed for purposes of the Fund. The percentage for a fiscal year, as so reduced, may not be a percentage that will result in the credit to the Fund in such fiscal year of an amount that is less than 80 percent of the amount otherwise specified in subparagraph (C) for such fiscal year.''.

(f) CLARIFICATION OF LIMITATION ON PAY OF BASE SALARY OF CURRENT EMPLOYEES.—Subsection (e)(5) of such section is amended by striking ''as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''serving in a position in the acquisition workforce as of January 28, 2008''.

(g) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of such section is amended by inserting ''Development'' after ''Workforce''.

(2) Subsection (f) of such section is amended in the matter preceding paragraph (1) by striking ''beginning with fiscal year 2008''.

(h) EFFECTIVE DATES.—

(1) FUNDING AMENDMENTS.—The amendments made by subsections (a) through (e) shall take effect on October 1, 2009.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (f) and (g) shall take effect on the date of the enactment of this Act.

SEC. 813. ENHANCEMENT OF EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) IN GENERAL.—Paragraph (1) of section 1705(h) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''acquisition positions within the Department of Defense as shortage category position'' and inserting ''acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need''; and

(2) in subparagraph (B), by striking ''highly qualified'' and inserting ''appropriately qualified''.

(b) EXTENSION.—Paragraph (2) of such section is amended by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

(c) TECHNICAL AMENDMENT.—Paragraph (1) of such section is further amended by striking ''United States Code,'' in the matter preceding subparagraph (A).

SEC. 814. TREATMENT OF NON-DEFENSE AGENCY PROCUREMENTS UNDER JOINT PROGRAMS WITH THE DEPARTMENT OF DEFENSE UNDER LIMITATIONS ON NON-DEFENSE AGENCY PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

Section 801(b) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

''(3) TREATMENT OF PROCUREMENTS UNDER JOINT PROGRAMS.—For purposes of this subsection, a contract entered by a non-defense agency for the performance of a joint program conducted to meet the needs of the Department of Defense and the non-defense agency shall not be considered a procurement of property or services for the Department of Defense through a non-defense agency.''.

SEC. 815. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON TRAINING OF ACQUISITION AND AUDIT PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the efficacy of Department of Defense training for acquisition and audit personnel of the Department of Defense.

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

(1) An assessment of the nature and efficacy of training (including training materials and methods) required for acquisition and audit personnel of the Department of Defense.

(2) An assessment of the timeliness and manner in which the Department of Defense provides training for such personnel.

(3) An assessment of the extent to which such training reaches appropriate acquisition personnel, including personnel outside the acquisition workforce who exercise significant acquisition responsibilities.

(4) An assessment of the extent to which each of the Department of Defense and the Department of the Army have implemented the recommendations of the Commission on Army Acquisition and Program Management in Expeditionary Operations relating to training of acquisition personnel.

(5) Such recommendations as the Comptroller General considers appropriate regarding training of acquisition and audit personnel of the Department of Defense, including recommendations regarding best practices and objectives for improved training of such acquisition and audit personnel.

Subtitle C—Contractor Matters

SEC. 821. AUTHORITY FOR GOVERNMENT SUPPORT CONTRACTORS TO HAVE ACCESS TO TECHNICAL DATA BELONGING TO PRIME CONTRACTORS.

(a) AUTHORITY.—

(1) ACCESS TO TECHNICAL DATA.—Subsection (c) of section 2320 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ''or'' at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) notwithstanding any limitation upon the license rights conveyed under subsection (a), allowing a covered Government support contractor access to and use of any technical data delivered under a contract for the sole purpose of furnishing independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of the program or effort to which such technical data relates; or''.

(2) COVERED GOVERNMENT SUPPORT CONTRACTOR DEFINED.—Such section is further amended by adding at the end the following new subsection:

''(f) In this section, the term 'covered Government support contractor' means a contractor under a contract the primary purpose of which is to furnish independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of a program or effort (rather than to directly furnish an end item or service to accomplish a program or effort), which contractor—

''(1) is not affiliated with the prime contractor or a first-tier subcontractor on the program or effort, or with any direct competitor of such prime contractor or any such first-tier subcontractor in furnishing end items or services of the type developed or produced on the program or effort; and

''(2) executes a contract with the Government agreeing to and acknowledging—

''(A) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

''(B) that a breach of that contract by the covered Government support contractor with regard to a third party's ownership or rights in such technical data may subject the covered Government support contractor—

''(i) to criminal, civil, administrative, and contractual actions in law and equity for penalties, damages, and other appropriate remedies by the United States; and

''(ii) to civil actions for damages and other appropriate remedies by the contractor or subcontractor whose technical data is affected by the breach;

''(C) that such technical data provided to the covered Government support contractor under the authority of this section shall not be used by the covered Government support contractor to compete against the third party for Government or non-Government contracts; and

''(D) that any breach of the nondisclosure obligations under subparagraphs (A) through (C) may constitute a violation of section 1905 of title 18.''.

(b) CRIMINAL PENALTY.—Section 1905 of title 18, United States Code, is amended by inserting ''or being an officer, agent, or employee of a private sector organization having a contractual nondisclosure agreement under the authority of section 2320(f)(2) of title 10,'' after ''Antitrust Civil Process Act (15 U.S.C. 1311-1314),''.

SEC. 822. EXTENSION AND ENHANCEMENT OF AUTHORITIES ON THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) DATE OF FINAL REPORT.—Subsection (d)(3) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by striking ''two years'' and inserting ''three years''.

(b) ASSISTANCE FROM FEDERAL AGENCIES.—Such section is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) ASSISTANCE FROM FEDERAL AGENCIES.—

''(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall provide to the Commission administrative support for the performance of the Commission's functions in carrying out the requirements of this section.

''(2) TRAVEL AND LODGING IN COMBAT THEATERS.—The administrative support provided the Commission under paragraph (1) shall include travel and lodging undertaken in combat theaters, which support shall be provided on a nonreimbursable basis.

''(3) OTHER DEPARTMENTS AND AGENCIES.—In addition to the support required by paragraph (1), any department or agency of the Federal Government may provide to the Commission such services, funds, facilities, staff, and other support services for the performance of the Commission's functions as the head of such department or agency considers advisable, or as may otherwise be authorized by law.''.

SEC. 823. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) REGULATIONS REQUIRED.—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be modified to provide the following:

(1) That the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to contractor personnel.

(2) That contractor personnel with proper training and security clearances may be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions in interrogations of persons as described in paragraph (1) if such personnel are subject to the same rules, procedures, policies, and laws pertaining to detainee operations and interrogations as apply to government personnel in such positions in such interrogations.

(b) DISCHARGE BY GOVERNMENT PERSONNEL.—The Secretary of Defense shall take appropriate actions to ensure that, by not later than one year after the date of the enactment of this Act, the Department of Defense has the resources needed to ensure that interrogations described in subsection (a)(1) are conducted by appropriately qualified government personnel.

SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

Subsection (c) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4556) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraphs:

''(6) Each audit report that, as determined by an Inspector General or the head of an audit agency responsible for the report, contains significant adverse information about a contractor that should be included in the database.

''(7) Each contract action that, as determined by the head of the contracting activity responsible for the contract action, reflects information about contractor performance or integrity that should be included in the database.''.

Subtitle D—Other Matters

SEC. 831. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN CENTRAL ASIA, PAKISTAN, AND THE SOUTH CAUCASUS.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations (including security, transition, reconstruction, and humanitarian relief activities) in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Central Asia, Pakistan, or the South Caucasus;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Central Asia, Pakistan, or the South Caucasus; or

(3) a preference is provided for products or services that are from Central Asia, Pakistan, or the South Caucasus.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by military forces, police, or other security personnel of Afghanistan; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary—

(i) to improve local market and transportation infrastructure in Central Asia, Pakistan, or the South Caucasus in order to reduce overall United States transportation costs and risks in shipping goods in support of operations in Afghanistan; or

(ii) to encourage states of Central Asia, Pakistan, or the South Caucasus to cooperate in expanding supply routes through their territory in support of operations in Afghanistan; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) operations in Afghanistan; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM CENTRAL ASIA, PAKISTAN, OR THE SOUTH CAUCASUS.—For the purposes of this section:

(1) A product is from Central Asia, Pakistan, or the South Caucasus if it is mined, produced, or manufactured in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

(2) A service is from Central Asia, Pakistan, or the South Caucasus if it is performed in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan by citizens or permanent resident aliens of Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

(3) A source is from Central Asia, Pakistan, or the South Caucasus if it—

(A) is located in Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan; and

(B) offers products or services that are from Georgia, the Kyrgyz Republic, Pakistan, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Tajikistan, the Republic of Uzbekistan, or Turkmenistan.

(d) CONSTRUCTION WITH OTHER AUTHORITY.—The authority in subsection (a) is in addition to the authority in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 each year, the Secretary shall submit to Congress a report on the exercise of the authority in subsection (a) during the preceding fiscal year.

(2) ELEMENTS.—Each report under this subsection shall include, for the fiscal year covered by such report, the following:

(A) A statement of the number of occasions on which the Secretary made a determination under subsection (a) with respect to the exercise of the authority in subsection (a), regardless of whether or not the determination resulted in the exercise of such authority.

(B) The total amount of all procurements pursuant to the exercise of such authority, and the total amount of procurements for each country with respect to which such authority was exercised.

(C) A description and assessment of the extent to which procurements pursuant to the exercise of such authority furthered the national security interest of the United States.

(f) SUNSET.—The authority in subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

SEC. 832. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

(a) AUTHORITY TO MODIFY DEFINITION OF ''SMALL ARMS PRODUCTION INDUSTRIAL BASE''.—Section 2473(c) of title 10, United States Code, is amended by inserting before the period at the end the following: '', and any subsequent modifications to such list of firms pursuant to a review by the Secretary of Defense''.

(b) REVIEW OF SMALL ARMS PRODUCTION INDUSTRIAL BASE.—

(1) REVIEW.—Not later than March 31, 2010, the Secretary of Defense shall review and determine, based upon manufacturing capability and capacity—

(A) whether any firms included in the small arms production industrial base (as that term is defined in section 2473(c) of title 10, United States Code) should be eliminated or modified and whether any additional firms should be included; and

(B) whether any of the small arms listed in section 2473(d) of title 10, United States Code, should be eliminated from the list or modified on the list, and whether any additional small arms should be included in the list.

(2) REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the review conducted under this subsection, including any recommendations for changes to the list maintained pursuant to subsection (c) of section 2473(d) of title 10, United States Code, or the list under subsection (d) of such section.

SEC. 833. EXTENSION OF SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) SBIR EXTENSION.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking ''The authorization'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the authorization''; and

(2) by adding at the end the following:

''(2) EXCEPTION FOR DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretary of each military department is authorized to carry out the Small Business Innovation Research Program of the Department of Defense until September 30, 2023.''.

(b) STTR REAUTHORIZATION.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking ''With respect'' and inserting the following:

''(i) FEDERAL AGENCIES GENERALLY.—Except as provided in clause (i), with respect''; and

(2) by adding at the end the following:

''(ii) DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretary of each military department shall carry out clause (i) with respect to each fiscal year through fiscal year 2023.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 30, 2009.

SEC. 834. EXPANSION AND PERMANENT AUTHORITY FOR SMALL BUSINESS INNOVATION RESEARCH COMMERCIALIZATION PROGRAM.

(a) EXPANSION TO INCLUDE SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended in paragraphs (1), (2), and (4) by inserting ''and the Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''.

(b) PERMANENT AUTHORITY.—

(1) IN GENERAL.—Such section is further amended by striking paragraph (6).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in the subsection heading, by striking ''PILOT''; and

(B) by striking ''Pilot'' each place it appears.

SEC. 835. MEASURES TO ENSURE THE SAFETY OF FACILITIES, INFRASTRUCTURE, AND EQUIPMENT FOR MILITARY OPERATIONS.

(a) POLICY.—It shall be the policy of the Department of Defense to incorporate generally accepted industry standards for the safety and health of personnel, to the maximum extent practicable, into requirements for facilities, infrastructure, and equipment that are intended for use by military or civilian personnel of the Department in current and future contingency operations.

(b) CONTRACTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing that actions that the Department of Defense has taken, or plans to take, to ensure that each contract or task or delivery order entered into for the construction, installation, repair, maintenance, or operation of facilities for use by military or civilian personnel of the Department in current and future contingency operations complies with the policy established in subsection (a).

(c) GENERALLY ACCEPTED INDUSTRY STANDARDS FOR SAFETY.—For the purposes of this section, generally accepted industry standards for the safety of personnel include—

(1) appropriate standards with respect to fire protection and structural integrity; and

(2) standards with respect to electrical systems, water treatment, and telecommunications networks.

SEC. 836. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 837. DEFENSE SCIENCE BOARD REPORT ON RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Defense Science Board shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the usage of rare earth materials in the supply chain of the Department of Defense.

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

(1) The current and projected domestic and world-wide availability of rare earth materials for use by the Department of Defense in its weapon systems.

(2) The extent to which weapon systems acquired by the Department of Defense are currently dependent on, or are projected to become dependent on, rare earth materials supplied by sources that could be interrupted.

(3) The risk to national security, if any, of dependence on such sources for rare earth materials.

(4) Any steps that the Department of Defense has taken or is planning to take to address any such risk to national security.

(5) Such recommendations for further action to address the matters covered by the report as the Defense Science Board considers appropriate.

(c) DEFINITIONS.—In this section:

(1) The term ''rare earth'' means the chemical elements in the periodic table beginning with lanthanum and continuing to lutetium, and any associated elements.

(2) The term ''rare earth material'' includes rare earth ores, semi-finished rare earth products, and components containing rare earth materials.

SEC. 838. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.

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

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. DEPUTY UNDER SECRETARIES OF DEFENSE AND ASSISTANT SECRETARIES OF DEFENSE.

(a) DEPUTY UNDER SECRETARIES OF DEFENSE.—Chapter 4 of title 10, United States Code, is amended by adding after section 137 the following new section:

''§ 137a. Deputy Under Secretaries of Defense

''(a)(1) There are five Deputy Under Secretaries of Defense.

''(2)(A) The Deputy Under Secretaries of Defense referred to in paragraphs (1) through (3) of subsection (c) shall be appointed as provided in the applicable paragraph.

''(B) The Deputy Under Secretaries of Defense referred to in paragraphs (4) and (5) of subsection (c) shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(3) The five Deputy Under Secretaries of Defense authorized by this section are the only Deputy Under Secretaries of Defense.

''(b) Each Deputy Under Secretary of Defense shall be the first assistant to an Under Secretary of Defense and shall assist such Under Secretary in the performance of the duties of the position of such Under Secretary and shall act for, and exercise the powers of, such Under Secretary when such Under Secretary is absent or disabled.

''(c)(1) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics appointed pursuant to section 133a of this title.

''(2) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Policy appointed pursuant to section 134a of this title.

''(3) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Personnel and Readiness appointed pursuant to section 136a of this title.

''(4) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense (Comptroller).

''(5) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense for Intelligence.

''(d) The Deputy Under Secretaries of Defense take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Deputy Chief Management Officer of the Department of Defense.''.

(b) ASSISTANT SECRETARIES OF DEFENSE.—

(1) REDESIGNATION OF DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS AS ASSISTANT SECRETARY.—Chapter 4 of such title is further amended—

(A) by transferring section 133b to appear after section 138 and redesignating such section, as so transferred, as section 138a; and

(B) in such section, as so transferred and redesignated, by striking ''Deputy Under Secretary'' each place it appears and inserting ''Assistant Secretary''.

(2) ADDITIONAL ASSISTANT SECRETARIES.—Section 138 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

''(a)(1) There are 16 Assistant Secretaries of Defense.

''(2)(A) The Assistant Secretary of Defense referred to in subsection (b)(7) shall be appointed as provided in that subsection.

''(B) The other Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.''; and

(B) in subsection (b), by adding the following new paragraphs:

''(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition. The Assistant Secretary of Defense for Acquisition is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to acquisition.

''(7) One of the Assistant Secretaries is the Assistant Secretary of Defense for Logistics and Materiel Readiness appointed pursuant to section 138a of this title. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Logistics and Materiel Readiness shall have the duties specified in section 138a of this title.

''(8) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Installations and Environment. The Assistant Secretary of Defense for Installations and Environment is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to Department of Defense installations and environmental policy.

''(9) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Manufacturing and Industrial Base. The Assistant Secretary of Defense for Manufacturing and Industrial Base is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to the defense industrial base, carrying out the requirements of chapter 148 of this title, and executing the authorities provided by the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.).

''(10) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Readiness. The Assistant Secretary of Defense for Readiness is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Personnel and Readiness on matters relating to military readiness.

''(11) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Strategy, Plans, and Forces. The Assistant Secretary of Defense for Strategy, Plans, and Forces is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Policy on matters relating to strategy, plans, and forces.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—

(A) Section 133a of such title is amended—

(i) by striking ''Deputy Under Secretary of Defense for Acquisition and Technology'' each place it appears and inserting ''Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics''; and

(ii) by striking ''duties relating to acquisition and technology'' and inserting ''duties''.

(B) Section 134a of such title is amended by striking ''Deputy Under Secretary'' each place it appears and inserting ''Principal Deputy Under Secretary''.

(C) Section 134b of such title is repealed.

(D) Section 136a of such title is amended by striking ''Deputy Under Secretary'' each place it appears and inserting ''Principal Deputy Under Secretary''.

(2) SECTION HEADING AMENDMENTS.—

(A) The heading of section 133a of such title is amended to read as follows:

''§ 133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(B) The heading of section 134a of such title is amended to read as follows:

''§ 134a. Principal Deputy Under Secretary of Defense for Policy''.

(C) The heading of section 136a of such title is amended to read as follows:

''§ 136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness''.

(D) The heading of section 138a of such title, as transferred and redesignated by subsection (b)(1) of this section, is amended to read as follows:

''§ 138a. Assistant Secretary of Defense for Logistics and Materiel Readiness''.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 133a and inserting the following new item:

''133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.'';

(B) by striking the items relating to sections 134a and 134b and inserting the following new item:

''134a. Principal Deputy Under Secretary of Defense for Policy.'';

(C) by striking the item relating to section 136a and inserting the following new item:

''136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness.'';

(D) by inserting after the item relating to section 137 the following new item:

''137a. Deputy Under Secretaries of Defense.''; and

(E) by inserting after the item relating to section 138 the following new item:

''138a. Assistant Secretary of Defense for Logistics and Materiel Readiness.''.

(d) EXECUTIVE SCHEDULE MATTERS.—

(1) LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Acquisition and Technology and inserting the following new item:

''Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.''.

(2) LEVEL IV.—Section 5315 of such title is amended—

(A) by striking the item relating to the Assistant Secretaries of Defense and inserting the following new item:

''Assistant Secretaries of Defense (16).''; and

(B) by striking the items relating to the Deputy Under Secretary of Defense for Policy, the Deputy Under Secretary of Defense for Personnel and Readiness, and the Deputy Under Secretary of Defense for Logistics and Materiel Readiness and inserting the following new items:

''Principal Deputy Under Secretary of Defense for Policy.

''Principal Deputy Under Secretary of Defense for Personnel and Readiness.

''Principal Deputy Under Secretary of Defense (Comptroller).

''Principal Deputy Under Secretary of Defense for Intelligence.''.

SEC. 902. REPEAL OF CERTAIN LIMITATIONS ON PERSONNEL AND CONSOLIDATION OF REPORTS ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.

(a) REPEAL OF CERTAIN LIMITATIONS ON PERSONNEL ASSIGNED TO MAJOR HEADQUARTERS ACTIVITIES.—

(1) REPEALS.—The following provisions of law are repealed:

(A) Section 143 of title 10, United States Code.

(B) Section 194 of such title.

(C) Sections 3014(f), 5014(f), and 8014(f) of such title.

(D) Section 601 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (10 U.S.C. 194 note).

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 143.

(B) The table of sections at the beginning of subchapter I of chapter 8 of such title is amended by striking the item relating to section 194.

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended by inserting after subsection (e) the following new subsection:

''(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

''(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and the budget fiscal year.

''(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number associated with the replacement of contracts performing inherently governmental or exempt functions.

''(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.''.

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of such section is amended by inserting ''defense'' before ''manpower requirements report''.

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

''§ 115a. Annual defense manpower requirements report''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

''1115a. Annual defense manpower requirements report.''.

(3) CONFORMING REPEALS.—The following provisions of law are repealed:

(A) Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272).

(B) Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4619).

SEC. 903. SENSE OF SENATE ON THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

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

(1) The Western Hemisphere Institute for Security Cooperation was established by section 911 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–226).

(2) The Western Hemisphere Institute for Security Cooperation provides professional education and training to military personnel, law enforcement officials, and civilian personnel in support of the democratic principles set forth in the Charter of the Organization of American States. The Institute effectively promotes mutual knowledge, transparency, confidence, and cooperation among participating nations. It also effectively builds strategic partnerships to address the great security challenges in the region while encouraging democratic values, respect for human rights, subordination to civilian authority, and understanding of United States customs and traditions.

(3) The Western Hemisphere Institute for Security Cooperation supports the Security Cooperation Guidance of the Secretary of Defense by addressing the building partner capacity education and training needs of the United States Southern Command and the United States Northern Command.

(4) In a joint letter, dated April 9, 2009, General Renuart, the Commander of the United States Northern Command, and Admiral Stavridis, the Commander of the United States Southern Command, write ''[t]he outstanding service that WHINSEC provides directly supports the United States Southern Command's and United States Northern Command's strategic objective of fostering lasting partnerships that will ensure security, enhance stability, and enable prosperity throughout the Americas'' and notes that the Institute provides ''culturally-sensitive training, with a strong emphasis on the values of democracy and human rights''.

(5) In establishing the Western Hemisphere Institute for Security Cooperation, Congress mandates that participants at the Institute receive a minimum of 8 hours of instruction on human rights, due process, the rule of law, the role of the Armed Forces in a democratic society, and civilian control of the military. Every course devotes at least 10 percent of its course work to democracy, ethics, and human rights issues. The Institute is also required to develop a curriculum that includes leadership development, counterdrug operations, peacekeeping, resource management, and disaster relief planning. In fiscal year 2008, the Institute presented 39 courses and hosted 1,196 students in residence at Fort Benning, Georgia, of whom 292 were police personnel, and trained an additional 280 students through the Mobile Training Team programs of the Institute.

(6) Congress mandated the formation of a Federal advisory committee—an oversight committee unique to the Western Hemisphere Institute for Security Cooperation. It provides recommendations and an independent review of the Institute and its curriculum to ensure the uniform adherence of the Institute to United States law, regulations, and policies. The Board of Visitors of the Institute includes the Chairman and Ranking Member of the Committee on Armed Services of the Senate, the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives, the Secretary of State, the Commander of the United States Southern Command, the Commander of the United States Northern Command, the Commander of the United States Training and Doctrine Command, and six members designated by the Secretary of Defense. The six members designated by the Secretary of Defense include, to the extent practicable, individuals from academia and the religious and human rights communities. In addition to the 13 members of the Board of Visitors, advisors and subject matter experts assist the Board in areas the Board considers necessary and appropriate.

(7) The Western Hemisphere Institute for Security Cooperation operates in accordance with section 8130 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2335) that prohibits United States military assistance to foreign military units that violate human rights, including security assistance programs funded through appropriations available for foreign operations and training programs funded through appropriations made available for the Department of Defense.

(8) The Western Hemisphere Institute for Security Cooperation does not select students for participation in its courses. A partner nation nominates students to attend the Institute, and in accordance with the law of the United States and the policies of the Department of Defense and the Department of State, the United States Embassy in such partner nation screens and conducts background checks on such nominees. The vetting process of nominees for participation in the Institute includes a background check by United States embassies in partner nations, as well as checks by the Bureau of Western Hemisphere Affairs and the Bureau of Democracy, Human Rights, and Labor at the Department of State. The Department of State also uses the Abuse Case Evaluation System, a central database that aggregates human rights abuse data into a single, searchable location, to ensure nominees have not been accused of any human rights abuses.

(9) The training provided by the Western Hemisphere Institute for Security Cooperation is transparent and the Institute is open to visitors at any time. Visitors are welcome to sit in on classes, talk with students and faculty, and review instructional materials. Every year, the Institute hosts more than a thousand visiting students, faculty, civilian, and military officials.

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

(1) the Western Hemisphere Institute for Security Cooperation—

(A) offers quality professional military bilingual instruction for military officers and noncommissioned officers that promotes democracy, subordination to civilian authority, and respect for human rights; and

(B) is uniquely positioned to support the modernization of Latin America security forces as they work to transcend their own controversial pasts;

(2) the Western Hemisphere Institute for Security Cooperation is building partner capacity which enhances regional and global security while encouraging respect for human rights and promoting democratic principles among eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere;

(3) the Western Hemisphere Institute for Security Cooperation is an invaluable education and training facility whose curriculum is not duplicated in any of the military departments and is not replaceable by professional military education funded by appropriations for International Military Education and Training (IMET), which education is not conducted in Spanish and does not concentrate on regional challenges; and

(4) the Western Hemisphere Institute for Security Cooperation is an essential tool to educate

future generations of Latin American leaders and improve United States relationships with partner nations that are working with the United States to promote democracy, prosperity, and stability in the Western Hemisphere.

SEC. 904. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT OF POSITION.—

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

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

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

"§ 10505. Vice Chief of the National Guard Bureau

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

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

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

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

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

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

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

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

''(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in a grade decided by the Secretary of Defense.

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

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

''10505. Vice Chief of the National Guard Bureau.

''10505a. Director of the Joint Staff of the National Guard Bureau.''.

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

Subtitle B—Space Matters

SEC. 911. PROVISION OF SPACE SITUATIONAL AWARENESS SERVICES AND INFORMATION TO NON-UNITED STATES GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 2274 of title 10, United States Code, is amended to read as follows:

"§ 2274. Space situational awareness services and information: provision to non-United States Government entities

''(a) AUTHORITY.—The Secretary of Defense may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities in accordance with this section. Any such action may be taken only if the Secretary determines that such action is consistent with the national security interests of the United States.

''(b) ELIGIBLE ENTITIES.—The Secretary may provide services and information under subsection (a) to, and may obtain data and information under subsection (a) from, any non-United States Government entity, including any of the following:

''(1) A State.

''(2) A political subdivision of a State.

''(3) A United States commercial entity.

''(4) The government of a foreign country.

''(5) A foreign commercial entity.

''(c) AGREEMENT.—The Secretary may not provide space situational awareness services and information under subsection (a) to a non-United States Government entity unless that entity enters into an agreement with the Secretary under which the entity—

''(1) agrees to pay an amount that may be charged by the Secretary under subsection (d);

''(2) agrees not to transfer any data or technical information received under the agreement, including the analysis of data, to any other entity without the express approval of the Secretary; and

''(3) agrees to any other terms and conditions considered necessary by the Secretary.

''(d) CHARGES.—(1) As a condition of an agreement under subsection (c), the Secretary may (except as provided in paragraph (2)) require the non-United States Government entity entering into the agreement to pay to the Department of Defense such amounts as the Secretary determines appropriate to reimburse the Department for the costs to the Department of providing space situational awareness services or information under the agreement.

''(2) The Secretary may not require the government of a State, or of a political subdivision of a State, to pay any amount under paragraph (1).

''(e) CREDITING OF FUNDS RECEIVED.—(1) Funds received for the provision of space situational awareness services or information pursuant to an agreement under this section shall be credited, at the election of the Secretary, to the following:

''(A) The appropriation, fund, or account used in incurring the obligation.

''(B) An appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

''(2) Funds credited under paragraph (1) shall be merged with, and remain available for obligation with, the funds in the appropriation, fund, or account to which credited.

''(f) PROCEDURES.—The Secretary shall establish procedures by which the authority under this section shall be carried out. As part of those procedures, the Secretary may allow space situational awareness services or information to be provided through a contractor of the Department of Defense.

''(g) NONDISCLOSURE.—Any information received under subsection (a), records of agreements entered into under subsection (c), and analyses or data provided as a part of the provision of services or information under this section shall be exempt from disclosure under section 552(b)(3) of title 5.

''(h) IMMUNITY.—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by striking the item relating to section 2274 and inserting the following new item:

''2274. Space situational awareness services and information: provision to non-United States Government entities.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 912. PLAN FOR MANAGEMENT AND FUNDING OF NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, the Secretary of Commerce, and the Administrator of the National Aeronautics and Space Administration shall jointly develop a plan for the management and funding of the National Polar-Orbiting Operational Environmental Satellite System Program (in this section referred to as the ''Program'') by the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

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

(1) Requirements for the Program.

(2) The management structure of the Program.

(3) A funding profile for the Program for each year of the Program for the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 by section 201(a)(3) for research, development, test, and evaluation for the Air Force and available for the Program, not more than 50 percent of such amounts may be obligated or expended before the date on which the plan developed under subsection (a) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives.

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

(1) the National Polar-Orbiting Operational Environmental Satellite System Program, including the sensors, satellites, and orbits included in the Program, should be maintained;

(2) the National Polar-Orbiting Operational Environmental Satellite System preparatory project should be managed and treated as an operational satellite;

(3) the responsibility of Department of Defense milestone decision authority for the Program should be delegated to the Department of Defense Executive Agent for Space, and the Department of Defense Executive Agent for Space should become the member of the Tri-Agency Executive Committee from the Department of Defense;

(4) the Program Executive Office of the Program should report directly to and take direction exclusively from the Tri-Agency Executive Committee;

(5) the acquisition procedures of the Department of Defense should continue to be used in the Program;

(6) the Administrator of the National Aeronautics and Space Administration and the Secretary of the Air Force should make support from the Goddard Space Flight Center and the Space and Missile Systems Center, respectively, available for the Program, as needed;

(7) the budget for the Program should not be less than the estimate of the Cost Analysis Improvement Group of the Department of Defense for the Program;

(8) the Program should continue to be managed by a single program manager;

(9) the Program should be managed as a long-term operational program; and

(10) once all requirements for the Program are fully agreed to by the Secretary of Defense, the Secretary of Commerce, and the Administrator

of the National Aeronautics and Space Administration, the Program should be executed with no modifications to those requirements that would increase the cost, or extend the schedule, of the Program.

Subtitle C—Intelligence Matters

SEC. 921. INCLUSION OF DEFENSE INTELLIGENCE AGENCY IN AUTHORITY TO USE PROCEEDS FROM COUNTERINTELLIGENCE OPERATIONS.

(a) IN GENERAL.—Section 423 of title 10, United States Code, is amended by inserting ''and the Defense Intelligence Agency'' after ''the military departments'' each place it appears in subsections (a) and (c).

(b) CONFORMING AMENDMENTS.—

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

''§ 423. Authority to use proceeds from counterintelligence operations of the military departments and the Defense Intelligence Agency''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 21 of such title is amended by striking the item relating to section 423 and inserting the following new item:

''423. Authority to use proceeds from counterintelligence operations of the military departments and the Defense Intelligence Agency.''.

Subtitle D—Other Matters

SEC. 931. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2118. United States Military Cancer Institute

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

''(b) PURPOSES.—The purposes of the Institute are as follows:

''(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

''(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

''(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

''(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for affiliation with the Institute.

''(2) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

''(e) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

''(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins within the members of the armed forces.

''(B) The prevention and early detection of cancer among members and former members of the armed forces.

''(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

''(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

''(f) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

''(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

''(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

''2118. United States Military Cancer Institute.''.

SEC. 932. INSTRUCTION OF PRIVATE SECTOR EMPLOYEES IN CYBER SECURITY COURSES OF THE DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY.

(a) AUTHORITY TO RECEIVE INSTRUCTION.—

(1) IN GENERAL.—The Secretary of Defense may permit eligible private sector employees to enroll in and receive instruction at the Defense Cyber Investigations Training Academy operated under the direction of the Defense Cyber Crime Center.

(2) LIMITATION.—Not more than the equivalent of 200 full-time student positions at the Defense Cyber Investigations Training Academy may be filled at any one time by private sector employees enrolled under this section.

(3) CERTIFICATION.—Upon successful completion of a course of instruction at the Defense Cyber Investigations Training Academy under this section, a private sector employee may be awarded an appropriate certification or diploma.

(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—

(1) IN GENERAL.—For purposes of this section, an eligible private sector employee is an individual employed by a private entity, as determined by the Secretary—

(A) that is engaged in providing to the Department of Defense or other departments or agencies of the Federal Government significant and substantial defense-related systems, products, or services; or

(B) whose work product is relevant to national security policy or strategy.

(2) DURATION OF TREATMENT.—An individual is eligible for treatment as a private sector employee for purposes of this section only so long as the individual remains employed by a private entity described in paragraph (1).

(c) CURRICULA OPEN TO ENROLLEES.—The curricula of instruction for which eligible private sector employees may enroll at the Defense Cyber Investigations Training Academy under this section may only include curricula of instruction otherwise offered by the Academy that, as determined by the Secretary, are not readily available through other educational institutions.

(d) TUITION.—A private sector employee enrolled at the Defense Cyber Investigations Training Academy under this section shall be charged tuition at a rate equal to the rate charged for civilian employees of the Federal Government at the Academy.

(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy under this section, private sector employees enrolled at the Academy under this section shall, to the extent practicable, be subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to civilian employees of the Federal Government receiving instruction at the Academy.

(f) USE OF FUNDS.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, amounts received by the Defense Cyber Investigations Training Academy for the instruction of private sector employees enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source and disposition of funds so retained and utilized shall be specifically identified in records of the Academy.

SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of Homeland Security, jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense.

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

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide access to the national airspace for unmanned aircraft of the Department of Defense.

(2) Specific milestones, aligned to operational and training needs, for providing access to the national airspace for unmanned aircraft and a transition plan for sites programmed to be activated as unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the Department of Transportation to accommodate unmanned aircraft assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

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 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—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 $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(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. AUDIT READINESS OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) AUDIT READINESS OBJECTIVES.—It shall be the objective of the Department of Defense to ensure that—

(1) the financial statements of the Department of the Army are validated as ready for audit by not later than March 31, 2017;

(2) the financial statements of the Department of the Navy are validated as ready for audit by not later than March 31, 2016;

(3) the financial statements of the Department of the Air Force are validated as ready for audit by not later than September 30, 2016;

(4) the financial statements of the Defense Logistics Agency are validated as ready for audit by not later than September 30, 2017; and

(5) the financial statements of the Department of Defense are validated as ready for audit by not later than September 30, 2017.

(b) ADJUSTMENT OF DEADLINE FOR OBJECTIVES.—

(1) IN GENERAL.—In the event that the appropriate chief management officer determines that the Department of Defense, a military department, or the Defense Logistics Agency will be unable to meet the deadline for an objective as specified in subsection (a), the chief management officer may adjust the deadline for meeting such objective.

(2) REPORT.—Not later than 30 days after adjusting the deadline for an objective pursuant to paragraph (1), the chief management officer concerned shall submit to the congressional defense committees a report setting forth—

(A) a statement of the reasons why the Department of Defense, the military department, or the Defense Logistics Agency, as applicable, will be unable to meet the deadline for such objective;

(B) a proposed completion date for the achievement of compliance with such objective; and

(C) a description of the actions that have been taken and are planned to be taken by the Department of Defense, the military department, or the Defense Logistics Agency, as applicable, to meet such objective.

(3) APPROPRIATE CHIEF MANAGEMENT OFFICER.—For the purposes of this subsection, the appropriate chief management officer is as follows:

(A) For the objective in subsection (a)(1), the Chief Management Officer of the Army.

(B) For the objective in subsection (a)(2), the Chief Management Officer of the Navy.

(C) For the objective in subsection (a)(3), the Chief Management Officer of the Air Force.

(D) For the objective in subsection (a)(4), the Deputy Chief Management Officer of the Department of Defense.

(E) For the objective in subsection (a)(5), the Chief Management Officer of the Department of Defense.

(c) FINANCIAL IMPROVEMENT AUDIT READINESS PLAN.—

(1) IN GENERAL.—The Chief Management Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense (Comptroller), develop and maintain a plan to be known as the ''Financial Improvement and Audit Readiness Plan''.

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) describe specific actions to be taken to—

(i) correct financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(ii) meet the objectives specified in subsection (a); and

(B) systematically tie the actions described under subparagraph (A) to process and control improvements and business systems modernization efforts described in the business enterprise architecture and transition plan required by section 2222 of title 10, United States Code.

(d) SEMI-ANNUAL REPORTS ON FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.—

(1) IN GENERAL.—Not later than May 15 and November 15 each year, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the status of the implementation by the Department of Defense of the Financial Improvement and Audit Readiness Plan required by subsection (c).

(2) ELEMENTS.—Each report under paragraph (1) shall include, at a minimum—

(A) an overview of the steps the Department has taken or plans to take to meet the objectives specified in subsection (a), including any interim objectives established by the Department for that purpose; and

(B) a description of any impediments identified in the efforts of the Department to meet such objectives, and of the actions the Department has taken or plans to take to address such impediments.

(3) ADDITIONAL ISSUES TO BE ADDRESSED IN FIRST REPORT.—The first report submitted under paragraph (1) after the date of the enactment of this Act shall address, in addition to the elements required by paragraph (2), the actions taken or to be taken by the Department as follows:

(A) To develop standardized guidance for financial improvement plans by components of the Department.

(B) To establish a baseline of financial management capabilities and weaknesses at the component level of the Department.

(C) To provide results-oriented metrics for measuring and reporting quantifiable results toward addressing financial management deficiencies.

(D) To define the oversight roles of the Chief Management Officer of the Department of Defense, the chief management officers of the military departments, and other appropriate elements of the Department to ensure that the requirements of the Financial Improvement and Audit Readiness Plan are carried out.

(E) To assign accountability for carrying out specific elements of the Financial Improvement and Audit Readiness Plan to appropriate officials and organizations at the component level of the Department.

(F) To develop mechanisms to track budgets and expenditures for the implementation of the requirements of the Financial Improvement and Audit Readiness Plan.

(e) RELATIONSHIP TO EXISTING LAW.—The requirements of this section shall be implemented in a manner that is consistent with the requirements of section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1204; 10 U.S.C. 2222 note).

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. TEMPORARY REDUCTION IN MINIMUM NUMBER OF AIRCRAFT CARRIERS IN ACTIVE SERVICE.

Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the decommissioning of the U.S.S. Enterprise (CVN 65) and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN 78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

SEC. 1012. REPEAL OF POLICY RELATING TO THE MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 303) is repealed.

SEC. 1013. SENSE OF SENATE ON THE MAINTENANCE OF A 313-SHIP NAVY.

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

(1) The Department of the Navy has a stated requirement for a 313-ship fleet.

(2) The Navy can better meet this requirement—

(A) by procuring sufficient numbers of new ships; and

(B) by ensuring the sound material condition of existing ships that will enable the Navy to utilize them for their full planned service lives.

(3) When procuring new classes of ships, the Navy must exercise greater caution than it has exhibited to date in proceeding from one stage of the acquisition cycle to the next before a ship program has achieved a level of maturity that significantly lowers the risk of cost growth and schedule slippage.

(4) In retaining existing assets, the Navy can do a much better job of achieving the full planned service lives of ships and extending the service lives of certain ships so as to keep their unique capabilities in the fleet while the Navy takes the time necessary to develop and field next-generation capabilities under a low risk program.

(5) The Navy can undertake certain development approaches that can help the Navy control the total costs of ownership of a ship or class of ships, including emphasizing common hull designs, open architecture combat systems, and other common ship systems in order to achieve efficiency in acquiring and supporting various classes of ships.

(6) The Navy needs to continue its efforts toward achieving an open architecture for existing combat systems, as this will have great benefit in reducing the costs and risks of fielding new classes of ships, and will yield recurring savings from reducing the costs of buying later ships in a program and reducing life cycle support costs for ships and classes of ships.

(7) The Navy can also undertake other measures to acquire new ships and maintain the current fleet with greater efficiency, including—

(A) greater use of fixed-price contracts;

(B) maximizing competition (or the option of competition) throughout the life cycle of its ships;

(C) entering into multiyear contracts when warranted; and

(D) employing an incremental approach to developing new technologies.

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

(1) the Navy should meet its requirement for a 313-ship fleet;

(2) the Navy should take greater care to achieve the full planned service life of existing ships and reduce the incidence of early ship decommissioning;

(3) the Navy should exercise greater restraint on the acquisition process for ships in order to achieve on-time, on-cost shipbuilding programs; and

(4) Congress should support the Navy when it is acting responsibly to undertake measures that can help the Navy achieve the requirement for a 313-ship fleet and maintain a fleet that is adequate to meet the national security needs of the United States.

SEC. 1014. DESIGNATION OF U.S.S. CONSTITUTION AS AMERICA'S SHIP OF STATE.

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

(1) The 3rd Congress authorized, in the Act entitled ''An Act to Provide a Naval Armament'', approved on March 27, 1794 (1 Stat. 350, Chap. XII), the construction of six frigates as the first ships to be built for the United States Navy.

(2) One of the six frigates was built in Boston between 1794 and 1797, and is the only one of the original six ships to survive.

(3) President George Washington named this frigate ''Constitution'' to represent the Nation's founding document.

(4) President Thomas Jefferson, asserting the right of the United States to trade on the high seas, dispatched the frigate Constitution in 1803

as the flagship of the Mediterranean Squadron to end the depredations of the Barbary States against United States ships and shipping, which led to a treaty being signed with the Bashaw of Tripoli in the Captain's cabin aboard the frigate Constitution on June 4, 1805.

(5) The frigate Constitution, with her defeat of HMS Guerriere, secured the first major victory by the young United States Navy against the Royal Navy during the War of 1812, gaining in the process the nickname ''Old Ironsides'', which she has proudly carried since.

(6) Congress awarded gold medals to four of the ship's commanding officers (Preble, Hull, Stewart, and Bainbridge), a record unmatched by any other United States Navy vessel.

(7) The frigate Constitution emerged from the War of 1812 undefeated, having secured victories over three additional ships of the Royal Navy.

(8) As early as May 1815, the frigate Constitution had already been adopted as a symbol of the young Republic, as attested by the [Washington] National Intelligencer which proclaimed, ''Let us keep 'Old Ironsides' at home. She has, literally become the Nation's Ship . . . and should thus be preserved . . . in honorable pomp, as a glorious Monument of her own, and our other Naval Victories.''.

(9) Rumors in 1830 that ''Old Ironsides,'' an aging frigate, was about to be scrapped resulted in a public uproar demanding that the ship be restored and preserved, spurred by Oliver Wendell Holmes' immortal poem ''Old Ironsides''.

(10) ''Old Ironsides'' circumnavigated the world between 1844 and 1846, showing the American flag as she searched for future coaling stations that would eventually fuel the steam-powered navy of the United States.

(11) The first Pope to set foot on United States sovereign territory was Pius IX onboard the frigate Constitution in 1849.

(12) ''Old Ironsides'' helped evacuate the United States Naval Academy from Annapolis, Maryland, to Newport, Rhode Island, in 1860 to prevent this esteemed ship from falling into Confederate hands.

(13) Congressman John F. ''Honey Fitz'' Fitzgerald introduced legislation in 1896 to return ''Old Ironsides'' from the Portsmouth (New Hampshire) Naval Shipyard, where she was moored pier side and largely forgotten, to Boston for her 100th birthday.

(14) Thousands of school children contributed pennies between 1925 an 1927 to help fund a much needed restoration for ''Old Ironsides''.

(15) Between 1931 and 1934, more than 4,500,000 Americans gained inspiration, at the depth of the Great Depression, by going aboard ''Old Ironsides'' as she was towed to 76 ports on the Atlantic, Gulf, and Pacific coasts.

(16) The 83rd Congress enacted the Act of July 23, 1954 (68 Stat. 527, chapter 565), which directed the Secretary of the Navy to transfer to the States and appropriate commissions four other historic ships then on the Navy inventory, and to repair and equip U.S.S. Constitution, as much as practicable, to her original condition, but not for active service.

(17) Queen Elizabeth II paid a formal visit to U.S.S. Constitution in 1976, at the start of her state visit marking the Bicentennial of the United States.

(18) The U.S.S. Constitution, in celebration of her bicentennial, returned to sea under sail on July 21, 1997 for the first time since 1881, proudly setting sails purchased by the contributions of thousands of pennies given by school children across the United States.

(19) The U.S.S. Constitution is the oldest commissioned warship afloat in the world.

(20) The U.S.S. Constitution is a National Historic Landmark.

(21) The U.S.S. Constitution continues to perform official, ceremonial duties, including in recent years hosting a congressional dinner honoring the late Senator John Chafee of Rhode Island, a special salute for the dedication of the John Moakley Federal Courthouse, a luncheon honoring British Ambassador Sir David Manning, and a special underway demonstration during which 60 Medal of Honor recipients each received a personal Medal of Honor flag.

(22) The U.S.S. Constitution celebrated on October 21, 2007, the 210th anniversary of her launching.

(23) The U.S.S. Constitution will remain a commissioned ship in the United States Navy, with the Navy retaining control of the ship, its material condition, and its employment.

(24) The U.S.S. Constitution's primary mission will remain education and public outreach, and any Ship of State functions will be an adjunct to the ship's primary mission.

(b) DESIGNATION AS AMERICA'S SHIP OF STATE.—

(1) IN GENERAL.—The U.S.S. Constitution is hereby designated as ''America's Ship of State''.

(2) REFERENCES.—The U.S.S. Constitution may be known or referred to as ''America's Ship of State''.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President, Vice President, executive branch officials, and members of Congress should utilize the U.S.S. Constitution for the conducting of pertinent matters of state, such as hosting visiting heads of state, signing legislation relating to the Armed Forces, and signing maritime related treaties.

(4) FEE OR REIMBURSEMENT STRUCTURE FOR NON-DEPARTMENT OF THE NAVY USE.—The Secretary of the Navy shall determine an appropriate fee or reimbursement structure for any non-Department of the Navy entities using the U.S.S. Constitution for Ship of State purposes.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593), section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), section 1022 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), and section 1024 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by striking ''2009'' and inserting ''2010''.

(b) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking ''or'' before ''$75,000,000''; and

(2) by striking the period at the end and inserting '', or $100,000,000 during fiscal year 2010.''.

(c) CONDITIONS ON PROVISION OF SUPPORT.—Subsection (f)(2) of such section is amended in the matter preceding subparagraph (A) by striking ''for fiscal year 2009 to carry out this section and the first fiscal year in which the support is to be provided'' and inserting ''and available for support''.

(d) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal year 2009'' and inserting ''for each fiscal year''; and

(2) in paragraph (7), by striking ''fiscal year 2009, and thereafter, for the first fiscal year in which support is to be provided'' and inserting ''each fiscal year in which support is to be provided a government''.

SEC. 1022. ONE-YEAR EXTENSION OF AUTHORITY FOR JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) ONE-YEAR EXTENSION.—Subsection (b) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''2009'' and inserting ''2010''.

(b) ANNUAL REPORT.—Subsection (c) of such section is amended to read as follows:

''(c) ANNUAL REPORT.—Not later than December 31 of each year after 2008 in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report setting forth, for the one-year period ending on the date of such report, the following:

''(1) An assessment of the effect on counter-drug and counter-terrorism activities and objectives of using counter-drug funds of a joint task force to provide counterterrorism support authorized by subsection (a).

''(2) A description of the type of support and any recipient of support provided under subsection (a).

''(3) A list of current joint task forces conducting counter-drug operations.''.

SEC. 1023. ONE-YEAR EXTENSION OF AUTHORITY TO SUPPORT 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 amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382) and section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended—

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

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

Subtitle D—Military Commissions

SEC. 1031. MILITARY COMMISSIONS.

(a) IN GENERAL.—Chapter 47A of title 10, United States Code, is amended to read as follows:

"CHAPTER 47A—MILITARY COMMISSIONS

''SUBCHAPTER	Sec.
''I. General Provisions	948a.
''II. Composition of Military Commissions	948h.
''III. Pre-Trial Procedure	948q.
''IV. Trial Procedure	949a.
''V. Classified Information Procedures	949p–1.
''VI. Sentences	949s.
''VII. Post-Trial Procedures and Review of Military Commissions	950a.
''VIII. Punitive Matters	950p.

''SUBCHAPTER I—GENERAL PROVISIONS

''Sec.
''948a. Definitions.
''948b. Military commissions generally.
''948c. Persons subject to military commissions.
''948d. Jurisdiction of military commissions.

"§ 948a. Definitions

''In this chapter:

''(1) ALIEN.—The term 'alien' means an individual who is not a citizen of the United States.

''(2) CLASSIFIED INFORMATION.—The term 'classified information' means the following:

''(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

''(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

''(3) COALITION PARTNER.—The term 'coalition partner', with respect to hostilities engaged in by the United States, means any State or armed force directly engaged along with the United States in such hostilities or providing direct operational support to the United States in connection with such hostilities.

''(4) GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.—The term

'Geneva Convention Relative to the Treatment of Prisoners of War' means the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

''(5) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949.

''(6) PRIVILEGED BELLIGERENT.—The term 'privileged belligerent' means an individual belonging to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.

''(7) UNPRIVILEGED ENEMY BELLIGERENT.—The term 'unprivileged enemy belligerent' means an individual (other than a privileged belligerent) who—

''(A) has engaged in hostilities against the United States or its coalition partners;

''(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

''(C) is a member of al Qaeda.

''(8) NATIONAL SECURITY.—The term 'national security' means the national defense and foreign relations of the United States.

''§ 948b. Military commissions generally

''(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unprivileged enemy belligerents for violations of the law of war and other offenses triable by military commission.

''(b) AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

''(c) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided therein or in this chapter, and many of the provisions of chapter 47 of this title are by their terms inapplicable to military commissions. The judicial construction and application of chapter 47 of this title, while instructive, is therefore not of its own force binding on military commissions established under this chapter.

''(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

''(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

''(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

''(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

''(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by the terms of such provisions or by this chapter.

''(e) TREATMENT OF RULINGS AND PRECEDENTS.—The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial convened under chapter 47 of this title. The findings, holdings, interpretations, and other precedents of military commissions under this chapter may not form the basis of any holding, decision, or other determination of a court-martial convened under that chapter.

''(f) GENEVA CONVENTIONS NOT ESTABLISHING PRIVATE RIGHT OF ACTION.—No alien unprivileged enemy belligerent subject to trial by military commission under this chapter may invoke the Geneva Conventions as a basis for a private right of action.

''§ 948c. Persons subject to military commissions

''Any alien unprivileged enemy belligerent having engaged in hostilities or having supported hostilities against the United States is subject to trial by military commission as set forth in this chapter.

''§ 948d. Jurisdiction of military commissions

''A military commission under this chapter shall have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter, sections 904 and 906 of this title (articles 104 and 106 of the Uniform Code of Military Justice), or the law of war, and may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when specifically authorized under this chapter. A military commission is a competent tribunal to make a finding sufficient for jurisdiction.

''SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

''Sec.
''948h. Who may convene military commissions.
''948i. Who may serve on military commissions.
''948j. Military judge of a military commission.
''948k. Detail of trial counsel and defense counsel.
''948l. Detail or employment of reporters and interpreters.
''948m. Number of members; excuse of members; absent and additional members.

''§ 948h. Who may convene military commissions

''Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

''§ 948i. Who may serve on military commissions

''(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter, including commissioned officers of the reserve components of the armed forces on active duty, commissioned officers of the National Guard on active duty in Federal service, or retired commissioned officers recalled to active duty.

''(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members thereof such members of the armed forces eligible under subsection (a) who, as in the opinion of the convening authority, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

''(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

''§ 948j. Military judge of a military commission

''(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which he has been detailed.

''(b) ELIGIBILITY.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge in general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

''(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if he is the accuser or a witness or has acted as investigator or a counsel in the same case.

''(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may he vote with the members.

''(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to him by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

''(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter shall not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to his performance of duty as a military judge on the military commission.

''§ 948k. Detail of trial counsel and defense counsel

''(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

''(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

''(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable.

''(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such military commissions.

''(b) TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

''(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

''(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

''(2) a civilian who is—

''(A) a member of the bar of a Federal court or of the highest court of a State; and

''(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

''(c) MILITARY DEFENSE COUNSEL.—Subject to subsection (e), military defense counsel detailed for a military commission under this chapter must be a judge advocate (as so defined) who is—

''(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(2) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.

''(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

''(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

''(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

''§948l. Detail or employment of reporters and interpreters

''(a) COURT REPORTERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the military commission qualified court reporters, who shall prepare a verbatim record of the proceedings of and testimony taken before the military commission.

''(b) INTERPRETERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the military commission, and, as necessary, for trial counsel and defense counsel for the military commission, and for the accused.

''(c) TRANSCRIPT; RECORD.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the military commission, who shall also be responsible for preparing the record of the proceedings of the military commission.

''§948m. Number of members; excuse of members; absent and additional members

''(a) NUMBER OF MEMBERS.—(1) A military commission under this chapter shall, except as provided in paragraph (2), have at least five members.

''(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

''(b) EXCUSE OF MEMBERS.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

''(1) as a result of challenge;

''(2) by the military judge for physical disability or other good cause; or

''(3) by order of the convening authority for good cause.

''(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

''SUBCHAPTER III—PRE-TRIAL PROCEDURE

''Sec.
''948q. Charges and specifications.
''948r. Compulsory self-incrimination prohibited; statements obtained by torture or cruel, inhuman, or degrading treatment.
''948s. Service of charges.

''§948q. Charges and specifications

''(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

''(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

''(2) that they are true in fact to the best of his knowledge and belief.

''(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against him as soon as practicable.

''§948r. Compulsory self-incrimination prohibited; statements obtained by torture or cruel, inhuman, or degrading treatment

''(a) IN GENERAL.—No person shall be required to testify against himself at a proceeding of a military commission under this chapter.

''(b) STATEMENTS OBTAINED BY TORTURE.—A statement obtained by use of torture, whether or not under color of law, shall not be admissible in a trial by military commission under this chapter, except against a person accused of torture as evidence the statement was made.

''(c) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—A statement in which the degree of coercion is disputed may be admissible in a trial by military commission under this chapter only if the military judge finds that—

''(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

''(2) the interests of justice would best be served by admission of the statement into evidence; and

''(3) the interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading treatment prohibited by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd).

''§948s. Service of charges

''The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

''SUBCHAPTER IV—TRIAL PROCEDURE

''Sec.
''949a. Rules.
''949b. Unlawfully influencing action of military commission.
''949c. Duties of trial counsel and defense counsel.
''949d. Sessions.
''949e. Continuances.
''949f. Challenges.
''949g. Oaths.
''949h. Former jeopardy.
''949i. Pleas of the accused.
''949j. Opportunity to obtain witnesses and other evidence.
''949k. Defense of lack of mental responsibility.
''949l. Voting and rulings.
''949m. Number of votes required.
''949n. Military commission to announce action.
''949o. Record of trial.

''§949a. Rules

''(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial of the United States shall apply in trials by military commission under this chapter.

''(b) EXCEPTIONS.—(1) The Secretary of Defense, in consultation with the Attorney General, may make such exceptions in the applicability in trials by military commission under this chapter from the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military and intelligence operations during hostilities or by other practical need.

''(2) Notwithstanding any exceptions authorized by paragraph (1), the procedures and rules of evidence in trials by military commission under this chapter shall include, at a minimum, the following rights:

''(A) To present evidence in his defense, to cross-examine the witnesses who testify against him, and to examine and respond to all evidence admitted against him on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

''(B) To be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

''(C) To be represented before a military commission by civilian counsel if provided at no expense to the Government, and by either the defense counsel detailed or by military counsel of the accused's own selection, if reasonably available.

''(D) To self-representation, if the accused knowingly and competently waives the assistance of counsel, subject to the provisions of paragraph (4).

''(E) To the suppression of evidence that is not reliable or probative.

''(F) To the suppression of evidence the probative value of which is substantially outweighed by—

''(i) the danger of unfair prejudice, confusion of the issues, or misleading the members; or

''(ii) considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

''(3) In making exceptions in the applicability in trials by military commission under this chapter from the procedures and rules otherwise applicable in general courts-martial, the Secretary of Defense may provide the following:

''(A) Evidence seized outside the United States shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or authorization.

''(B) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

''(C) Evidence shall be admitted as authentic so long as—

''(i) the military judge of the military commission determines that there is sufficient evidence that the evidence is what it is claimed to be; and

''(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

''(D) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission only if—

''(i) the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

''(ii) the military judge, after taking into account all of the circumstances surrounding the taking of the statement, the degree to which the statement is corroborated, and the indicia of reliability within the statement itself, determines that—

''(I) the statement is offered as evidence of a material fact;

''(II) either—

''(aa) direct testimony from the witness is not available as a practical matter, taking into consideration the physical location of the witness and the unique circumstances of the conduct of military and intelligence operations during hostilities; or

''(bb) the production of the witness would have an adverse impact on military or intelligence operations; and

''(III) the general purposes of the rules of evidence and the interests of justice will best be served by admission of the statement into evidence.

''(4)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (2)(D) shall conform his deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

''(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (2)(D). In such case, the military counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

''(c) DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

"§ 949b. Unlawfully influencing action of military commission

''(a) IN GENERAL.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or their functions in the conduct of the proceedings.

''(2) No person may attempt to coerce or, by any unauthorized means, influence—

''(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

''(B) the action of any convening, approving, or reviewing authority with respect to their judicial acts; or

''(C) the exercise of professional judgment by trial counsel or defense counsel.

''(3) The provisions of this subsection shall not apply with respect to—

''(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

''(B) statements and instructions given in open proceedings by a military judge or counsel.

''(b) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

''(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

''(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer, in acting as counsel, represented any accused before a military commission under this chapter.

"§ 949c. Duties of trial counsel and defense counsel

''(a) TRIAL COUNSEL.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

''(b) DEFENSE COUNSEL.—(1) The accused shall be represented in his defense before a military commission under this chapter as provided in this subsection.

''(2) The accused may be represented by military counsel detailed under section 948k of this title or by military counsel of the accused's own selection, if reasonably available.

''(3) The accused may be represented by civilian counsel if retained by the accused, provided that such civilian counsel—

''(A) is a United States citizen;

''(B) is admitted to the practice of law in a State, district, or possession of the United States, or before a Federal court;

''(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

''(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

''(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

''(4) If the accused is represented by civilian counsel, military counsel shall act as associate counsel.

''(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in such person's sole discretion, may detail additional military counsel to represent the accused.

''(6) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

''(7) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information, and may not divulge such information to any person not authorized to receive it.

"§ 949d. Sessions

''(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

''(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

''(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

''(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

''(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

''(2) Except as provided in subsections (b), (c), and (d), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

''(b) DELIBERATION OR VOTE OF MEMBERS.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

''(c) CLOSURE OF PROCEEDINGS.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter.

''(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

''(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

''(B) ensure the physical safety of individuals.

''(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

''(d) EXCLUSION OF ACCUSED FROM CERTAIN PROCEEDINGS.—The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

''(1) to ensure the physical safety of individuals; or

''(2) to prevent disruption of the proceedings by the accused.

"§ 949e. Continuances

''The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

"§ 949f. Challenges

''(a) CHALLENGES AUTHORIZED.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the military commission. The military judge shall determine the relevance and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

''(b) PEREMPTORY CHALLENGES.—The accused and trial counsel are each entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

''(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, the accused and trial counsel are each entitled to one peremptory challenge against members not previously subject to peremptory challenge.

"§ 949g. Oaths

''(a) IN GENERAL.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

''(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording thereof, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as provided in regulations prescribed by the Secretary of Defense. The regulations may provide that—

''(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

''(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

''(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

''(c) OATH DEFINED.—In this section, the term 'oath' includes an affirmation.

"§ 949h. Former jeopardy

''(a) IN GENERAL.—No person may, without his consent, be tried by a military commission under this chapter a second time for the same offense.

''(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

''§ 949i. Pleas of the accused

''(a) PLEA OF NOT GUILTY.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

''(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the military commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

''§ 949j. Opportunity to obtain witnesses and other evidence

''(a) IN GENERAL.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense.

''(2) Process issued in military commissions under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

''(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

''(B) shall run to any place where the United States shall have jurisdiction thereof.

''(b) DISCLOSURE OF EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel in a military commission under this chapter shall disclose to the defense the existence of any evidence that reasonably tends to—

''(A) negate the guilt of the accused of an offense charged; or

''(B) reduce the degree of guilt of the accused with respect to an offense charged.

''(2) The trial counsel shall, as soon as practicable, disclose to the defense the existence of evidence that reasonably tends to impeach the credibility of a witness whom the government intends to call at trial.

''(3) The trial counsel shall, as soon as practicable upon a finding of guilt, disclose to the defense the existence of evidence that is not subject to paragraph (1) or paragraph (2) but that reasonably may be viewed as mitigation evidence at sentencing.

''(4) The disclosure obligations under this subsection encompass evidence that is known or reasonably should be known to any government officials who participated in the investigation and prosecution of the case against the defendant.

''§ 949k. Defense of lack of mental responsibility

''(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

''(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

''(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members as to the defense of lack of mental responsibility under this section and shall charge the members to find the accused—

''(1) guilty;

''(2) not guilty; or

''(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

''(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

''§ 949l. Voting and rulings

''(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

''(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

''(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change his ruling at any time during the trial.

''(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

''(1) that the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond a reasonable doubt;

''(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

''(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

''(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

''§ 949m. Number of votes required

''(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

''(b) SENTENCES.—(1) Except as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken.

''(2) No person may be sentenced to death by a military commission, except insofar as—

''(A) the penalty of death has been expressly authorized under this chapter, chapter 47 of this title, or the law of war for an offense of which the accused has been found guilty;

''(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

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

''(D) all members present at the time the vote was taken concurred in the sentence of death.

''(3) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

''(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12 members.

''(2) In any case described in paragraph (1) in which 12 members are not reasonably available for a military commission because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 5 members), and the military commission may be assembled, and the trial held, with not less than the number of members so specified. In any such case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

''§ 949n. Military commission to announce action

''A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

''§ 949o. Record of trial

''(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

''(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

''(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record consistent with the requirements of section 949d(c)(4) of this title. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

''SUBCHAPTER V—CLASSIFIED INFORMATION PROCEDURES

''Sec.

''949p–1. Protection of classified information: applicability of subchapter.
''949p–2. Pretrial conference.
''949p–3. Protective orders.
''949p–4. Discovery of, and access to, classified information by the accused.
''949p–5. Notice by accused of intention to disclose classified information.
''949p–6. Procedure for cases involving classified information.
''949p–7. Introduction of classified information into evidence.

''§ 949p–1. Protection of classified information: applicability of subchapter

''(a) PROTECTION OF CLASSIFIED INFORMATION.—Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. Under no circumstances may a military judge order the release of classified information to any person not authorized to receive such information.

''(b) ACCESS TO EVIDENCE.—Any information admitted into evidence pursuant to any rule, procedure, or order by the military judge shall be provided to the accused.

''(c) DECLASSIFICATION.—Trial counsel shall work with the original classification authorities for evidence that may be used at trial to ensure that such evidence is declassified to the maximum extent possible, consistent with the requirements of national security. A decision not to declassify evidence under this section shall not be subject to review by a military commission or upon appeal.

''(d) CONSTRUCTION OF PROVISIONS.—The judicial construction of the Classified Information Procedures Act (18 U.S.C. App.) shall be authoritative in the interpretation of this subchapter, except to the extent that such construction is inconsistent with the specific requirements of this chapter.

''§ 949p–2. Pretrial conference

''(a) MOTION.—At any time after service of charges, any party may move for a pretrial conference to consider matters relating to classified information that may arise in connection with the prosecution.

''(b) CONFERENCE.—Following a motion under subsection (a), or sua sponte, the military judge shall promptly hold a pretrial conference. Upon request by either party, the court shall hold such conference ex parte to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

''(c) MATTERS TO BE ESTABLISHED AT PRETRIAL CONFERENCE.—

''(1) TIMING OF SUBSEQUENT ACTIONS.—At the pretrial conference, the military judge shall establish the timing of—

''(A) requests for discovery;

''(B) the provision of notice required by section 949p–5 of this title; and

''(C) the initiation of the procedure established by section 949p–6 of this title.

''(2) OTHER MATTERS.—At the pretrial conference, the military judge may also consider any matter—

''(A) which relates to classified information; or

''(B) which may promote a fair and expeditious trial.

''(d) EFFECT OF ADMISSIONS BY ACCUSED AT PRETRIAL CONFERENCE.—No admission made by the accused or by any counsel for the accused at a pretrial conference under this section may be used against the accused unless the admission is in writing and is signed by the accused and by the counsel for the accused.

''§ 949p–3. Protective orders

''Upon motion of the trial counsel, the military judge shall issue an order to protect against the disclosure of any classified information that has been disclosed by the United States to any accused in any military commission under this chapter or that has otherwise been provided to, or obtained by, any such accused in any such military commission.

''§ 949p–4. Discovery of, and access to, classified information by the accused

''(a) LIMITATIONS ON DISCOVERY OR ACCESS BY THE ACCUSED.—

''(1) DECLARATIONS BY THE UNITED STATES OF DAMAGE TO NATIONAL SECURITY.—In any case before a military commission in which the United States seeks to delete, withhold, or otherwise obtain other relief with respect to the discovery of or access to any classified information, the trial counsel shall submit a declaration invoking the United States' classified information privilege and setting forth the damage to the national security that the discovery of or access to such information reasonably could be expected to cause. The declaration shall be signed by a knowledgeable United States official possessing authority to classify information.

''(2) STANDARD FOR AUTHORIZATION OF DISCOVERY OR ACCESS.—Upon the submission of a declaration under paragraph (1), the military judge shall not authorize the discovery of or access to such classified information unless the military judge determines that such classified information would be noncumulative, relevant, and helpful to a legally cognizable defense, rebuttal of the prosecution's case, or to sentencing, in accordance with standards generally applicable to discovery of or access to classified information in Federal criminal cases. If the discovery of or access to such classified information is authorized, it shall be addressed in accordance with the requirements of subsection (b).

''(b) DISCOVERY OF CLASSIFIED INFORMATION.—

''(1) SUBSTITUTIONS AND OTHER RELIEF.—The military judge, in assessing the accused's discovery of or access to classified information under this section, may authorize the United States—

''(A) to delete or withhold specified items of classified information;

''(B) to substitute a summary for classified information; or

''(C) to substitute a statement admitting relevant facts that the classified information or material would tend to prove.

''(2) EX PARTE PRESENTATIONS.—The military judge shall permit the trial counsel to make a request for an authorization under paragraph (1) in the form of an ex parte presentation to the extent necessary to protect classified information, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.). If the military judge enters an order granting relief following such an ex parte showing, the entire text of the written submission shall be sealed and preserved in the records of the military commission to be made available to the appellate court in the event of an appeal.

''(3) ACTION BY MILITARY JUDGE.—The military judge shall grant the request of the trial counsel to substitute a summary or to substitute a statement admitting relevant facts, or to provide other relief in accordance with paragraph (1), if the military judge finds that the summary, statement, or other relief would provide the accused with substantially the same ability to make a defense as would discovery of or access to the specific classified information.

''(c) RECONSIDERATION.—An order of a military judge authorizing a request of the trial counsel to substitute, summarize, withhold, or prevent access to classified information under this section is not subject to a motion for reconsideration by the accused, if such order was entered pursuant to an ex parte showing under this section.

''§ 949p–5. Notice by accused of intention to disclose classified information

''(a) NOTICE BY ACCUSED.—

''(1) NOTIFICATION OF TRIAL COUNSEL AND MILITARY JUDGE.—If an accused reasonably expects to disclose, or to cause the disclosure of, classified information in any manner in connection with any trial or pretrial proceeding involving the prosecution of such accused, the accused shall, within the time specified by the military judge or, where no time is specified, within 30 days before trial, notify the trial counsel and the military judge in writing. Such notice shall include a brief description of the classified information. Whenever the accused learns of additional classified information the accused reasonably expects to disclose, or to cause the disclosure of, at any such proceeding, the accused shall notify trial counsel and the military judge in writing as soon as possible thereafter and shall include a brief description of the classified information.

''(2) LIMITATION ON DISCLOSURE BY ACCUSED.—No accused shall disclose, or cause the disclosure of, any information known or believed to be classified in connection with a trial or pretrial proceeding until—

''(A) notice has been given under paragraph (1); and

''(B) the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 949p–6 of this title and the time for the United States to appeal such determination under section 950d of this title has expired or any appeal under that section by the United States is decided.

''(b) FAILURE TO COMPLY.—If the accused fails to comply with the requirements of subsection (a), the military judge—

''(1) may preclude disclosure of any classified information not made the subject of notification; and

''(2) may prohibit the examination by the accused of any witness with respect to any such information.

''§ 949p–6. Procedure for cases involving classified information

''(a) MOTION FOR HEARING.—

''(1) REQUEST FOR HEARING.—Within the time specified by the military judge for the filing of a motion under this section, either party may request the military judge to conduct a hearing to make all determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during the trial or pretrial proceeding.

''(2) CONDUCT OF HEARING.—Upon a request by either party under paragraph (1), the military judge shall conduct such a hearing and shall rule prior to conducting any further proceedings.

''(3) IN CAMERA HEARING UPON DECLARATION TO COURT BY APPROPRIATE OFFICIAL OF RISK OF DISCLOSURE OF CLASSIFIED INFORMATION.—Any hearing held pursuant to this subsection (or any portion of such hearing specified in the request of a knowledgeable United States official) shall be held in camera if a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration that a public proceeding may result in the disclosure of classified information. Classified information is not subject to disclosure under this section unless the information is relevant and necessary to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence.

''(4) MILITARY JUDGE TO MAKE DETERMINATIONS IN WRITING.—As to each item of classified information, the military judge shall set forth in writing the basis for the determination.

''(b) NOTICE AND USE OF CLASSIFIED INFORMATION BY THE GOVERNMENT.—

''(1) NOTICE TO ACCUSED.—Before any hearing is conducted pursuant to a request by the trial counsel under subsection (a), trial counsel shall provide the accused with notice of the classified information that is at issue. Such notice shall identify the specific classified information at issue whenever that information previously has been made available to the accused by the United States. When the United States has not previously made the information available to the accused in connection with the case the information may be described by generic category, in such forms as the military judge may approve, rather than by identification of the specific information of concern to the United States.

''(2) ORDER BY MILITARY JUDGE UPON REQUEST OF ACCUSED.—Whenever the trial counsel requests a hearing under subsection (a), the military judge, upon request of the accused, may order the trial counsel to provide the accused, prior to trial, such details as to the portion of the charge or specification at issue in the hearing as are needed to give the accused fair notice to prepare for the hearing.

''(c) SUBSTITUTIONS.—

''(1) IN CAMERA PRETRIAL HEARING.—Upon request of the trial counsel pursuant to the Military Commission Rules of Evidence, and in accordance with the security procedures established by the military judge, the military judge shall conduct a classified in camera pretrial hearing concerning the admissibility of classified information.

''(2) PROTECTION OF SOURCES, METHODS, AND ACTIVITIES BY WHICH EVIDENCE ACQUIRED.—The military judge shall permit the trial counsel to introduce otherwise admissible evidence, including a substituted evidentiary foundation pursuant to the procedures described in subsection (d), before a military commission while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that the sources, methods, or activities are classified, the evidence is reliable, and the redaction is consistent with affording the accused a fair trial.

''(d) ALTERNATIVE PROCEDURE FOR DISCLOSURE OF CLASSIFIED INFORMATION.—

''(1) MOTION BY THE UNITED STATES.—Upon any determination by the military judge authorizing the disclosure of specific classified information under the procedures established by this section, the trial counsel may move that, in lieu of the disclosure of such specific classified information, the military judge order—

''(A) the substitution for such classified information of a statement admitting relevant facts that the specific classified information would tend to prove;

''(B) the substitution for such classified information of a summary of the specific classified information; or

''(C) any other procedure or redaction limiting the disclosure of specific classified information.

''(2) ACTION ON MOTION.—The military judge shall grant such a motion of the trial counsel if the military judge finds that the statement, summary, or other procedure or redaction will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(3) HEARING ON MOTION.—The military judge shall hold a hearing on any motion under this subsection. Any such hearing shall be held in camera at the request of a knowledgeable United States official possessing authority to classify information.

''(4) SUBMISSION OF STATEMENT OF DAMAGE TO NATIONAL SECURITY IF DISCLOSURE ORDERED.—The trial counsel may, in connection with a motion under paragraph (1), submit to the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information certifying that disclosure of classified information would cause identifiable damage to the national security of the United States and explaining the basis for the classification of such information. If so requested by the trial counsel, the military judge shall examine such declaration during an ex parte presentation.

''(e) SEALING OF RECORDS OF IN CAMERA HEARINGS.—If at the close of an in camera hearing under this section (or any portion of a hearing under this section that is held in camera), the military judge determines that the classified information at issue may not be disclosed or elicited at the trial or pretrial proceeding, the record of such in camera hearing shall be sealed and preserved for use in the event of an appeal. The accused may seek reconsideration of the military judge's determination prior to or during trial.

''(f) PROHIBITION ON DISCLOSURE OF CLASSIFIED INFORMATION BY THE ACCUSED; RELIEF FOR ACCUSED WHEN THE UNITED STATES OPPOSES DISCLOSURE.—

''(1) ORDER TO PREVENT DISCLOSURE BY ACCUSED.—Whenever the military judge denies a motion by the trial counsel that the judge issue an order under subsection (a), (c), or (d) and the trial counsel files with the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information objecting to disclosure of the classified information at issue, the military judge shall order that the accused not disclose or cause the disclosure of such information.

''(2) RESULT OF ORDER UNDER PARAGRAPH (1).—Whenever an accused is prevented by an order under paragraph (1) from disclosing or causing the disclosure of classified information, the military judge shall dismiss the case; except that, when the military judge determines that the interests of justice would not be served by dismissal of the case, the military judge shall order such other action, in lieu of dismissing the charge or specification, as the military judge determines is appropriate. Such action may include, but need not be limited to, the following:

''(A) Dismissing specified charges or specifications.

''(B) Finding against the United States on any issue as to which the excluded classified information relates.

''(C) Striking or precluding all or part of the testimony of a witness.

''(3) TIME FOR THE UNITED STATES TO SEEK INTERLOCUTORY APPEAL.—An order under paragraph (2) shall not take effect until the military judge has afforded the United States—

''(A) an opportunity to appeal such order under section 950d of this title; and

''(B) an opportunity thereafter to withdraw its objection to the disclosure of the classified information at issue.

''(g) RECIPROCITY.—

''(1) DISCLOSURE OF REBUTTAL INFORMATION.—Whenever the military judge determines that classified information may be disclosed in connection with a trial or pretrial proceeding, the military judge shall, unless the interests of fairness do not so require, order the United States to provide the accused with the information it expects to use to rebut the classified information. The military judge may place the United States under a continuing duty to disclose such rebuttal information.

''(2) SANCTION FOR FAILURE TO COMPLY.—If the United States fails to comply with its obligation under this subsection, the military judge—

''(A) may exclude any evidence not made the subject of a required disclosure; and

''(B) may prohibit the examination by the United States of any witness with respect to such information.

''§ 949p–7. Introduction of classified information into evidence

''(a) PRESERVATION OF CLASSIFICATION STATUS.—Writings, recordings, and photographs containing classified information may be admitted into evidence in proceedings of military commissions under this chapter without change in their classification status.

''(b) PRECAUTIONS BY MILITARY JUDGES.—

''(1) PRECAUTIONS IN ADMITTING CLASSIFIED INFORMATION INTO EVIDENCE.—The military judge in a trial by military commission, in order to prevent unnecessary disclosure of classified information, may order admission into evidence of only part of a writing, recording, or photograph, or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the classified information contained therein, unless the whole ought in fairness be considered.

''(2) CLASSIFIED INFORMATION KEPT UNDER SEAL.—The military judge shall allow classified information offered or accepted into evidence to remain under seal during the trial, even if such evidence is disclosed in the military commission, and may, upon motion by the Government, seal exhibits containing classified information for any period after trial as necessary to prevent a disclosure of classified information when a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration setting forth the damage to the national security that the disclosure of such information reasonably could be expected to cause.

''(c) TAKING OF TESTIMONY.—

''(1) OBJECTION BY TRIAL COUNSEL.—During the examination of a witness, trial counsel may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

''(2) ACTION BY MILITARY JUDGE.—Following an objection under paragraph (1), the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any classified information. Such action may include requiring trial counsel to provide the military judge with a proffer of the witness' response to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information sought to be elicited by the accused. Upon request, the military judge may accept an ex parte proffer by trial counsel to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

''(d) DISCLOSURE AT TRIAL OF CERTAIN STATEMENTS PREVIOUSLY MADE BY A WITNESS.—

''(1) MOTION FOR PRODUCTION OF STATEMENTS IN POSSESSION OF THE UNITED STATES.—After a witness called by the trial counsel has testified on direct examination, the military judge, on motion of the accused, may order production of statements of the witness in the possession of the United States which relate to the subject matter as to which the witness has testified. This paragraph does not preclude discovery or assertion of a privilege otherwise authorized.

''(2) INVOCATION OF PRIVILEGE BY THE UNITED STATES.—If the United States invokes a privilege, the trial counsel may provide the prior statements of the witness to the military judge during an ex parte presentation to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

''(3) ACTION BY MILITARY JUDGE ON MOTION.—If the military judge finds that disclosure of any portion of the statement identified by the United States as classified would be detrimental to the national security in the degree to warrant classification under the applicable Executive Order, statute, or regulation, that such portion of the statement is consistent with the testimony of the witness, and that the disclosure of such portion is not necessary to afford the accused a fair trial, the military judge shall excise that portion from the statement. If the military judge finds that such portion of the statement is inconsistent with the testimony of the witness or that its disclosure is necessary to afford the accused a fair trial, the military judge, shall, upon the request of the trial counsel, review alternatives to disclosure in accordance with section 949p–6(d) of this title.

''SUBCHAPTER VI—SENTENCES

''Sec.
''949s. Cruel or unusual punishments prohibited.
''949t. Maximum limits.
''949u. Execution of confinement.

''§ 949s. Cruel or unusual punishments prohibited

''Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

''§ 949t. Maximum limits

''The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

''§ 949u. Execution of confinement

''(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

''(1) in any place of confinement under the control of any of the armed forces; or

''(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

''(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

''SUBCHAPTER VII—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

''Sec.
''950a. Error of law; lesser included offense.
''950b. Review by the convening authority.
''950c. Appellate referral; waiver or withdrawal of appeal.
''950d. Interlocutory appeals by the United States.
''950e. Rehearings.
''950f. Review by United States Court of Appeals for the Armed Forces and Supreme Court.
''950g. Appellate counsel.
''950h. Execution of sentence; suspension of sentence.
''950i. Finality of proceedings, findings, and sentences.

''§ 950a. Error of law; lesser included offense

''(a) ERROR OF LAW.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

''(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

''§ 950b. Review by the convening authority

''(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence.

''(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

''(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after accused has been give an authenticated record of trial under section 949o(c) of this title.

''(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

''(3) The accused may waive his right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing, and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

''(c) ACTION BY CONVENING AUTHORITY.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

''(2) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in his sole discretion, only—

''(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

''(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

''(3)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

''(B) Subject to regulations prescribed by the Secretary of Defense, action under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier.

''(C) In taking action under this paragraph, the convening authority may, in his sole discretion, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

''(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

''(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in his sole discretion, order a proceeding in revision or a rehearing.

''(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

''(i) there is an apparent error or omission in the record; or

''(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

''(B) In no case may a proceeding in revision—

''(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

''(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

''(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

''(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

''§ 950c. Appellate referral; waiver or withdrawal of appeal

''(a) AUTOMATIC REFERRAL FOR APPELLATE REVIEW.—Except as provided in subsection (b), in each case in which the final decision of a military commission under this chapter (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the United States Court of Appeals for the Armed Forces. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

''(b) WAIVER OF RIGHT OF REVIEW.—(1) Except in a case in which the sentence as approved under section 950b of this title extends to death, an accused may file with the convening authority a statement expressly waiving the right of the accused to appellate review by the United States Court of Appeals for the Armed Forces under section 950f(a) of this title of the final decision of the military commission under this chapter.

''(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

''(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice of the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days.

''(c) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

''(d) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

''§ 950d. Interlocutory appeals by the United States

''(a) INTERLOCUTORY APPEAL.—Except as provided in subsection (b), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the United States Court of Appeals for the Armed Forces under section 950f of this title of any order or ruling of the military judge—

''(1) that terminates proceedings of the military commission with respect to a charge or specification;

''(2) that excludes evidence that is substantial proof of a fact material in the proceeding;

''(3) that relates to a matter under subsection (c) or (d) of section 949d of this title; or

''(4) that, with respect to classified information—

''(A) authorizes the disclosure of such information;

''(B) imposes sanctions for nondisclosure of such information; or

''(C) refuses a protective order sought by the United States to prevent the disclosure of such information.

''(b) LIMITATION.—The United States may not appeal under subsection (a) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

''(c) SCOPE OF APPEAL RIGHT WITH RESPECT TO CLASSIFIED INFORMATION.—The United States has the right to appeal under paragraph (4) of subsection (a) whenever the military judge enters an order or ruling that would require the disclosure of classified information, without regard to whether the order or ruling appealed from was entered under this chapter, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such disclosure.

''(d) TIMING AND ACTION ON INTERLOCUTORY APPEALS RELATING TO CLASSIFIED INFORMATION.—

''(1) APPEAL TO BE EXPEDITED.—An appeal taken pursuant to paragraph (4) of subsection (a) shall be expedited by the United States Court of Appeals for the Armed Forces.

''(2) APPEALS BEFORE TRIAL.—If such an appeal is taken before trial, the appeal shall be taken within 10 days after the order or ruling appealed from and the trial shall not commence until the appeal is decided.

''(3) APPEALS DURING TRIAL.—If such an appeal is taken during trial, the military judge shall adjourn the trial until the appeal is decided, and the court of appeals—

''(A) shall hear argument on such appeal within 4 days of the adjournment of the trial (excluding weekends and holidays);

''(B) may dispense with written briefs other than the supporting materials previously submitted to the military judge;

''(C) shall render its decision within four days of argument on appeal (excluding weekends and holidays); and

''(D) may dispense with the issuance of a written opinion in rendering its decision.

''(e) NOTICE AND TIMING OF OTHER APPEALS.—The United States shall take an appeal of an order or ruling under subsection (a), other than an appeal under paragraph (4) of that subsection, by filing a notice of appeal with the military judge within 5 days after the date of the order or ruling.

''(f) METHOD OF APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed by the Secretary of Defense, directly to the United States Court of Appeals for the Armed Forces.

''(g) APPEALS COURT TO ACT ONLY WITH RESPECT TO MATTER OF LAW.—In ruling on an appeal under paragraph (1), (2), or (3) of subsection (a), the appeals court may act only with respect to matters of law.

''(h) SUBSEQUENT APPEAL RIGHTS OF ACCUSED NOT AFFECTED.—An appeal under paragraph (4) of subsection (a), and a decision on such appeal, shall not affect the right of the accused, in a subsequent appeal from a judgment of conviction, to claim as error reversal by the military judge on remand of a ruling appealed from during trial.

''§ 950e. Rehearings

''(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

''(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

''(A) the accused may not be tried for any offense of which he was found not guilty by the first military commission; and

''(B) no sentence in excess of or more than the original sentence may be imposed unless—

''(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

''(ii) the sentence prescribed for the offense is mandatory.

''(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

''§ 950f. Review by United States Court of Appeals for the Armed Forces and Supreme Court

''(a) REVIEW BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subject to the provisions of this subsection, the United States Court of Appeals for the Armed Forces shall have exclusive jurisdiction to determine the final validity of any judgment rendered by a military commission under this chapter.

''(2) In any case referred to it pursuant to section 950c(a) of this title, the United States Court of Appeals for the Armed Forces may act only with respect to the findings and sentence as approved by the convening authority. It may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as it finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, it may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses.

''(3) If the United States Court of Appeals for the Armed Forces sets aside the findings and sentence, it may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If it sets aside the findings and sentence and does not order a rehearing, it shall order that the charges be dismissed.

''(b) REVIEW BY SUPREME COURT.—The Supreme Court of the United States may review by writ of certiorari pursuant to section 1257 of title 28 the final judgment of the United States Court of Appeals for the Armed Forces in a determination under subsection (a).

''§ 950g. Appellate counsel

''(a) APPOINTMENT.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications of counsel for appearing before military commissions under this chapter.

''(b) REPRESENTATION OF UNITED STATES.—Appellate counsel may represent the United States in any appeal or review proceeding under this chapter. Appellate Government counsel may represent the United States before the Supreme Court in case arising under this chapter when requested to do so by the Attorney General.

''(c) REPRESENTATION OF ACCUSED.—The accused shall be represented before the United States Court of Appeals for the Armed Forces or the Supreme Court by military appellate counsel, or by civilian counsel if retained by him.

''§ 950h. Execution of sentence; suspension of sentence

''(a) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

''(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgement as to the legality of the proceedings (and with respect to death, approval under subsection (a)).

''(2) A judgement as to legality of proceedings is final for purposes of paragraph (1) when review is completed in accordance with the judgment of the United States Court of Appeals for the Armed Forces and (A) a petition for a writ of certiorari is not timely filed, (B) such a petition is denied by the Supreme Court, or (C) review is otherwise completed in accordance with the judgment of the Supreme Court.

''(c) SUSPENSION OF SENTENCE.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case.

''§ 950i. Finality of proceedings, findings, and sentences

''The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, subject only to action by the Secretary or the convening authority as provided in section 950h(c) of this title and the authority of the President.

''SUBCHAPTER VIII—PUNITIVE MATTERS

''§ 950p. Definitions; construction of certain offenses; common circumstances

''(a) DEFINITIONS.—In this subchapter:

''(1) The term 'military objective' means combatants and those objects during an armed conflict which, by their nature, location, purpose, or use, effectively contribute to the war-fighting or war-sustaining capability of an opposing force and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of an attack.

''(2) The term 'protected person' means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.

''(3) The term 'protected property' means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

''(b) CONSTRUCTION OF CERTAIN OFFENSES.—The intent required for offenses under paragraphs (1), (2), (3), (4), and (12) of section 950w of this title precludes their applicability with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

''(c) COMMON CIRCUMSTANCES.—An offense specified in this subchapter is triable by military commission under this chapter only if the offense is committed in the context of and associated with armed conflict.

''(d) OFFENSES ENCOMPASSED UNDER LAW OF WAR.—To the extent that the provisions of this subchapter codify offenses that have traditionally been triable under the law of war or otherwise triable by military commission, this subchapter does not preclude trial for offenses that occurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.

''§ 950q. Principals

''Any person punishable under this chapter who—

''(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

''(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

''(3) is a superior commander who, with regard to acts punishable by this chapter, knew, had reason to know, or should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof, is a principal.

''§ 950r. Accessory after the fact

''Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

''§ 950s. Conviction of lesser offenses

''An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

''§ 950t. Attempts

''(a) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

''(b) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this

chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

''(c) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

''§ 950u. Conspiracy

''Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this subchapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''§ 950v. Solicitation

''Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a military commission under this chapter may direct.

''§ 950w. Crimes triable by military commissions

''The following offenses shall be triable by military commission under this chapter at any time without limitation:

''(1) MURDER OF PROTECTED PERSONS.—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

''(2) ATTACKING CIVILIANS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(3) ATTACKING CIVILIAN OBJECTS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

''(4) ATTACKING PROTECTED PROPERTY.—Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

''(5) PILLAGING.—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

''(6) DENYING QUARTER.—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

''(7) TAKING HOSTAGES.—Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(8) EMPLOYING POISON OR SIMILAR WEAPONS.—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(9) USING PROTECTED PERSONS AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack. or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

''(11) TORTURE.—

''(A) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(B) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this paragraph, the term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

''(12) CRUEL OR INHUMAN TREATMENT.—Any person subject to this chapter who subjects another person in their custody or under their physical control, regardless of nationality or physical location, to cruel or inhuman treatment that constitutes a grave breach of common Article 3 of the Geneva Conventions shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

''(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—

''(A) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including privileged belligerents, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(B) SERIOUS BODILY INJURY DEFINED.—In this paragraph, the term 'serious bodily injury' means bodily injury which involves—

''(i) a substantial risk of death;

''(ii) extreme physical pain;

''(iii) protracted and obvious disfigurement; or

''(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

''(14) MUTILATING OR MAIMING.—Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally kills one or more persons, including privileged belligerents, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

''(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

''(17) USING TREACHERY OR PERFIDY.—Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

''(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

''(20) INTENTIONALLY MISTREATING A DEAD BODY.—Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessary, shall be punished as a military commission under this chapter may direct.

''(21) RAPE.—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

''(22) SEXUAL ASSAULT OR ABUSE.—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or

more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct

''(23) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(24) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

''(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—

''(A) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in paragraph (23) of this section), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

''(B) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this paragraph, the term 'material support or resources' has the meaning given that term in section 2339A(b) of title 18.

''(26) WRONGFULLY AIDING THE ENEMY.—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

''(27) SPYING.—Any person subject to this chapter who, in violation of the law of war and with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

''(28) CONTEMPT.—A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

''(29) PERJURY AND OBSTRUCTION OF JUSTICE.—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to the military commission.''.

(b) CONFORMING AMENDMENT.—Paragraph (13) of section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice), is amended to read as follows:

''(13) Privileged belligerents (as that term is defined section 948a(3) of this title) who violate the law of war.''.

(c) PROCEEDINGS UNDER PRIOR STATUTE.—

(1) PRIOR CONVICTIONS.—The amendments made by subsection (a) shall have no effect on the validity of any conviction pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act.

(2) COMPOSITION OF MILITARY COMMISSIONS.—Notwithstanding the amendments made by subsection (a)—

(A) any commission convened pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act, shall be deemed to have been convened pursuant to chapter 47A of title 10, United States Code, as amended by subsection (a);

(B) any member of the Armed Forces detailed to serve on a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code, as so amended;

(C) any military judge detailed to a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code, as so amended;

(D) any trial counsel or defense counsel detailed for a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code, as so amended; and

(E) any court reporters detailed to or employed by a commission pursuant to chapter 47A of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be deemed to have been detailed or employed pursuant to chapter 47A of title 10, United States Code, as so amended.

(3) CHARGES AND SPECIFICATIONS.—Notwithstanding the amendments made by subsection (a)—

(A) any charges or specifications sworn or referred pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act, shall be deemed to have been sworn or referred pursuant to chapter 47A of title 10, United States Code, as amended by subsection (a); and

(B) any charges or specifications described in subparagraph (A) may be amended, without prejudice, as needed to properly allege jurisdiction under chapter 47A of title 10, United States Code, as so amended, and crimes triable under such chapter.

(4) PROCEDURES AND REQUIREMENTS.—Except as provided in paragraphs (1) through (3), any commission convened pursuant to chapter 47A of title 10, United States Code, as such chapter was in effect on the day before the date of the enactment of this Act, shall be conducted after the date of the enactment of this Act in accordance with the procedures and requirements of chapter 47A of title 10, United States Code, as amended by subsection (a).

(d) NOTICE TO CONGRESS.—

(1) INITIAL RULES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting for the procedures for military commissions prescribed under chapter 47A of title 10, United States Code, as amended by subsection (a).

(2) CHANGES TO PROCEDURES.—Not later than 60 days before the date on which any proposed modification of the regulations in effect for military commissions under Chapter 47A of title 10, United States Code, as so amended, goes into effect, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the modification.

SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN UNPRIVILEGED BELLIGERENTS FOR VIOLATIONS OF THE LAW OF WAR.

(a) IN GENERAL.—Subchapter I of chapter 47A of title 10, United States Code, as amended by section 1031(a), is further amended by adding at the end the following new section:

''§ 948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the preferred forum for the trial of alien unprivileged enemy belligerents subject to this chapter for violations of the law of war and other offenses made punishable by this chapter is trial by military commission under this chapter.''

(b) CLERICAL AMENDMENT.—The table of sections of the beginning of such subchapter, as amended by section 1031(a), is further amended by adding after the item relating to section 948d the following new item:

''948e. Trial by military commission of alien unprivileged belligerents for violations of the law of war.''.

SEC. 1033. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) DEFINITIONS.—In this section—

(1) the term ''foreign national'' means an individual who is not a citizen or national of the United States; and

(2) the term ''enemy combatant'' includes a privileged belligerent and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1031 of this Act.

(b) NO MIRANDA WARNINGS.—Absent an unappealable court order requiring the reading of such statements, no military or intelligence agency or department of the United States shall read to a foreign national who is captured or detained as an enemy combatant by the United States the statement required by Miranda v. Arizona, 384 U.S. 436 (1966), or otherwise inform such a prisoner of any rights that the prisoner may or may not have to counsel or to remain silent consistent with Miranda v. Arizona, 384 U.S. 436 (1966). No Federal statute, regulation, or treaty shall be construed to require that a foreign national who is captured or detained as an enemy combatant by the United States be informed of any rights to counsel or remain silent consistent with Miranda v. Arizona, 384 U.S. 436 (1966) that the prisoner may or may not have, except as required by the United States Constitution. No statement that is made by a foreign national who is captured or detained as an enemy combatant by the United States may be excluded from any proceeding on the basis that the prisoner was not informed of a right to counsel or to remain silent, that the prisoner may or may not have, unless required by the United States Constitution.

(c) IN GENERAL.—This section shall not apply to the Department of Justice.

Subtitle E—Medical Facility Matters

SEC. 1041. SHORT TITLE.

This subtitle may be cited as the ''Captain James A. Lovell Federal Health Care Center Act of 2009''.

SEC. 1042. EXECUTIVE AGREEMENT.

(a) EXECUTIVE AGREEMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall execute a signed executive agreement for the joint use by the Department of Defense and the Department of Veterans Affairs of the following:

(1) A new Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting structures and facilities in North Chicago, Illinois, and Great Lakes, Illinois.

(2) Medical personal property and equipment relating to the center, structures, and facilities described in paragraph (1).

(b) SCOPE.—The agreement required by subsection (a) shall—

(1) be a binding operational agreement on matters under the areas specified in section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500); and

(2) contain additional terms and conditions as required by the provisions of this title.

SEC. 1043. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—The Secretary of Defense, acting through the Administrator of General Services, may transfer, without reimbursement, to the Secretary of Veterans Affairs jurisdiction over the center, structures, facilities, and property and equipment covered by the executive agreement under section 1042.

(2) DATE OF TRANSFER.—The transfer authorized by paragraph (1) may not occur before the earlier of—

(A) the date that is five years after the date of the execution under section 1042 of the executive agreement required by that section; or

(B) the date of the completion of such specific benchmarks relating to the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center described in section 1042(a)(1) as the Secretary of Defense (in consultation with the Secretary of the Navy) and Secretary of the Department of Veterans Affairs shall jointly establish for purposes of this section not later than 180 days after the date of the enactment of this Act.

(3) DELAY OF TRANSFER FOR COMPLETION OF CONSTRUCTION.—If construction on the center, structures, and facilities described in paragraph (1) is not complete as of the date specified in subparagraph (A) or (B) of that paragraph, as applicable, the transfer of the center, structures, and facilities under that paragraph may occur thereafter upon completion of the construction.

(4) DISCHARGE OF TRANSFER.—The Administrator of General Services shall effectualize and memorialize the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer.

(5) DESIGNATION OF FACILITY.—The center, structures, facilities transferred under this subsection shall be designated and known after transfer under this subsection as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than those specified in the executive agreement required by section 1042, or is otherwise jointly determined by the Secretary of Defense and the Secretary of Veterans Affairs to be excess to the needs of the Captain James A. Lovell Federal Health Care Center, the Secretary of Veterans Affairs shall offer to transfer jurisdiction over such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be carried out by the Administrator of General Services not later than one year after the acceptance of the offer of such transfer, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the five-year period beginning on the date of the transfer of real and related personal property pursuant to subsection (a), if the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Navy jointly determine that the integration of the facilities transferred pursuant to that subsection should not continue, jurisdiction over such real and related personal property shall be transferred, without reimbursement, to the Secretary of Defense. The transfer under this subparagraph shall be carried out by the Administrator of General Services not later than 180 days after the date of the determination by the Secretaries, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(B) AFTER INITIAL PERIOD.—After the end of the five-year period described in subparagraph (A), if the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities transferred pursuant to subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense jurisdiction over the real and related personal property described in subparagraph (A). Any transfer under this subparagraph shall be carried out by the Administrator of General Services not later than one year after the date of the determination by the applicable Secretary, plus such additional time as the Administrator may require to effectuate and memorialize such transfer.

(C) REVERSION PROCEDURES.—The executive agreement required by section 1042 shall provide the following:

(i) Specific procedures for the reversion of real and related personal property, as appropriate, transferred pursuant to subsection (a) to ensure the continuing accomplishment by the Department of Defense and the Department of Veterans Affairs of their missions in the event that the integration of facilities described transferred pursuant to that subsection (a) is not completed or a reversion of property occurs under subparagraph (A) or (B).

(ii) In the event of a reversion under this paragraph, the transfer from the Department of Veterans Affairs to the Department of Defense of associated functions including appropriate resources, civilian positions, and personnel, in a manner that will not result in adverse impact to the missions of Department of Defense or the Department of Veterans Affairs.

SEC. 1044. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense and the Secretary of the Navy may transfer to the Secretary of Veterans Affairs functions necessary for the effective operation of the Captain James A. Lovell Federal Health Care Center. The Secretary of Veterans Affairs may accept any functions so transferred.

(b) TERMS.—

(1) EXECUTIVE AGREEMENT.—Any transfer of functions under subsection (a) shall be carried out as provided in the executive agreement required by section 1042. The functions to be so transferred shall be identified utilizing the provisions of section 3503 of title 5, United States Code.

(2) ELEMENTS.—In providing for the transfer of functions under subsection (a), the executive agreement required by section 1042 shall provide for the following:

(A) The transfer of civilian employee positions of the Department of Defense identified in the executive agreement to the Department of Veterans Affairs, and of the incumbent civilian employees in such positions, and the transition of the employees so transferred to the pay, benefits, and personnel systems that apply to employees of the Department of Veterans Affairs (to the extent that different systems apply).

(B) The transition of employees so transferred to the pay systems of the Department of Veterans Affairs in a manner which will not result in any reduction in an employee's regular rate of compensation (including basic pay, locality pay, any physician comparability allowance, and any other fixed and recurring pay supplement) at the time of transition.

(C) The continuation after transfer of the same employment status for employees so transferred who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code, notwithstanding the provisions of section 7403(b)(1) of title 38, United States Code.

(D) The extension of collective bargaining rights under title 5, United States Code, to employees so transferred in positions listed in subsection 7421(b) of title 38, United States Code, notwithstanding the provisions of section 7422 of title 38, United States Code, for a two-year period beginning on the effective date of the executive agreement.

(E) At the end of the two-year period beginning on the effective date of the executive agreement, for the following actions by the Secretary of Veterans Affairs with respect to the extension of collective bargaining rights under subparagraph (D):

(i) Consideration of the impact of the extension of such rights.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact.

(iii) Determination, after consultation with the Secretary of Defense and the Secretary of the Navy, whether the extension of such rights should be terminated, modified, or kept in effect.

(iv) Submittal to Congress of a notice regarding the determination made under clause (iii).

(F) The recognition after transfer of each transferred physician's and dentist's total number of years of service as a physician or dentist in the Department of Defense for purposes of calculating such employee's rate of base pay, notwithstanding the provisions of section 7431(b)(3) of title 38, United States Code.

(G) The preservation of the seniority of the employees so transferred for all pay purposes.

(c) RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the Captain James Lovell Federal Health Care Center if the Secretary of the Navy, or a designee of the Secretary, determines it is necessary and appropriate to meet mission requirements of the Department of the Navy.

SEC. 1045. JOINT FUNDING AUTHORITY FOR THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—The Department of Veterans Affairs/Department of Defense Health-Care Resources Sharing Committee under section 8111(b) of title 38, United States Code, may provide for the joint funding of the Captain James A. Lovell Federal Health Care Center in accordance with the provisions of this section.

(b) HEALTH CARE CENTER FUND.—

(1) ESTABLISHMENT.—There is established on the books of the Treasury under the Department of Veterans Affairs a fund to be known as the ''Captain James A. Lovell Federal Health Care Center Fund'' (in this section referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of the following:

(A) Amounts transferred to the Fund by the Secretary of Defense, in consultation with the Secretary of the Navy, from amounts authorized to be appropriated for the Department of Defense.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized to be appropriated for the Department of Veterans Affairs.

(C) Amounts transferred to the Fund from medical care collections under paragraph (4).

(3) DETERMINATION OF AMOUNTS TRANSFERRED GENERALLY.—The amount transferred to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs under subparagraphs (A) and (B), as applicable, of paragraph (2) each fiscal year shall be such amount, as determined by a methodology jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection, that reflects the mission-specific activities, workload, and costs of provision of health care at the Captain James A. Lovell Federal Health Care Center of the Department of Defense and the Department of Veterans Affairs, respectively.

(4) TRANSFERS FROM MEDICAL CARE COLLECTIONS.—

(A) IN GENERAL.—Amounts collected under the authorities specified in subparagraph (B) for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Fund under paragraph (2)(C).

(B) AUTHORITIES.—The authorities specified in this subparagraph are the following:

(i) Section 1095 of title 10, United States Code.

(ii) Section 1729 of title 38, United States Code.

(iii) Public Law 87–693, popularly known as the ''Federal Medical Care Recovery Act'' (42 U.S.C. 2651 et seq.).

(5) ADMINISTRATION.—The Fund shall be administered in accordance with such provisions of the executive agreement required by section 1042 as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly include in the executive agreement. Such provisions shall provide for an independent review of the methodology established under paragraph (3).

(c) AVAILABILITY.—

(1) IN GENERAL.—Funds transferred to the Fund under subsection (b) shall be available to fund the operations of the Captain James A. Lovell Federal Health Care Center, including capital equipment, real property maintenance, and minor construction projects that are not required to be specifically authorized by law under section 2805 of title 10, United States Code, or section 8104 of title 38, United States Code.

(2) LIMITATION.—The availability of funds transferred to the Fund under subsection (b)(2)(C) shall be subject to the provisions of section 1729A of title 38, United States Code.

(3) PERIOD OF AVAILABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds transferred to the Fund under subsection (b) shall be available under paragraph (1) for one fiscal year after transfer.

(B) EXCEPTION.—Of an amount transferred to the Fund under subsection (b), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(d) FINANCIAL RECONCILIATION.—The executive agreement required by section 1042 shall provide for the development and implementation of an integrated financial reconciliation process that meets the fiscal reconciliation requirements of the Department of Defense, the Department of the Navy, and the Department of Veterans Affairs. The process shall permit each of the Department of Defense, the Department of Navy, and the Department of Veterans Affairs to identify their fiscal contributions to the Fund, taking into consideration accounting, workload, and financial management differences.

(e) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall jointly provide for an annual independent review of the Fund for at least three years after the date of the enactment of this Act. Such review shall include detailed statements of the uses of amounts of the Fund and an evaluation of the adequacy of the proportional share contributed to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs.

(f) TERMINATION.—The authorities in this section shall terminate on September 30, 2015.

SEC. 1046. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES AT THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the Captain James A. Lovell Federal Health Care Center may be treated as a facility of the uniformed services to the extent provided under subsection (b) in the executive agreement required by section 1042.

(b) ADDITIONAL ELEMENTS.—The executive agreement required by section 1042 may include provisions as follows:

(1) To establish an integrated priority list for access to health care at the Captain James A. Lovell Federal Health Care Center, which list shall—

(A) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs; and

(B) take into account categories of beneficiaries, enrollment program status, and such other matters as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(2) To incorporate any resource-related limitations for access to health care at the Captain James A. Lovell Federal Health Care Center that the Secretary of Defense may establish for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(3) To allocate financial responsibility for care provided at the Captain James A. Lovell Federal Health Care Center for individuals who are eligible for care under both chapter 55 of title 10, United States Code, and title 38, United States Code.

(4) To waive the applicability to the Captain James A. Lovell Federal Health Care Center of any provision of section 8111(e) of title 38, United States Code, that the Secretary of Defense and the Secretary of Veterans Affairs shall jointly specify.

SEC. 1047. EXTENSION OF DOD–VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2015''.

Subtitle F—Miscellaneous Requirements, Authorities, and Limitations

SEC. 1051. CONGRESSIONAL EARMARKS RELATING TO THE DEPARTMENT OF DEFENSE.

(a) REPORT ON RECURRING EARMARKS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a list of each congressional earmark that has been included in a national defense authorization Act for three or more consecutive fiscal years as of the national defense authorization Act for fiscal year 2010.

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

(A) A description of the extent to which competitive or merit-based procedures were used to award funding, or to enter into a contract, grant, or other agreement, pursuant to each congressional earmark listed in the report.

(B) An identification of the specific contracting vehicle used for each such earmark.

(C) In the case of any congressional earmark listed in the report for which competitive or merit-based procedures were not used to award funding, or to enter the contract, grant, or other agreement, a statement of the reasons competitive or merit-based procedures were not used.

(b) DOD INSPECTOR GENERAL AUDIT OF EARMARKS.—The Inspector General of the Department of Defense shall conduct an audit of contracts, grants, or other agreements pursuant to congressional earmarks of Department of Defense funds to determine whether or not the recipients of such earmarks are complying with requirements of Federal law on the use of appropriated funds to influence, whether directly or indirectly, congressional action on any legislation or appropriation matter pending before Congress.

(c) DEFINITIONS.—In this section:

(1) The term ''congressional earmark'' means any congressionally directed spending item (Senate) or congressional earmark (House of Representatives) on the list published in compliance with rule XLIV of the Standing Rules of the Senate or rule XXI of the Rules of the House of Representatives.

(2) The term ''national defense authorization Act'' means an Act authorizing funds for a fiscal year for the military activities of the Department of Defense, and for other purposes.

SEC. 1052. NATIONAL STRATEGIC FIVE-YEAR PLAN FOR IMPROVING THE NUCLEAR FORENSIC AND ATTRIBUTION CAPABILITIES OF THE UNITED STATES.

(a) IN GENERAL.—The President, with the participation of the officials specified in subsection (c), shall develop a national strategic plan for improving over a five-year period the nuclear forensic and attribution capabilities of the United States and the methods, capabilities, and capacity for nuclear materials forensics and attribution.

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

(1) An investment plan to support nuclear materials forensics and attribution.

(2) Recommendations with respect to—

(A) the allocation of roles and responsibilities for pre-detonation, detonation, and post-detonation activities; and

(B) methods for the attribution of nuclear or radiological material to the source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion.

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Homeland Security.

(2) The Secretary of Defense.

(3) The Secretary of Energy.

(4) The Attorney General.

(5) The Secretary of State.

(6) The Director of National Intelligence.

(7) Such other officials as the President considers appropriate.

(d) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the plan required under subsection (a).

SEC. 1053. ONE-YEAR EXTENSION OF AUTHORITY TO OFFER AND MAKE REWARDS FOR ASSISTANCE IN COMBATING TERRORISM THROUGH GOVERNMENT PERSONNEL OF ALLIED FORCES.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''September, 30, 2009'' and inserting ''September, 30, 2010''.

SEC. 1054. BUSINESS PROCESS REENGINEERING.

(a) NEW PROGRAMS.—Section 2222 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A) of this subsection, the following new paragraph (1):

''(1) the appropriate chief management officer for the defense business system modernization has determined whether or not—

''(A) the defense business system modernization is in compliance with the enterprise architecture developed under subsection (c); and

''(B) appropriate business process reengineering efforts have been undertaken to ensure that—

''(i) the business process to be supported by the defense business system modernization will be as streamlined and efficient as practicable; and

''(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;'';

(C) in paragraph (2), as redesignated by subparagraph (A) of this subsection, by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) has been determined by the appropriate chief management officer to be in compliance with the requirements of paragraph (1);''; and

(D) in paragraph (3), as redesignated by subparagraph (A) of this paragraph, by striking ''the certification by the approval authority is'' and inserting ''the certification by the approval authority and the determination by the chief management officer are''; and

(2) in subsection (f)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting ''(1)'' before ''The Secretary of Defense'';

(C) in subparagraph (E) of paragraph (1), as designated by this paragraph, by striking ''paragraphs (1) through (4)'' and inserting ''subparagraphs (A) through (D)''; and

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

''(2) For purposes of subsection (a), the appropriate chief management officer for a defense business system modernization is as follows:

''(A) In the case of an Army program, the Chief Management Officer of the Army.

''(B) In the case of a Navy program, the Chief Management Officer of the Navy.

''(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

''(D) In the case of a program of a Defense Agency, the Deputy Chief Management Officer of the Department of Defense.

''(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, the Deputy Chief Management Officer of the Department of Defense.''.

(b) ONGOING PROGRAMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the appropriate chief management officer for each defense business system modernization approved by the Defense Business Systems Management Committee before the date of the enactment of this Act that will have a total cost in excess of $100,000,000 shall review such defense business system modernization to determine whether or not appropriate business process reengineering efforts have been undertaken to ensure that—

(A) the business process to be supported by such defense business system modernization will be as streamlined and efficient as practicable; and

(B) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable.

(2) ACTION ON FINDING OF LACK OF REENGINEERING EFFORTS.—If the appropriate chief management officer determines that appropriate business process reengineering efforts have not been undertaken with regard to a defense business system modernization as described in paragraph (1), that chief management officer—

(A) shall develop a plan to undertake business process reengineering efforts with respect to the defense business system modernization; and

(B) may direct that the defense business system modernization be restructured or terminated, if necessary to meet the requirements of paragraph (1).

(3) DEFINITIONS.—In this subsection:

(A) The term ''appropriate chief management officer'', with respect to a defense business system modernization, has the meaning given that term in paragraph (2) of subsection (f) of section 2222 of title 10, United States Code (as amended by subsection (a)(2) of this section).

(B) The term ''defense business system modernization'' has the meaning given that term in subsection (j)(3) of section 2222 of title 10, United States Code.

SEC. 1055. RESPONSIBILITY FOR PREPARATION OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

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

(1) in paragraph (1)—

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

(B) by striking ''the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives'' and inserting ''the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives''; and

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

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

(b) TECHNICAL AMENDMENTS.—Paragraph (1)(B)(ii) of such section is amended—

(1) by inserting ''validated'' before ''performance requirements''; and

(2) by inserting ''in accordance with Office of Management and Budget Circular A–109'' after ''Plan''.

SEC. 1056. ADDITIONAL SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (5 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(i)(1) The Inspector General of the Department of Defense is authorized to require by subpoena the attendance and testimony of witnesses necessary to carry out an audit or investigation pursuant to the authorities of this Act.

''(2) A subpoena issued under this subsection, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

''(3) The Inspector General shall consult with the Attorney General before issuing any subpoena under this section, and shall not proceed with the issuance of such a subpoena if the Attorney General objects.''.

SEC. 1057. REPORTS ON BANDWIDTH REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEM ACQUISITION PROGRAMS.

Section 1047(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4603; 10 U.S.C. 2366b note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs, as so redesignated, four ems from the left margin;

(2) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(3) by adding at the end the following:

''(2) REPORTS.—Not later than January 1 each year, the Secretary of Defense and the Director of National Intelligence shall each submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on any determinations made under paragraph (1) with respect to meeting the bandwidth requirements for major defense acquisition programs and major system acquisition programs during the preceding fiscal year.''.

SEC. 1058. MULTIYEAR CONTRACTS UNDER PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Secretary of the Air Force may enter into one or more multiyear contracts, beginning with the fiscal year 2011 program year, for purposes of conducting the pilot program on utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations required by section 1081 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 335).

(b) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(1) the term of the contract may not be more than 8 years;

(2) notwithstanding subsection 2306c(b) of title 10, United States Code, the authority under subsection 2306c(a) of title 10, United States Code, shall apply to the fee-for-service air refueling pilot program;

(3) the contract may contain a clause setting forth a cancellation ceiling in excess of $100,000,000; and

(4) the contract may provide for an unfunded contingent liability in excess of $20,000,000.

(c) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(1) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining commercial fee-for-service air refueling tanker aircraft for Air Force operations; and

(2) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(d) LIMITATION ON AMOUNT.—The amount of a contract under subsection (a) may not exceed $999,999,999.

(e) PROVISION OF GOVERNMENT INSURANCE.—A commercial air operator contracting with the Department of Defense under the pilot program referred to in subsection (a) shall be eligible to receive government provided insurance pursuant to chapter 443 of title 49, United States Code, if commercial insurance is unavailable on reasonable terms and conditions.

SEC. 1059. ADDITIONAL DUTY FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is amended by—

(1) redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) in paragraph (4), by striking ''other department'' and inserting ''other departments''; and

(3) by inserting after paragraph (6) the following new paragraphs:

''(7) assess the adequacy of the process and methodology by which the Department of Defense establishes, maintains, and resources dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

''(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);''.

Subtitle G—Reports

SEC. 1071. NATIONAL INTELLIGENCE ESTIMATE ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES AND NUCLEAR WEAPONS AND RELATED PROGRAMS IN NON-NUCLEAR-WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY.

(a) IN GENERAL.—The Director of National Intelligence shall prepare a national intelligence estimate (NIE) on the following:

(1) The nuclear weapons programs and any related programs of countries that are non-nuclear-weapons state parties to the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'') and countries that are not parties to the Treaty.

(2) The nuclear weapons aspirations of such non-state entities as the Director considers appropriate to include in the estimate.

(b) ELEMENTS.—The national intelligence estimate required under subsection (a) shall include, with respect to each country described in subsection (a)(1) and each non-state entity referred to in subsection (a)(2), the following:

(1) A statement of the number of nuclear weapons possessed by such country or non-state entity.

(2) An estimate of the total number of nuclear weapons that such country or non-state entity seeks to obtain and, in the case of such non-state entity, an assessment of the extent to which such non-state entity is seeking to develop a nuclear weapon or device or radiological dispersion device.

(3) A description of the technical characteristics of any nuclear weapons possessed by such country or non-state entity.

(4) A description of nuclear weapons designs available to such country or non-state entity.

(5) A description of any sources of assistance with respect to nuclear weapons design provided to such country or non-state entity.

(6) An assessment of the annual capability of such country and non-state entity to produce new or newly designed nuclear weapons.

(7) A description of the type of fissile materials used in any nuclear weapons possessed by such country or non-state entity.

(8) An description of the location and production capability of any fissile materials production facilities in such country or controlled by such non-state entity, the current status of any such facilities, and any plans by such country or non-state entity to develop such facilities.

(9) An identification of the source of any fissile materials used by such country or non-state entity, if such materials are not produced in facilities referred to in paragraph (8).

(10) A description of any delivery systems available to such country or non-state entity and an assessment of whether nuclear warheads have been mated to any such delivery system.

(11) An assessment of the physical security of the storage facilities for nuclear weapons in such country or controlled by such non-state entity.

(12) An assessment of whether such country or non-state entity is modernizing or otherwise improving the safety, security, and reliability of the nuclear weapons stockpile of such country or non-state entity.

(13) In the case of a country, an assessment of the policy of such country on the employment and use of nuclear weapons.

(c) SUBMITTAL TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director of National Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives the national intelligence estimate required under subsection (a) by not later than September 1, 2010.

(2) NOTIFICATION OF DELAY IN SUBMITTAL.—If the Director of National Intelligence determines that it will not be possible for the Director to submit the national intelligence estimate by September 1, 2010, the Director shall, not later than August 1, 2010, submit to the committees specified in paragraph (1) a notice—

(A) that the national intelligence estimate will not be submitted by September 1, 2010; and

(B) setting forth the date by which the Director will submit the national intelligence estimate.

SEC. 1072. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF MILITARY WHISTLEBLOWER PROTECTIONS.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of military whistleblower protections afforded to members of the Armed Services by the Department of Defense. The review shall include an analysis of the following:

(1) A sample of military whistleblower cases at the Office of the Inspector General of the Department of Defense, as well as one or more Offices of the Inspector General of a military department (as selected by the Comptroller General for the purposes of this section).

(2) Department-wide efforts to educate and inform members of the Armed Forces about the protections provided to them under section 1034 of title 10, United States Code.

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

(b) REPORT.—Not later than December 1, 2009, the Comptroller General shall submit a report on the review and analysis conducted under subsection (a) to the Chairman and Ranking Minority Member of each of the following:

(1) The Committees on Armed Services, Homeland Security and Governmental Affairs, and the Judiciary of the Senate.

(2) The Committees on Armed Services, Homeland Security, and the Judiciary of the House of Representatives.

SEC. 1073. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED 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 on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary. The report shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, especially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

SEC. 1074. COMPTROLLER GENERAL REVIEW OF SPENDING IN THE FINAL QUARTER OF FISCAL YEAR 2009 BY THE DEPARTMENT OF DEFENSE.

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

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

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

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

SEC. 1075. REPORT ON AIR AMERICA.

(a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

(B) A description of—

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

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

(iii) the retirement benefits actually paid such employees;

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

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

(C) An assessment of the difference between—

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

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

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

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

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

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

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

SEC. 1076. REPORT ON CRITERIA FOR SELECTION OF STRATEGIC EMBARKATION PORTS AND SHIP LAYBERTHING LOCATIONS.

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

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

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

(2) take into account—

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

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

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

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

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

SEC. 1077. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

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

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

(1) A comprehensive discussion of aspects of the Department of Defense travel system that are most confusing, inefficient, and in need of revision.

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

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

(4) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in paragraphs (1) and (2), including recommendations for legislative authority.

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

SEC. 1078. REPORT ON MODELING AND SIMULATION ACTIVITIES OF UNITED STATES JOINT FORCES COMMAND.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, working through the Director for Defense Research and Engineering, the Assistant Secretary of Defense for Manufacturing and Industrial Base, and the Commander of the United States Joint Forces Command, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

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

(1) An assessment of the current and future domestic defense modeling and simulation technological and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in cooperation with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to support the domestic defense modeling and simulation industrial base.

(6) Other matters as determined appropriate by the Secretary.

SEC. 1079. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the chiefs of the services, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

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

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and

(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the chiefs of the services consider useful and relevant.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

Subtitle H—Other Matters

SEC. 1081. TRANSFER OF NAVY AIRCRAFT N40VT.

(a) AUTHORITY TO TRANSFER.—

(1) AUTHORITY.—Subject to all applicable Federal laws and regulations controlling the disposition of Federal property, the Secretary of the Navy may transfer to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as the ''transferee''), Navy aircraft N40VT (Bureau Number 163283) and associated components, test equipment, and engines, previously specified as Government-furnished equipment in contract N00019–00–C–0284.

(2) WRITTEN AGREEMENT.—The transfer under this subsection shall be made by means of a written agreement.

(3) APPLICABLE LAW.—The transfer or use of military equipment is subject to all applicable United State laws and regulations, including, but not limited to, the Arms Export Control Act, the Export Administration Act of 1979, continued under Executive Order 12924, International Traffic in Arms Regulations (22 C.F.R. 120 et seq.), Export Administration Regulations (15 C.F.R. 730 et seq.), Foreign Assets Control Regulations (31 C.F.R. 500 et seq.), and the Espionage Act.

(b) CERTIFICATION REQUIRED FOR DISPOSAL OF COMBATANT MILITARY EQUIPMENT.—No military equipment described by subsection (a) that is military equipment of a combatant command may be transferred under subsection (a) unless the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, or the Commandant of the Marine Corps, as applicable, certifies that such equipment is not essential to the defense of the United States.

(c) CONDITION OF EQUIPMENT TO BE TRANSFERRED.—The military equipment transferred under subsection (a) shall be transferred in its current ''as is'' condition. The Secretary is not required to repair or alter the condition of any military equipment before transferring any interest in such equipment under subsection (a).

(d) TRANSFER AT NO COST TO THE UNITED STATES.—The transfer of military equipment under subsection (a) shall be made at no cost to the United States. Any costs associated with the transfer shall be borne by the transferee.

(e) GOVERNMENT RIGHTS.—The Secretary shall include in the written agreement under subsection (a)(2) such terms and conditions as the Secretary considers appropriate—

(1) to permit the United States to use any future technologies derived from testing of military equipment transferred under subsection (a), including upon the transfer of such military equipment to a successor in interest of the transferee; and

(2) to retain for the Government all technical data rights associated with military equipment transferred under subsection (a).

(f) CONSIDERATION.—As consideration for the transfer of military equipment under subsection (a), the transferee shall provide compensation to the United States, the value of which is equal to the fair market value of such military equipment, as determined by the Secretary. The Secretary may not delegate the authority to make the determination required by the preceding sentence.

(g) NO LIABILITY FOR THE UNITED STATES.—Upon the transfer of military equipment under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of such military equipment by any person other than the United States.

(h) REVERTER UPON BREACH OF CONDITIONS.—The Secretary shall include in the written agreement under subsection (a)(2) the following:

(1) A condition that the transferee not transfer any interest in, or transfer possession of, the

military equipment transferred under subsection (a) to any other party without the prior written approval of the Secretary.

(2) A condition that the transferee operate or maintain, as applicable, the military equipment transferred under subsection (a) in compliance with all applicable limitations and maintenance requirements under law.

(3) A condition that if the Secretary determines at any time that the transferee has failed to comply with a condition set forth in paragraph (1) or (2), all right, title, and interest in and to the military equipment transferred under subsection (a), including any repair or alteration of the military equipment by the transferee or otherwise, shall revert to the United States, and the United States shall have the right of immediate possession of the military equipment.

(i) LIMITATION ON TRANSFER PENDING NOTICE TO CONGRESS.—

(1) LIMITATION.—A transfer of military equipment under subsection (a) may not occur until—

(A) notice of the proposal to make the transfer is sent to Congress; and

(B) 60 days of continuous session of Congress have expired following the date on which such notice is sent to Congress.

(2) CALCULATION OF CONTINUOUS SESSION.—For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which the either House is not in session because of adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

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

SEC. 1082. TRANSFER OF BIG CROW AIRCRAFT.

(a) IN GENERAL.—The Secretary of the Air Force may convey to an appropriate private entity the right, title, and interest of the United States in and to the Big Crow aircraft referred to in subsection (b) in order to permit the continuation of the purpose of such aircraft at the time of their retirement in and through such private entity after conveyance if the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly determine that it is in the interests of the Department of Defense to do so.

(b) COVERED BIG CROW AIRCRAFT.—The Big Crow aircraft referred to in this subsection are the recently-retired aircraft as follows:

(1) Big Crow aircraft NC–135E, tail number 55–3132.

(2) Big Crow aircraft NC–135B, tail number 63–8050.

(c) CONDITIONS OF CONVEYANCE.—

(1) IN GENERAL.—Any conveyance of Big Crow aircraft under subsection (a) shall be for such consideration as the Secretary considers appropriate. The Secretary shall provide for any aircraft so conveyed to be conveyed in ''as-is'' condition at the time of conveyance, with all classified and other sensitive equipment removed from such aircraft before conveyance.

(2) NO LIABILITY FOR THE UNITED STATES.—Notwithstanding any other provision of law, upon the conveyance of a Big Crow aircraft under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of the aircraft by any person other than the United States.

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

SEC. 1083. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed.

(b) SUBMISSION OF PLAN.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a), together with an explanation of how fiscal year 2010 funds will be used to sustain and support the plan and a description of the funding in the future years defense program plan to support the plan.

SEC. 1084. PILOT PROGRAM ON USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.

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

(1) The United States owes a profound debt to those who have served the United States honorably in the Armed Forces.

(2) Disabled veterans suffer from a range of physical and mental injuries and disabilities.

(3) In 2008, the Army reported the highest level of suicides among its soldiers since it began tracking the rate 28 years before 2009.

(4) A scientific study documented in the 2008 Rand Report entitled ''Invisible Wounds of War'' estimated that 300,000 veterans of Operation Enduring Freedom and Operation Iraqi Freedom currently suffer from post-traumatic stress disorder.

(5) Veterans have benefitted in multiple ways from the provision of service dogs.

(6) The Department of Veterans Affairs has been successfully placing guide dogs with the blind since 1961.

(7) Thousands of dogs around the country await adoption.

(b) PROGRAM REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year pilot program to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program by partnering with nonprofit organizations that—

(A) have experience providing service dogs to individuals with injuries or disabilities;

(B) do not charge fees for the dogs, services, or lodging that they provide; and

(C) are accredited by a generally accepted industry-standard accrediting institution.

(2) REIMBURSEMENT OF COSTS.—The Secretary shall reimburse partners for costs relating to the pilot program as follows:

(A) For the first 50 dogs provided under the pilot program, all costs relating to the provision of such dogs.

(B) For dogs provided under the pilot program after the first 50 dogs provided, all costs relating to the provision of every other dog.

(d) PARTICIPATION.—

(1) IN GENERAL.—As part of the pilot program, the Secretary shall provide a service dog to a number of veterans with physical or mental injuries or disabilities that is greater than or equal to the greater of—

(A) 200; and

(B) the minimum number of such veterans required to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) COMPOSITION.—The Secretary shall ensure that—

(A) half of the participants in the pilot program are veterans who suffer primarily from a mental health injury or disability; and

(B) half of the participants in the pilot program are veterans who suffer primarily from a physical injury or disability.

(e) STUDY.—In carrying out the pilot program, the Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the pilot program.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings relating to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(3) The effectiveness of using service dogs to prevent suicide.

(f) REPORTS.—

(1) ANNUAL REPORT OF THE SECRETARY.—After each year of the pilot program, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the pilot program.

(2) FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 180 days after the date of the completion of the pilot program, the National Academy of Sciences shall submit to Congress a report on the results of the pilot program.

SEC. 1085. EXPANSION OF STATE HOME CARE FOR PARENTS OF VETERANS WHO DIED WHILE SERVING IN ARMED FORCES.

In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs shall permit a State home to provide services to, in addition to non-veterans described in such subsection, a non-veteran any of whose children died while serving in the Armed Forces.

SEC. 1086. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking ''(e) The'' and inserting ''(e)(1) Except as provided in paragraph (2), the''; and

(B) by adding at the end the following:

''(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined by section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.''.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of title 5, United States Code), or customs and border protection officer (as defined in section 8401(36) of title 5, United States Code) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by adding ''or'' at the end; and

(3) by inserting after paragraph (2) the following:

''(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

''(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1083(e) of the National Defense Authorization Act for Fiscal Year 2010;

''(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1083(a)(2) of the National Defense Authorization Act for Fiscal Year 2010.''.

(c) MANDATORY SEPARATION.—Section 8425 of title 5, United States Code, is amended—

(1) in subsection (b)(1), in the first sentence, by inserting '', except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period;

(2) in subsection (c), in the first sentence, by inserting '', except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period; and

(3) in subsection (d), in the first sentence, by inserting '', except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age'' before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''total service as'' and inserting ''civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,''; and

(2) in paragraph (2), by striking ''so much of such individual's total service as exceeds 20 years'' and inserting ''the remainder of such individual's total service''.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

SEC. 1087. SENSE OF CONGRESS ON MANNED AIRBORNE IRREGULAR WARFARE PLATFORMS.

It is the sense of Congress that the Secretary of Defense should, with regard to the development of manned airborne irregular warfare platforms, coordinate requirements for such weapons systems with the military services, including the reserve components.

SEC. 1088. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

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

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts in the United States in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) EXTENSION OF SUNSET.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking ''September 30, 2009'' and inserting ''September 30, 2010''; and

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

''(f) FOLLOW-ON REPORT.—Following submittal of the report required in subsection (e), the Commission may conduct public outreach and discussion of the matters contained in the report.''.

SEC. 1089. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) FINDING.—Congress understands that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, will be comprised of twelve members equally divided on a bipartisan basis.

(b) SENSE OF CONGRESS ON INDEPENDENT PANEL.—It is the sense of Congress that the independent panel appointed by the Secretary of Defense pursuant to section 118(f) of title 10, United States Code, should be comprised of members equally divided on a bipartisan basis.

(c) ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this section referred to as the ''2009 QDR''), the independent panel established under subsection (f) of such section (in this section referred to as the ''Panel'') shall include eight additional members to 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.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(d) ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) make any recommendations it considers appropriate for consideration.

(e) REPORT OF SECRETARY OF DEFENSE.—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(f) TERMINATION.—The provisions of this section shall terminate on the day that is 45 days after the date on which the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

SEC. 1090. CONTRACTING IMPROVEMENTS.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

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

(c) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(d) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protege programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

SEC. 1091. NATIONAL D–DAY MEMORIAL STUDY.

(a) DEFINITIONS.—In this section:

(1) AREA.—The term ''Area'' means in the National D–Day Memorial in Bedford, Virginia.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the Area to evaluate the national significance of the Area and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) CRITERIA.—In conducting the study required by paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(3) CONTENTS.—The study required by paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) REPORT.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct of the study required by this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

SEC. 1101. REPEAL OF NATIONAL SECURITY PERSONNEL SYSTEM; DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES.

(a) REPEAL OF AUTHORITY TO ESTABLISH NATIONAL SECURITY PERSONNEL SYSTEM.—Section 9902 of title 5, United States Code, is amended—

(1) by striking subsections (a), (b), (c), (d), (e), (i), and (j); and

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f) respectively.

(b) PERIOD FOR TERMINATION OF NATIONAL SECURITY PERSONNEL SYSTEM.—

(1) APPLICABILITY OF PRIOR LAW TO UNITS IN NSPS.—Notwithstanding the amendments made by this section, the provisions of section 9902 of title 5, United States Code, as in effect on the day before the date of the enactment of this Act, shall apply to organizational and functional units included in the National Security Personnel System as of January 20, 2009, for a period of one year after the date of the enactment of this Act.

(2) TRANSITION OF UNITS FROM NSPS.—The Secretary of Defense shall ensure the orderly transition of all organizational and functional units covered by paragraph (1) from the National Security Personnel System by not later than one year after the date of the enactment of this Act. The Secretary shall ensure that no employee is subject to a reduction in pay as a result of such transition.

(3) REMOVAL OF LIMITATION ON PAY ADJUSTMENT.—Notwithstanding section 9902(e)(7) of title 5, United States Code (as in effect on the day before the date of the enactment of this Act), at the time of any annual adjustment to pay schedules pursuant to section 5303 of such title during the transitional period provided in paragraph (1), the rate of basic pay for each employee described in section 9902(e)(7), as so in effect, shall be adjusted by 100 percent of the amount of such adjustment.

(4) CURRENT RULES INVALID.—Any rule or implementing issuance adopted before the date of the enactment of this Act to implement any provision of section 9902 of title 5, United States Code (other than subsections (d), (e), and (f) of such section (as redesignated by subsection (a)(2))), shall cease to be effective on the date that is one year after the date of the enactment of this Act.

(c) AUTHORITY RELATING TO PERSONNEL MANAGEMENT AND WORKFORCE INCENTIVES.—Section 9902 of such title is further amended by inserting before subsection (d), as redesignated by subsection (a)(2) of this section, the following new subsections:

''(a) PERSONNEL MANAGEMENT.—(1) The Secretary may waive the requirements of chapter 33, and the regulations implementing such chapter, to the extent the Secretary considers appropriate to establish and implement regulations providing for the following:

''(A) Fair, credible, and transparent methods of establishing qualification requirements for, recruitment for, and appointments to employment positions.

''(B) Fair, credible, and transparent methods of assigning, reassigning, detailing, transferring, or promoting employees.

''(2) In implementing this subsection, the Secretary shall comply with the provisions of section 2302(b)(11), regarding veterans' preference requirements, in a manner comparable to that in which such provisions are applied under chapter 33.

''(3) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements subsection (c) and chapter 71.

''(b) PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.—(1) The Secretary may waive the requirements of chapters 43 (other than sections 4302 and 4303(e)) and 45, and the regulations implementing such chapters, to the extent the Secretary considers appropriate to establish and implement regulations providing for the following:

''(A) A fair, credible, and transparent performance appraisal system for employees.

''(B) A fair, credible, and transparent system for linking employee bonuses and other performance-based actions to performance appraisals of employees.

''(C) A process for ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the appraisal period and setting timetables for review.

''(2)(A) The Secretary may establish a fund to be known as the 'Department of Defense Civilian Workforce Incentive Fund' (in this paragraph referred to as the 'Fund').

''(B) The Fund shall consist of the following:

''(i) Amounts appropriated to the Fund.

''(ii) Amounts available for compensation of employees that are transferred to the Fund.

''(C) Amounts in the Fund shall be available as follows:

''(i) For incentive payments to employees based on individual or team performance.

''(ii) For incentive payments to employees for purposes of the employment and retention as employees of qualified individuals with particular competencies or qualifications.

''(3) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements of subsection (c) and chapter 71.

''(c) CRITERIA FOR USE OF NEW PERSONNEL AUTHORITIES.—In establishing any new personnel management system under subsection (a) or new performance management and workforce incentive system under subsection (b), the Secretary shall—

''(1) adhere to merit principles set forth in section 2301;

''(2) include a means for ensuring employee involvement in the design and implementation of such system;

''(3) provide for adequate training and retraining for supervisors, managers, and employees in the implementation and operation of such system;

''(4) include effective transparency and accountability measures and safeguards to ensure that the management of such system is fair, credible, and equitable, including appropriate independent reasonableness reviews, internal assessments, and employee surveys; and

''(5) ensure that adequate agency resources are allocated for the design, implementation, and administration of such system.''.

(d) CONFORMING CLERICAL AMENDMENTS.—

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

''§ 9902. Department of Defense personnel authorities''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 99 of such title is amended by striking the item relating to section 9902 and inserting the following new item:

''9902. Department of Defense personnel authorities.''.

(e) MODIFICATION OF IMPLEMENTATION AUTHORITIES AND LIMITATIONS.—Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 349) is amended—

(1) by striking subsection (b);

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

(3) in subsection (b), as redesignated by paragraph (2)—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) The Comptroller General shall conduct annual reviews in calendar years 2010, 2011, and 2012 of—

''(A) employee satisfaction with any processes established pursuant to regulations promulgated by the Secretary of Defense pursuant to section 9902 of title 5, United States Code; and

''(B) the extent to which any processes so established are fair, credible, and transparent, as required by such section 9902.''; and

(B) in paragraph (2), by striking ''the National Security Personnel System'' and inserting ''any processes established pursuant to such regulations''.

(f) ADDITIONAL CONFORMING AMENDMENT.—Section 1108(b) 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 by striking ''identified in section 9902(c)(2) of title 5, United States Code.'' and inserting ''as follows:

''(1) The Aviation and Missile Research Development and Engineering Center.

''(2) The Army Research Laboratory.

''(3) The Medical Research and Materiel Command.

''(4) The Engineer Research and Development Command.

''(5) The Communications–Electronics Command.

''(6) The Soldier and Biological Chemical Command.

''(7) The Naval Sea Systems Command Centers.

''(8) The Naval Research Laboratory.

''(9) The Office of Naval Research.

''(10) The Air Force Research Laboratory.''.

(g) WAIVER.—Subsection (a) through (f) of this section and the amendments made by such subsections shall not take effect if, not later than 60 days after the date of the enactment of this Act, the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report that includes—

(1) a certification that—

(A) the termination of the National Security Personnel System would not be in the best interest of the Department of Defense;

(B) the Secretary intends to implement changes during fiscal year 2010 to improve the fairness, credibility, and transparency of the National Security Personnel System; and

(C) the Secretary has determined that the changes to be made pursuant to subparagraph (B) will result in improved employee acceptance of the National Security Personnel System; and

(2) a description of the changes that the Secretary intends to implement and the schedule for implementing such changes.

(h) EXPANSION PROHIBITED.—If the Secretary of Defense submits a report and certification under subsection (g) and the National Security Personnel System is not terminated, the National Security Personnel System may not be extended to organizational and functional units of the Department of Defense not included in such system as of June 1, 2009, unless specifically authorized by statute enacted after the date of the enactment of this Act.

SEC. 1102. EXTENSION AND MODIFICATION OF EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) THREE-YEAR EXTENSION.—Subsection (e)(1) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2014''.

(b) LIMITATIONS ON ADDITIONAL PAYMENTS.—Such section is further amended—

(1) in subsection (b)(3), by striking ''under subsection (d)(1)'' and inserting ''under subsection (d)''; and

(2) by striking subsection (d) and inserting the following new subsection (d):

''(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) Subject to paragraph (3), the total amount of additional payments paid to an employee under subsection (b)(3) for any 12-month period may not exceed the lesser of the amounts as follows:

''(A) $50,000 in fiscal year 2010, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost

Index for the base quarter of the second year before the preceding calendar year.

''(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

''(2) In paragraph (1), the term 'base quarter' has the meaning given that term in section 5302(3) of title 5, United States Code.

''(3) Notwithstanding any other provision of this section or section 5307 of title 5, United States Code, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.

''(4) An employee appointed under the program is not eligible for any bonus, monetary award, or other monetary incentive for service under the appointment other than payments authorized by this section.''.

(c) REPORTING REQUIREMENTS.—Paragraph (1) of subsection (g) of such section is amended to read as follows:

''(1)(A) Not later than December 31 each year in which the authority under this section is in effect, the Secretary of Defense shall submit to the committees of Congress specified in subparagraph (B) a report on the program. Each report shall cover the 12-month period preceding the date of the submittal of such report.

''(B) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

''(ii) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives''.

SEC. 1103. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615) is amended by striking ''calendar year 2009'' and inserting ''calendar years 2009 and 2010''.

(b) CLARIFICATION OF EXEMPTION FROM AGGREGATE LIMITATIONS ON PAY.—Subsection (b) of such section is amended by striking ''Section 5307 of title 5, United States Code'' and inserting ''Aggregate limitations on pay, whether established by law or regulation''.

SEC. 1104. AVAILABILITY OF FUNDS FOR COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds authorized to be appropriated for the Department of Defense that are available for the purchase of contract services to meet a requirement that is anticipated to continue for five years or more shall be available to provide compensation for civilian employees of the Department to meet the same requirement.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the authority in subsection (a). Such regulations—

(1) shall ensure that the authority in subsection (a) is utilized to build government capabilities that are needed to perform inherently governmental functions, functions closely associated with inherently governmental functions, and other critical functions;

(2) shall include a mechanism to ensure that follow-on funding to provide compensation for civilian employees of the Department to perform functions described in paragraph (1) is provided from appropriate accounts; and

(3) may establish additional criteria and levels of approval within the Department for the utilization of funds to provide compensation for civilian employees of the Department pursuant to subsection (a).

(c) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year for which the authority in subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the use of such authority. Each report shall cover the preceding fiscal year and shall identify, at a minimum, the following:

(1) The amount of funds used under the authority in subsection (a) to provide compensation for civilian employees.

(2) The source or sources of the funds so used.

(3) The number of civilian employees employed through the use of such funds.

(4) The actions taken by the Secretary to ensure that follow-on funding for such civilian employees is provided through appropriate accounts.

(d) TEMPORARY AUTHORITY.—The authority in subsection (a) shall apply to funds authorized to be appropriated for the Department of Defense fiscal years 2010 through 2019.

SEC. 1105. DEPARTMENT OF DEFENSE CIVILIAN LEADERSHIP PROGRAM.

(a) LEADERSHIP PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a program of leadership recruitment and development for civilian employees of the Department of Defense, to be known as the ''Department of Defense Civilian Leadership Program'' (in this section referred to as the ''program'').

(2) OBJECTIVES.—The objectives of the program shall be as follows:

(A) To develop a new generation of civilian leaders for the Department of Defense.

(B) To recruit individuals with the academic merit, work experience, and demonstrated leadership skills to meet the future needs of the Department.

(C) To offer rapid advancement, competitive compensation, and leadership opportunities to highly-qualified civilian employees of the Department.

(3) AVAILABLE AUTHORITIES.—In carrying out the program, the Secretary may exercise any authority available to the Office of Personnel Management under section 4703 of title 5, United States Code, except that the Secretary shall not be bound by the limitations in subsection (d) of such section. Nothing in this section shall be construed to authorize the waiver of any part of chapter 71 of title 5, United States Code, or any regulation implementing such chapter, in the carrying out of the program.

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—The following individuals shall be eligible to participate in the program:

(A) Current employees of the Department of Defense.

(B) Appropriate individuals in the private sector.

(2) LIMITATION ON NUMBER OF ENTRANTS INTO PROGRAM.—The total number of individuals who may enter into the program in any fiscal year may not exceed 5,000.

(c) ELEMENTS OF PROGRAM.—

(1) COMPETITIVE ENTRY.—The selection of individuals for entry into the program shall be made on the basis of a competition conducted at least twice each year. In each competition, participants in the program shall be selected from among applicants determined by the Secretary to be the most highly qualified in terms of academic merit, work experience, and demonstrated leadership skills. Each competition shall provide for entry-level participants and midcareer participants in the program.

(2) ALLOCATION OF POSITIONS.—The Secretary shall allocate positions in the program among the components of the Department of Defense that—

(A) offer the most challenging assignments;

(B) provide the greatest level of responsibility; and

(C) demonstrate the greatest need for participants in the program.

(3) ASSIGNMENTS TO POSITIONS.—Participants in the program shall be assigned to components of the Department that best match their skills and qualifications. Participants in the program may be rotated among components of the Department of Defense at the discretion of the Secretary.

(4) INITIAL COMPENSATION.—The initial compensation of participants in the program shall be determined by the Secretary based on the qualifications of such participants and applicable market conditions.

(5) EDUCATION AND TRAINING.—The Secretary shall provide participants in the program with training, mentoring, and educational opportunities that are appropriate to facilitate the development of such participants into effective civilian leaders for the Department of Defense.

(6) OBJECTIVE, MERIT-BASED PRINCIPLES FOR PERSONNEL DECISIONS.—The Secretary shall make personnel decisions under the program in accordance with such objective, merit-based criteria as the Secretary shall prescribe in regulations for purposes of the program. Such criteria shall include, but not be limited to, criteria applicable to the following:

(A) The selection of individuals for entry into the program.

(B) The assignment of participants in the program to positions in the Department of Defense.

(C) The initial compensation of participants in the program.

(D) The access of participants in the program to training, mentoring, and educational opportunities under the program.

(E) The consideration of participants in the program for selection into the senior management, functional, and technical workforce of the Department.

(7) CONSIDERATION FOR SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Any participant in the program who, as determined by the Secretary, demonstrates outstanding performance shall be afforded priority in consideration for selection into the appropriate element of the senior management, functional, and technical workforce of the Department of Defense (as set forth in section 1102(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2407)).

SEC. 1106. REVIEW OF DEFENSE LABORATORIES FOR PARTICIPATION IN DEFENSE LABORATORY PERSONNEL DEMONSTRATION PROJECTS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall undertake a review of defense laboratories not currently included in personnel demonstration projects authorized by section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–315), to determine whether or not any laboratory so reviewed would benefit from the extension to such laboratory of the personnel management flexibilities available under such section 342(b), as so amended.

(b) COVERED LABORATORIES.—The laboratories covered by the review required by subsection (a) shall include, but not be limited to, the following:

(1) Laboratories within the Army Research, Development, and Engineering Command.

(2) Army Tank and Automotive Research, Development, and Engineering Center.

(3) Army Armament Research, Development, and Engineering Center.

(4) Naval Air Warfare Center, Weapons Division.

(5) Naval Air Warfare Center, Aircraft Division.

(6) Space and Naval Warfare Systems Center, Pacific.

(7) Space and Naval Warfare Systems Center, Atlantic.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the results of the review required by subsection (a).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

Subtitle B—Part-Time Reemployment of Annuitants

SEC. 1161. SHORT TITLE.

This subtitle may be cited as the ''Part-Time Reemployment of Annuitants Act of 2009''.

SEC. 1162. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

''(l)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking ''(k)'' and inserting ''(l)''; and

(B) in paragraph (2), by striking ''or (k)'' and inserting ''(k), or (l)''.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i)(1) For purposes of this subsection—

''(A) the term 'head of an agency' means—

''(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

''(ii) the head of the United States Postal Service;

''(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

''(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

''(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

''(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

''(A) fulfill functions critical to the mission of the agency, or any component of that agency;

''(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

''(C) assist in the development, management, or oversight of agency procurement actions;

''(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

''(E) promote appropriate training or mentoring programs of employees;

''(F) assist in the recruitment or retention of employees; or

''(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

''(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

''(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

''(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

''(C) for more than a total of 3120 hours of service performed by that annuitant.

''(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

''(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

''(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

''(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

''(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

''(B) Any regulations promulgated under subparagraph (A) may—

''(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

''(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

''(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

''(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

''(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

''(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

''(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

''(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.''; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking ''(h)'' and inserting ''(i)''; and

(B) in paragraph (2), by striking ''or (h)'' and inserting ''(h), or (i)''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking ''(l)(2)'' and inserting ''(m)(2)''; and

(2) by striking ''(i)(2)'' and inserting ''(j)(2)''.

SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1162.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1162 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN UNIT COST THRESHOLD FOR PURCHASES USING CERTAIN FUNDS UNDER THE COMBATANT COMMANDER INITIATIVE FUND.

(a) INCREASE.—

(1) IN GENERAL.—Subsection (e)(1)(A) of section 166a of title 10, United States Code, is amended by striking ''$15,000'' and inserting ''the investment unit threshold in effect under section 2245a of this title''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2009, and shall apply with respect to funds available under the Combatant Commander Initiative Fund for fiscal years that being on or after that date.

(b) CLARIFYING AMENDMENTS.—

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

''§ 166a. Combatant commands: funding through the Chairman of the Joint Chiefs of Staff from Combatant Commander Initiative Fund''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 6 of such title is amended by striking the item relating to section 166a and inserting the following new item:

''166a. Combatant commands: funding through the Chairman of the Joint Chiefs of Staff from Combatant Commander Initiative Fund.''.

SEC. 1202. AUTHORITY TO PROVIDE ADMINISTRATIVE SERVICES AND SUPPORT TO COALITION LIAISON OFFICERS OF CERTAIN FOREIGN NATIONS ASSIGNED TO UNITED STATES JOINT FORCES COMMAND.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking ''assigned temporarily'' and inserting ''assigned temporarily as follows:'';

(2) by designating the remainder of the text of that subsection as paragraph (1) and indenting that text two ems from the left margin;

(3) in paragraph (1), as so designated, by striking ''to the headquarters'' and inserting ''To the headquarters''; and

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

''(2) To the headquarters of the combatant command assigned by the Secretary of Defense the mission of joint warfighting experimentation and joint forces training.''.

(b) EFFECTIVE DATE.—Paragraph (2) of section 1051a(a) of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1203. MODIFICATION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY FOR MILITARY AND STABILITY OPERATIONS.—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1206 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by adding at the end the following new paragraph:

''(5) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—Of the funds used to carry out a program under subsection (a), not more than $75,000,000 may be used during fiscal year 2010, and not more than $75,000,000 may be used during fiscal year 2011, for purposes described in subsection (a)(1)(B).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to programs under section 1206(a) of the National Defense Authorization Act for Fiscal Year 2006 that begin on or after that date.

SEC. 1204. MODIFICATION OF NOTIFICATION AND REPORTING REQUIREMENTS FOR USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) NOTIFICATION.—Section 1208(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended to read as follows:

''(c) NOTIFICATION.—

''(1) SUPPORT FOR FOREIGN FORCES.—The Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event not later than 48 hours, after—

''(A) using the authority provided in subsection (a) to make funds available for foreign forces in support of an approved military operation; or

''(B) changing the scope or funding level of any such support.

''(2) SUPPORT FOR IRREGULAR FORCES, GROUPS, OR INDIVIDUALS.—The Secretary of Defense may not exercise the authority provided in subsection (a) to make funds available for irregular forces or a group (other than foreign forces) or individual in support of an approved military operation, or change the scope or funding level of such support, until 72 hours after notifying the congressional defense committees of the use of such authority with respect to that operation or such change in scope or funding level.

''(3) CONTENT.—Notifications required under this subsection shall include the following information:

''(A) The type of support provided or to be provided to United States special operations forces.

''(B) The type of support provided or to be provided to the recipient of the funds.

''(C) The intended duration of the support.

''(D) The amount obligated under the authority to provide support.''.

(b) ANNUAL REPORT.—Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended in the second sentence by striking ''shall describe the support'' and all that follows through the period at the end and inserting ''shall include the following information:

''(1) A description of supported operations.

''(2) A summary of operations.

''(3) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

''(4) The total amount obligated in the previous fiscal year, including budget details.

''(5) The total amount obligated in prior fiscal years.

''(6) The intended duration of support.

''(7) A description of support or training provided to the recipients of support.

''(8) A value assessment of the operational support provided.''.

SEC. 1205. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXPANSION OF AUTHORITY.—Section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by striking subsection (a) and inserting the following new subsections:

''(a) REIMBURSEMENT.—

''(1) IN GENERAL.—Using applicable funds referred to in paragraph (2), the Secretary of Defense may reimburse any key cooperating nation for the following:

''(A) During fiscal year 2008, logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

''(B) During fiscal year 2010, logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in subparagraph (A).

''(2) COVERED FUNDS.—The funds referred to in this subsection are the following:

''(A) For purposes of paragraph (1)(A), amounts authorized to be appropriated for fiscal year 2008 by section 1508 for operation and maintenance.

''(B) For purposes of paragraph (1)(B), amounts authorized to be appropriated for fiscal year 2010 by section 1507(5) for operation and maintenance, Defense-wide activities.

''(b) OTHER SUPPORT.—Using funds described in subsection (a)(2)(B), the Secretary of Defense may also assist any key cooperating nation supporting United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan through the following:

''(1) The provision of specializing training to personnel of that nation in connection with such operations, including training of such personnel before deployment in connection with such operations.

''(2) The procurement and provision of supplies to that nation in connection with such operations.

''(3) The procurement of specialized equipment and the loaning of such specialized equipment to that nation on a non-reimbursable basis in connection with such operations.''.

(b) AMOUNTS OF SUPPORT.—Paragraph (2) of subsection (c) of such section, as redesignated by subsection (a)(1) of this section, is amended to read as follows:

''(2) SUPPORT.—Support authorized by subsection (b) may be provided in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, considers appropriate.''.

(c) LIMITATIONS ON AMOUNTS DURING FISCAL YEAR 2010.—Paragraph (1) of subsection (d) of such section, as so redesignated, is amended to read as follows:

''(1) LIMITATIONS ON AMOUNTS.—(A) The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2008 may not exceed $1,200,000,000.

''(B) The aggregate amount of reimbursements made under subsection (a) and support provided under subsection (b) during fiscal year 2010 may not exceed $1,600,000,000.''.

(d) NOTICE TO CONGRESS.—Subsection (e) of such section, as so redesignated, is amended by striking ''shall—'' and all that follows and inserting ''shall notify the congressional defense committees not later than 15 days before making any reimbursement under the authority in subsection (a) or providing any support under the authority in subsection (b).''.

(e) REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(f) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a), and any support provided under the authority in subsection (b), during such quarter.''.

(f) EXTENSION OF NOTICE ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634), is further amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

SEC. 1206. ONE-YEAR EXTENSION AND EXPANSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

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

(1) the Commanders' Emergency Response Program provides United States military commanders in theater a valuable tool for accomplishing the counterinsurgency mission in Iraq and Afghanistan by enabling military commanders to fund urgent humanitarian relief and reconstruction requirements by carrying out programs that will immediately assist the people of those countries; and

(2) United States military commanders utilizing Commanders' Emergency Response Program funds in Afghanistan, and Provincial Reconstruction Teams in Afghanistan using such funds or other United States humanitarian or reconstruction assistance, should whenever possible coordinate the funding of projects with local councils, particularly Community Development Councils established under the Afghanistan National Solidarity Program, and take actions that promote the importance and effectiveness of local and national government entities.

(b) ONE-YEAR EXTENSION OF AUTHORITY.—

(1) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) and section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4630), is further amended—

(A) in the subsection heading, by striking ''FISCAL YEARS 2008 AND 2009'' and inserting ''FISCAL YEAR 2010'';

(B) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2010'';

(C) by striking ''for such fiscal year''; and

(D) by striking ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009'' and inserting ''$1,400,000,000''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2009.

(c) EXTENSION OF DUE DATE FOR QUARTERLY REPORTS.—Subsection (b)(1) of such section is amended—

(1) by striking ''15 days'' and inserting ''30 days''; and

(2) by striking ''fiscal years 2008 and 2009'' and inserting ''any fiscal year during which the authority under subsection (a) is in effect''.

(d) AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.—Such section is further amended—

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

(2) by inserting after subsection (f) the following new subsection (g):

''(g) AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.—

''(1) AUTHORITY.—If the Secretary of Defense determines that the use of Commanders' Emergency Response Program funds to support the Afghanistan National Solidarity Program would enhance counterinsurgency operations or stability operations in Afghanistan, the Secretary of Defense may transfer funds, from amounts available for the Commanders' Emergency Response Program for fiscal year 2010, to the Secretary of State for purposes of supporting the Afghanistan National Solidarity Program.

''(2) LIMITATION.—The amount of funds transferrable under paragraph (1) may not exceed $100,000,000.

''(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before transferring funds under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's determination pursuant to paragraph (1) and a description of the amount of funds to be transferred under that paragraph.''.

(e) TECHNICAL AMENDMENTS.—Subsections (e)(1) and (f)(1) of such section are amended by striking ''the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009'' and inserting ''October 14, 2008,''.

SEC. 1207. ONE-YEAR EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1207 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 1208. AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

(a) AUTHORITY TO ENTER INTO NON-RECIPROCAL INTERNATIONAL EXCHANGE AGREEMENTS.—

(1) IN GENERAL.—The Secretary of Defense may enter into non-reciprocal international defense personnel exchange agreements.

(2) INTERNATIONAL DEFENSE PERSONNEL EXCHANGE AGREEMENTS DEFINED.—For purposes of this section, an international defense personnel exchange agreement is an agreement with the government of an ally of the United States or another friendly foreign country for the exchange of military and civilian personnel of the defense ministry of that foreign government.

(b) ASSIGNMENT OF PERSONNEL.—

(1) IN GENERAL.—Pursuant to a non-reciprocal international defense personnel exchange agreement, personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense.

(2) MUTUAL AGREEMENT REQUIRED.—An individual may not be assigned to a position pursuant to a non-reciprocal international defense personnel exchange agreement unless the assignment is acceptable to both governments.

(c) PAYMENT OF PERSONNEL COSTS.—

(1) IN GENERAL.—The foreign government with which the United States has entered into a non-reciprocal international defense personnel exchange agreement shall pay the salary, per diem, cost of living, travel costs, cost of language or other training, and other costs for its personnel in accordance with the applicable laws and regulations of such government.

(2) EXCLUDED COSTS.—Paragraph (1) does not apply to the following costs:

(A) The cost of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the assignments of the exchanged personnel.

(B) Costs incident to the use of facilities of the United States Government in the performance of assigned duties.

(d) PROHIBITED CONDITIONS.—No personnel exchanged pursuant to a non-reciprocal agreement under this section may take or be required to take an oath of allegiance or to hold an official capacity in the government.

(e) DURATION OF AUTHORITY.—The authority under this section shall expire on December 31, 2011.

SEC. 1209. DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

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

(1) As United States forces continue their redeployment from Iraq, the quality of the Iraqi Security Forces and the nature of their training and equipment will play an increasingly important role.

(2) Despite the decrease in violence in Iraq, Iraq continues to face formidable threats to its national security.

(3) There are many benefits to the United States and Iraq resulting from the strategic relationship that exists between the two nations.

(4) Enhancing the capabilities of the Iraqi Security Forces and strengthening the defense cooperation between the United States and Iraq will help ensure that Iraq has the military strength and political support necessary to enhance its internal and regional security.

(b) AVAILABILITY OF PROFESSIONAL MILITARY EDUCATION FOR IRAQ SECURITY FORCES.—The Secretary of Defense shall endeavor to increase the number of positions in professional military education courses, including courses at command and general staff colleges, war colleges, and the service academies, that are made available annually to personnel of the security forces of the Government of Iraq.

SEC. 1210. REPORT ON ALTERNATIVES TO USE OF ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(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 setting forth and assessing various alternatives to the use of acquisition and cross-servicing agreements pursuant to the temporary authority in section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), for purposes of lending covered military equipment to military forces of nations as follows:

(1) A nation participating in combined operations with the United States in Iraq and Afghanistan.

(2) A nation participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement.

(b) COVERED MILITARY EQUIPMENT DEFINED.—In this section, the term ''covered military equipment'' has the meaning given that term in section 1202(d)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007.

SEC. 1211. ENSURING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

The President may treat an undertaking by the Government of Iraq that is made between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for purposes of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

SEC. 1212. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM.

(a) AVAILABILITY OF APPROPRIATED FUNDS.—The Secretary of Defense may, under regulations prescribed by the Secretary, use funds appropriated to the Department of Defense for fiscal year 2010 to pay the costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting activities under the State Partnership Program—

(1) to support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted; or

(2) to build international civil-military partnerships and capacity on matters relating to defense and security.

(b) LIMITATIONS.—

(1) APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) PARTICIPATION BY MEMBERS.—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

SEC. 1213. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—The President is authorized to transfer defense articles from the stocks of the Department of Defense, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed $500,000,000.

(2) SOURCE OF TRANSFERRED DEFENSE ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) immediately before the transfer were in use to support operations in Iraq;

(B) were present in Iraq as of the date of enactment of this Act; and

(C) are no longer required by United States forces in Iraq.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT.—

(1) IN GENERAL.—The President may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq.

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

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq owned by the Department of Defense, including equipment and property owned by the Department of Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the process by which potential requirements for defense articles to be transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(F) A description of the plan, if any, for reimbursing military departments from which nonexcess defense articles are transferred under the authority provided in subsection (a).

(G) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(H) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(I) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) NOTIFICATION.—

(1) IN GENERAL.—The President may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the President has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) CONTENTS.—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) an identification of the military department from which the defense articles being transferred are drawn;

(D) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided;

(E) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

(F) a certification by the President that—

(i) the Secretary of Defense has determined that—

(I) the defense articles to be transferred are no longer required by United States forces in Iraq;

(II) the proposed transfer of such defense articles will not adversely impact the military preparedness of the United States;

(III) immediately before the transfer, the defense articles to be transferred were being used to support operations in Iraq;

(IV) the defense articles to be transferred were present in Iraq as of the date of enactment of this Act; and

(V) the defense articles to be transferred are required by the military and security forces of Iraq or the military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) QUARTERLY REPORT.—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) DEFENSE ARTICLES.—The term ''defense articles'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term ''defense services'' has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term ''military and security forces'' means national armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(h) EXPIRATION.—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by Section 516 of the Foreign Assistance Act of 1961.

(2) AGGREGATE VALUE.—The value of excess defense articles transferred to Iraq during fiscal year 2010 pursuant to Section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act.

SEC. 1214. CERTIFICATION REQUIREMENT FOR COALITION SUPPORT FUND REIMBURSEMENTS.

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking ''the Secretary of Defense shall submit'' and inserting ''the Secretary of Defense, after consultation with the Secretary of State, shall submit''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking ''shall include an itemized description'' and inserting the following: ''shall include the following:

''(A) An itemized description''; and

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

''(B) A certification that the reimbursement—

''(i) is consistent with the national security interests of the United States; and

''(ii) will not adversely impact the balance of power in the region.''.

Subtitle B—Reports

SEC. 1221. REPORT ON UNITED STATES ENGAGEMENT WITH IRAN.

(a) IN GENERAL.—Not later than January 31, 2010, the President shall submit to Congress a report on United States engagement with Iran.

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

(1) DIPLOMATIC ENGAGEMENT.—With respect to diplomatic engagement, the following:

(A) A description of areas of mutual interest to the Government of the United States and the Government of the Islamic Republic of Iraq in which cooperation and discussion could be of mutual interest.

(B) A discussion and assessment of the commitment of the Government of the Islamic Republic of Iran to engage in good-faith discussions with the United States to resolve matters of concern through negotiation.

(2) SUPPORT FOR TERRORISM AND EXTREMISM.—With respect to support for terrorism and extremism, an assessment of the extent to which the Government of the Islamic Republic of Iran has supported or provided weapons, training, funding, or any other type of support or assistance for any designated Foreign Terrorist Organization as well as regional militant groups, and specific assessments of the support provided by the Government of the Islamic Republic of Iran, or agencies under that government, for insurgents or other militant groups in Iraq and Afghanistan.

(3) NUCLEAR ACTIVITIES.—With respect to nuclear activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has—

(A) complied with United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008), and with any other applicable Resolutions adopted by the United Nations Security Council as of the date of the report;

(B) cooperated with the International Atomic Energy Agency (IAEA), including fulfilling all requests of that Agency for access to information, documentation, locations, and individuals;

(C) ratified and implemented the Additional Protocol to Iran's Safeguards Agreement with the International Atomic Energy Agency, as requested by the Board of Governors of the International Atomic Energy Agency and the United Nations Security Council; and

(D) committed to stop uranium enrichment activities and forego the reprocessing of spent fuel, the production of heavy water, and the weaponization of fissile materials on a permanent basis.

(4) MISSILE ACTIVITIES.—With respect to missile activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has continued development of its ballistic missile program, including participation in any imports or exports of any items, materials, goods, and technologies related to that program and has complied with United Nations Security Council Resolutions 1696, 1737, 1747, 1803, and 1835, as required by the United Nations Security Council.

(5) SUPPORT TO ILLEGAL NARCOTICS NETWORK IN AFGHANISTAN.—With respect to support to the illegal narcotics network in Afghanistan, an assessment of the extent to which the Government of the Islamic Republic of Iran, or agencies under that government, has or have supported or facilitated the illegal narcotics trade in Afghanistan.

(6) SANCTIONS AGAINST IRAN.—With regard to sanctions against Iran—

(A) a list of all current United States bilateral and multilateral sanctions against Iran;

(B) a description and discussion of United States diplomatic efforts to enforce bilateral and multilateral sanctions against Iran and to strengthen international efforts to enforce such sanctions;

(C) an assessment of the impact and effectiveness of existing bilateral and multilateral sanctions against Iran in achieving United States goals;

(D) a list of all United States and foreign registered entities which the Secretary of State has determined to be in violation of existing United States bilateral or multilateral sanctions against Iran;

(E) a detailed description of United States efforts to enforce sanctions against Iran, including—

(i) a list of all investigations initiated in the 18-month period ending on the date of the enactment of this Act that have resulted in a determination that a violation of sanctions against Iran has occurred; and

(ii) a description of the actions taken by the United States Government pursuant to each such determination; and

(F) a description of bilateral and multilateral sanctions against Iran that are under consideration, an assessment whether such additional sanctions against Iran would be effective, and, if so, a description of the actions being undertaken to pursue such additional sanctions.

(c) SUBMITTAL IN CLASSIFIED FORM.—The report required by subsection (a), or any part of such report, may be submitted in classified form if the President considers it appropriate.

SEC. 1222. REPORT ON CUBA AND CUBA'S RELATIONS WITH OTHER COUNTRIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) The cooperative agreements and relationships that Cuba has with Iran, North Korea, and other states suspected of nuclear proliferation.

(2) A detailed account of the economic support provided by Venezuela to Cuba and the intelligence and other support that Cuba provides to the government of Hugo Chavez.

(3) A review of the evidence of relationships between the Cuban government or any of its components with drug cartels or involvement in other drug trafficking activities.

(4) The status and extent of Cuba's clandestine activities in the United States.

(5) The extent and activities of Cuban support for governments in Venezuela, Bolivia, Ecuador, Central America, and the Caribbean.

(6) The status and extent of Cuba's research and development program for biological weapons production.

(7) The status and extent of Cuba's cyberwarfare program.

SEC. 1223. REPORT ON VENEZUELA.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) An inventory of all weapons purchases by, and transfers to, the government of Venezuela and Venezuela's transfers to other countries since 1998, particularly purchases and transfers of missiles, ships, submarines, and any other advanced systems. The report shall include an assessment of whether there is accountability of the purchases and transfers with respect to the end-use and diversion of such materiel to popular militias, other governments, or irregular armed forces.

(2) The mining and shipping of Venezuelan uranium to Iran, North Korea, and other states suspected of nuclear proliferation.

(3) The extent to which Hugo Chavez and other Venezuelan officials and supporters of the Venezuelan government provide political counsel, collaboration, financial ties, refuge, and other forms of support, including military materiel, to the Revolutionary Armed Forces of Colombia (FARC).

(4) The extent to which Hugo Chavez and other Venezuelan officials provide funding, logistical and political support to the Islamist terrorist organization Hezbollah.

(5) Deployment of Venezuelan security or intelligence personnel to Bolivia, including any role such personnel have in suppressing opponents of the government of Bolivia.

(6) Venezuela's clandestine material support for political movements and individuals

throughout the Western Hemisphere with the objective of influencing the internal affairs of nations in the Western Hemisphere.

(7) Efforts by Hugo Chavez and other officials or supporters of the Venezuelan government to convert or launder funds that are the property of Venezuelan government agencies, instrumentalities, parastatals, including Petroleos de Venezuela, SA (PDVSA).

(8) Covert payments by Hugo Chavez or officials or supporters of the Venezuelan government to foreign political candidates, government officials, or officials of international organizations for the purpose of influencing the performance of their official duties.

SEC. 1224. REPORT ON MILITARY POWER OF IRAN.

(a) BIENNIAL REPORT.—Not later than March 31, 2010, and in each even-numbered year thereafter until 2020, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on the Army, Air Force, Navy, and Revolutionary Guard Corps of the Islamic Republic of Iran.

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

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

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

(B) Aspects of the strategies that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the Middle East region.

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

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

(B) A detailed analysis of the conventional forces of the Government of the Islamic Republic of Iran facing United States forces in the region and other countries in the Middle East region.

(C) An estimate of the funding provided for each branch of the conventional forces of the Government of the Islamic Republic of Iran.

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

(A) The size and capability of special operations units, including the Iranian Revolutionary Guard Corps-Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations in particular those forces that have been assessed as willing to carry out terrorist operations on behalf of the Islamic Republic of Iran.

(C) A detailed analysis of the unconventional forces of the Government of the Islamic Republic of Iran and their implications for the United States and other countries in the Middle East region.

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

(c) DEFINITIONS.—In this section:

(1) CONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term ''conventional forces of the Government of the Islamic Republic of Iran''—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps-Quds Force.

(2) MIDDLE EAST REGION.—The term ''Middle East region'' means—

(A) the countries within the area of responsibility of United States Central Command; and

(B) the countries within the area covered by the Bureau of Near Eastern Affairs of the Department of State.

(3) UNCONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term ''unconventional forces of the Government of the Islamic Republic of Iran''—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from the Government of Iran; and

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

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

SEC. 1225. ANNUAL COUNTERTERRORISM STATUS REPORTS.

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

(b) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

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

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

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

(C) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, the United States Special Operations Command, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies;

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

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

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

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

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

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

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

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

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

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

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

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

(i) strategic communications;

(ii) public diplomacy;

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

(iv) other efforts aimed at influencing public opinion;

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

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

(i) the source of such funds; and

(ii) the allocation and use of such funds;

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

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

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

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

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

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

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

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

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

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

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

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

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

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

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

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

SEC. 1226. REPORT ON TAIWAN'S AIR FORCE.

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

(1) According to the Department of Defense's (DoD) 2009 Annual Report on Military Power of the People's Republic of China, the military balance in the Taiwan Strait has been shifting in China's favor since 2000, marked by the sustained deployment of advanced military equipment to the Chinese military regions opposite Taiwan.

(2) Although the DoD's 2002 Report concluded that Taiwan ''has enjoyed dominance of the airspace over the Taiwan Strait for many years,'' the DoD's 2009 Report states this conclusion no longer holds true.

(3) China has based 490 combat aircraft (330 fighters and 160 bombers) within unrefueled operational range of Taiwan, and has the airfield capacity to expand that number by hundreds. In contrast, Taiwan has 390 combat aircraft (all of which are fighters).

(4) Also according to the DoD's 2009 Report, China has continued its build-up of conventional ballistic missiles since 2000, ''building a nascent capacity for conventional short-range ballistic missile (SRBM) strikes against Taiwan into what has become one of China's primary instruments of coercion.'' At this time, China has expanded its SRBM force opposite Taiwan to seven brigades with a total of 1,050 through 1,150 missiles, and is augmenting these forces with conventional medium-range ballistic missiles systems and at least 2 land attack cruise missile variants capable of ground or air launch. Advanced fighters and bombers, combined with enhanced training for nighttime and overwater flights, provide China's People's Liberation Army (PLA) with additional capabilities for regional strike or maritime interdiction operations.

(5) Furthermore, the Report maintains, ''the security situation in the Taiwan Strait is largely a function of dynamic interactions among Mainland China, Taiwan, and the United States. The PLA has developed and deployed military capability to coerce Taiwan or attempt an invasion if necessary. PLA improvements pose new challenges to Taiwan's security, which has historically been based upon the PLA's inability to project power across the 100 nautical-mile Taiwan Strait, natural geographic advantages of island defense, Taiwan's armed forces' technological superiority, and the possibility of U.S. intervention''.

(6) The Taiwan Relations Act of 1979 requires that, in furtherance of the principle of maintaining peace and stability in the Western Pacific region, the United States shall make available to Taiwan such defense articles and defense services in such quantity ''as may be necessary to enable Taiwan to maintain a sufficient self-defense capability,'' allowing that ''the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan . . .''.

(b) REPORT TO CONGRESS ON TAIWAN'S CURRENT AIR FORCE AND FUTURE SELF-DEFENSE REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified form, containing the following:

(1) A thorough and complete assessment of the current state of Taiwan's Air Force, including—

(A) the number and type of aircraft;

(B) the age of aircraft; and

(C) the capability of those aircraft.

(2) An assessment of the effectiveness of the aircraft in the face of a full-scale concerted missile and air campaign by China, in which China uses its most modern surface-to-air missiles currently deployed along its seacoast.

(3) An analysis of the specific weapons systems and platforms that Taiwan would need to provide for it's self-defense and maintain control of its own air space.

(4) Options for the United States to assist Taiwan in achieving those capabilities.

(5) A 5-year plan for fulfilling the obligations of the United States under the Taiwan Relations Act to provide for Taiwan's self-defense and aid Taiwan in maintaining control of its own air space.

SEC. 1227. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

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

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

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY OF INFORMATION.—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.''.

Subtitle C—Other Matters

SEC. 1231. SENSE OF CONGRESS ON ESTABLISHMENT OF MEASURES OF PROGRESS TO EVALUATE UNITED STATES STRATEGIC OBJECTIVES IN AFGHANISTAN AND PAKISTAN.

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

(1) The President announced a new strategy for Afghanistan and Pakistan on March 27, 2009, that calls for a commitment of more resources and a significant increase in the number of United States Armed Forces deployed to the region.

(2) It is the obligation of the United States Government to the members of the Armed Forces, and to all Americans, that their sacrifices be met by a clear method for evaluating the progress toward achieving the objectives in the new strategy of the Administration.

(3) The President stated, with reference to the strategy for Afghanistan and Pakistan, that ''going forward, we will not blindly stay the course. Instead, we will set clear metrics to measure progress and hold ourselves accountable. We'll consistently assess our efforts to train Afghan security forces and our progress in combating insurgents. We will measure the growth of Afghanistan's economy, and its illicit narcotics production. And we will review whether we are using the right tools and tactics to make progress towards accomplishing our goals''.

(4) Since the announcement of the new strategy of the Administration on March 27, 2009, key leaders in the Administration, including in the Department of Defense and Department of State, have testified before Congress that progress measures were needed to evaluate performance toward achieving the strategic objectives of the United States in Afghanistan and Pakistan and that the Administration was undertaking the process of reviewing and developing measures of progress.

(5) Key leaders in the Administration further assured Congress that the Administration would not only share the measures of progress with Congress, but would also invite review and comment by Congress on proposed measures of progress.

(6) The establishment of both clear objectives and a means to impartially measure success toward those objectives will expound to the American people what the United States and its partners intend to accomplish in and for Afghanistan and Pakistan.

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

(1) the Administration should, through the coordination of the Departments of Defense and State, expeditiously submit to Congress a comprehensive list of measures of progress with regard to United States strategic objectives in Afghanistan and Pakistan;

(2) the comprehensive list under paragraph (1) should include newly-established measures of progress as well as such measures of progress previously established pursuant to section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) that continue to be relevant to the current United States strategy for Afghanistan and Pakistan;

(3) the Administration should incorporate the comprehensive list under paragraph (1) with each report submitted under sections 1230 and 1232 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 385, 392) and should review, and if necessary modify, the comprehensive list for each such report; and

(4) upon submittal to Congress of the reports required by sections 1230 and 1232 of the National Defense Authorization Act for Fiscal Year 2008, the Administration should provide an assessment of each measure of progress by—

(A) setting forth the measure of progress being evaluated;

(B) providing data used to evaluate the measure of progress;

(C) providing an evaluation of the performance of the particular measure of progress; and

(D) providing a comprehensive assessment of how the performance of the particular measure of progress hinders or enhances the overall performance toward achieving strategic objectives of the United States in Afghanistan and Pakistan.

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

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

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

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

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

(4) The International Atomic Energy Agency has repeatedly called attention to the illicit nuclear activities of the Islamic Republic of Iran, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of the Islamic Republic of Iran to cease those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'').

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

(6) The Central Bank of Iran, the keystone of Iran's financial system and its principal remaining lifeline to the international banking system, has engaged in deceptive financial practices and

facilitated such practices among banks involved in proliferation activities or support for terrorist groups, including Bank Sepah and Bank Melli, in order to evade sanctions imposed by the United States and the United Nations.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1233. SENSE OF THE SENATE ON ENFORCEMENT AND IMPOSITION OF SANCTIONS WITH RESPECT TO NORTH KOREA; REVIEW TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TERRORISM.

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

(1) On April 5, 2009, the Government of North Korea tested an intermediate range ballistic missile in violation of United Nations Security Council Resolutions 1695 (2006) and 1718 (2006).

(2) On April 5, 2009, President Barack Obama issued a statement on North Korea, stating that ''Preventing the proliferation of weapons of mass destruction and their means of delivery is a high priority for my administration'', and adding, ''North Korea has ignored its international obligations, rejected unequivocal calls for restraint, and further isolated itself from the community of nations''.

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which demanded that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department's 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(E)), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remains in effect.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea's nuclear test, imposing a sweeping embargo on all arms trade with North Korea, and requiring member states not to provide financial support or other financial services that could contribute to North Korea's nuclear-related or missile-related activities or other activities related to weapons of mass destruction.

(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on five North Korean individuals and asset freezes on five more North Korean entities for their involvement in nuclear weapons and ballistic missile development programs, marking the first time the United Nations has imposed a travel ban on North Koreans.

(9) On June 10, 2008, the Government of North Korea issued a statement, subsequently conveyed directly to the United States Government, affirming that North Korea, ''will firmly maintain its consistent stand of opposing all forms of terrorism and any support to it and will fulfill its responsibility and duty in the struggle against terrorism.''.

(10) The June 10, 2008, statement by the Government of North Korea also pledged that North Korea would take ''active part in the international efforts to prevent substance, equipment and technology to be used for the production of nukes and biochemical and radioactive weapons from finding their ways to the terrorists and the organizations that support them''.

(11) On June 26, 2008, President George W. Bush certified that—

(A) the Government of North Korea had not provided any support for international terrorism during the preceding 6-month period; and

(B) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President's June 26 certification concluded, based on all available information, that there was ''no credible evidence at this time of ongoing support by the DPRK for international terrorism'' and that ''there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard''.

(13) The State Department's Country Reports on Terrorism 2008, in a section on North Korea, state, ''The Democratic People's Republic of Korea (DPRK) was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987.''.

(14) The Country Reports on Terrorism 2008 also state, ''A state that directs WMD resources to terrorists, or one from which enabling resources are clandestinely diverted, poses a grave WMD terrorism threat. Although terrorist organizations will continue to seek a WMD capability independent of state programs, the sophisticated WMD knowledge and resources of a state could enable a terrorist capability. State sponsors of terrorism and all nations that fail to live up to their international counterterrorism and nonproliferation obligations deserve greater scrutiny as potential facilitators of WMD terrorism.''.

(15) On October 11, 2008, the Secretary of State, pursuant to the President's certification, removed North Korea from its list of state sponsors of terrorism, on which North Korea had been placed in 1988.

(b) REPORT ON CONDUCT OF NORTH KOREA.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States with respect to North Korea, including completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

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

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) if the United States determines that the Government of North Korea has failed to fulfill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(d) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term ''state sponsor of terrorism'' means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SEC. 1234. REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO START TREATY.

(a) REPORT ON THE PLAN FOR THE UNITED STATES NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is earlier, the President shall submit to the congressional defense and foreign relations committees a report on the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile, modernize the nuclear weapons complex, and maintain the delivery platforms for nuclear weapons.

(2) COORDINATION.—The President shall prepare the report required under paragraph (1) in coordination with the Secretary of Defense, the directors of Sandia National Laboratory, Los Alamos National Laboratory, and Lawrence Livermore National Laboratory, the Administrator for the National Nuclear Security Administration, and the Commander of the United States Strategic Command.

(3) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the United States nuclear weapons stockpile.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

(b) SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO THE START TREATY.—The Senate urges the President to maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States.

SEC. 1235. SENSE OF CONGRESS ON CONTINUED SUPPORT BY THE UNITED STATES FOR A STABLE AND DEMOCRATIC REPUBLIC OF IRAQ.

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

(1) The men and women of the United States Armed Forces who have served or are serving in the Republic of Iraq have done so with the utmost bravery and courage and deserve the respect and gratitude of the people of the United States and the people of Iraq.

(2) The leadership of Generals David Petraeus and Raymond Odierno, as the Commanders of the Multi-National Force Iraq, as well as Ambassador Ryan Crocker, was instrumental in bringing stability and success to Iraq.

(3) The strategy known as the surge was a critical factor contributing to significant security gains and facilitated the economic, political, and social gains that have occurred in Iraq since 2007.

(4) The people of Iraq have begun to develop a stable government and stable society because of the security gains following the surge and the willingness of the people of Iraq to accept the ideals of a free and fair democratic society over the tyranny espoused by Al Qaeda and other terrorist organizations.

(5) The security gains in Iraq must be carefully maintained so that those fragile gains can be solidified and expanded upon, primarily by citizens of Iraq in service to their country, with the support of the United States as appropriate.

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

(1) a stable and democratic Republic of Iraq is in the long-term national security interest of the United States;

(2) the people and the Government of the United States should help the people of Iraq promote the stability of their country and peace in the region; and

(3) the United States should be a long-term strategic partner with the Government and the people of Iraq in support of their efforts to build democracy, good governance, and peace and stability in the region.

SEC. 1236. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter ''harm'') incident to combat activities of the United States Armed Forces during contingency operations.

(b) MATTERS TO BE INCLUDED IN REPORT.—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment of this Act for the United States to provide compensation, monetary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for the United States to provide ex gratia, solatia, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Operation Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedure, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consistency in the amount of assistance in relation to the harm incurred. This discussion will also include whether the implementation of general procedures and guidelines would create a legally enforceable entitlement to ''compensation'' and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counterinsurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor's assessment of the facts.

(F) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(G) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) RECOMMENDATIONS.—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—VOICE Act

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Victims of Iranian Censorship Act''or the ''VOICE Act''.

SEC. 1242. SENSE OF CONGRESS.

It is the sense of Congress that the United States—

(1) respects the sovereignty, proud history, and rich culture of the Iranian people;

(2) respects the universal values of freedom of speech and freedom of the press in Iran and throughout the world;

(3) supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations;

(4) supports the Iranian people seeking access to news and other forms of information;

(5) condemns the detainment, imprisonment, and intimidation of all journalists, in Iran and elsewhere throughout the world;

(6) supports journalists who take great risk to report on political events in Iran, including those surrounding the presidential election;

(7) supports the efforts the Voice of America's (VOA) 24-hour television station Persian News Network, and Radio Free Europe / Radio Liberty's (RFE/RL) Radio Farda 24-hour radio station; British Broadcasting Corporation (BBC) Farsi language programming; Radio Zamaneh; and other independent news outlets to provide information to Iran;

(8) condemns acts of censorship, intimidation, and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Iran and throughout the world;

(9) commends companies which have facilitated the ability of the Iranian people to access and share information, and exercise freedom of speech, freedom of expression, and freedom of assembly through alternative technologies; and

(10) condemns companies which have knowingly impeded the ability of the Iranian people to access and share information and exercise freedom of speech, freedom of expression, and freedom of assembly through electronic media, including through the sale of technology that allows for deep packet inspection or provides the capability to monitor or block Internet access, and gather information about individuals.

SEC. 1243. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran;

(2) to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference;

(3) to discourage businesses from aiding efforts to interfere with the ability of the people of Iran to freely access or share information or otherwise infringe upon freedom of speech, freedom of expression, freedom of assembly, and freedom of the press through the Internet or other electronic media, including through the sale of deep packet inspection or other technology to the Government of Iran that provides the capability to monitor or block Internet access, and gather information about individuals; and

(4) to encourage the development of technologies, including Internet Web sites that facilitate the efforts of the Iranian people—

(A) to gain access to and share accurate information and exercise freedom of speech, freedom of expression, freedom of assembly, and freedom of the press, through the Internet or other electronic media; and

(B) engage in Internet-based education programs and other exchanges between United States citizens and Iranians.

SEC. 1244. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL BROADCASTING OPERATIONS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' International Broadcasting Operations Fund, there is authorized to be appropriated $15,000,000 to expand Farsi language programming and to provide for the dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) BROADCASTING CAPITAL IMPROVEMENTS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' Broadcasting Capital Improvements Fund, there is authorized to be appropriated $15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) USE OF AMOUNTS.—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

SEC. 1245. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Iranian Electronic Education, Exchange, and Media Fund (referred to in this section as the ''Fund''), consisting of amounts appropriated to the Fund pursuant to subsection (f).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of State.

(c) OBJECTIVE.—The objective of the Fund shall be to support the development of technologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) TRANSFERS.—Amounts in the Fund may be transferred to the United States Agency for International Development, the Broadcasting Board of Governors, or any other agency of the Federal Government to the extent that such amounts are used to carry out activities that will further the objective described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to the Fund.

SEC. 1246. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1244, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio Farda and Voice of America;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) CLASSIFIED ANNEX.—The report submitted under subsection (a) may include a classified annex.

SEC. 1247. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

(a) STUDY.—The President shall direct the appropriate officials to examine claims that non-Iranian companies, including corporations with United States subsidiaries, have provided hardware, software, or other forms of assistance to the Government of Iran that has furthered its efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that contains the results of the study conducted under subsection (a). The report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. HUMAN RIGHTS DOCUMENTATION.

There are authorized to be appropriated $5,000,000 to the Secretary of State to document, collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

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 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2010 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $424,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(a)(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $73,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the states of the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $3,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $10,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 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 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. AUTHORITY TO ENTER INTO AGREEMENTS TO RECEIVE CONTRIBUTIONS FOR BIOLOGICAL THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) that the Secretary of Defense considers appropriate under which the person contributes funds for purposes of the Biological Threat Reduction Program of the Department of Defense.

(b) RETENTION AND USE OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Defense may retain and obligate or expend amounts contributed pursuant to subsection (a) for purposes of the Biological Threat Reduction Program. Amounts so contributed shall be retained in a separate fund established in the Treasury for that purpose and shall be available to be obligated or expended without further appropriation.

(c) RETURN OF AMOUNTS NOT OBLIGATED OR EXPENDED WITHIN THREE YEARS.—If the Secretary of Defense does not obligate or expend an amount contributed pursuant to subsection (a) by the date that is three years after the date on which the contribution was made, the Secretary shall return the amount to the person who made the contribution.

(d) NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES.—

(1) IN GENERAL.—Not later than 30 days after receiving an amount contributed pursuant to subsection (a), the Secretary shall submit to the congressional defense committees a notice—

(A) specifying the value of the contribution and the purpose for which the contribution was made; and

(B) identifying the person who made the contribution.

(2) LIMITATION ON USE OF AMOUNTS.—The Secretary may not obligate or expend an amount contributed pursuant to subsection (a) until the date that is 15 days after the date on which the Secretary submits the notice required by paragraph (1).

(e) ANNUAL REPORT.—Not later than October 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on amounts contributed pursuant to subsection (a) during the preceding fiscal year. Each such report shall include, for the fiscal year covered by the report, the following:

(1) A statement of any amounts contributed pursuant to subsection (a), including, for each such amount, the value of the contribution and the identity of the person who made the contribution.

(2) A statement of any amounts so contributed that were obligated or expended by the Secretary, including, for each such amount, the purposes for which the amount was obligated or expended.

(3) A statement of any amounts so contributed that were retained but not obligated or expended, including, for each such amount, the purposes (if known) for which the Secretary intends to obligate or expend the amount.

(f) TERMINATION.—The authority provided under this section shall terminate on December 31, 2015.

SEC. 1304. AUTHORIZATION OF USE OF COOPERATIVE THREAT REDUCTION PROGRAM FUNDS FOR BILATERAL AND MULTILATERAL NONPROLIFERATION AND DISARMAMENT ACTIVITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may obligate or expend not more than 10 percent of the funds authorized to be appropriated or otherwise made available for Cooperative Threat Reduction programs in a fiscal year to provide assistance for or to otherwise carry out bilateral or multilateral activities relating to nonproliferation or disarmament.

(b) NOTIFICATION OF CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary may obligate or expend funds pursuant to subsection (a) if, not less than 15 days before obligating or expending such funds—

(1) the Secretary notifies the congressional defense committees of the intent of the Secretary to obligate or expend such funds; and

(2) the President certifies to the congressional defense committees that obligating or expending such funds is necessary to support the national security objectives of the United States.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $141,388,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,242,758,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $27,913,863,000, of which—

(1) $26,993,919,000 is for Operation and Maintenance;

(2) $597,802,000 is for Research, Development, Test, and Evaluation; and

(3) $322,142,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,560,760,000, of which—

(1) $1,146,802,000 is for Operation and Maintenance;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

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

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,077,784,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $288,444,000, of which—

(1) $286,444,000 is for Operation and Maintenance; and

(2) $2,000,000 is for Procurement.

SEC. 1407. FUNDING TABLE.

The amounts authorized to be appropriated by sections 1401, 1402, 1403, 1404, 1405, and 1406 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4401.

Subtitle B—National Defense Stockpile

SEC. 1411. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4648), is further amended by striking ''during fiscal year 2009'' and inserting ''by the end of fiscal year 2011''.

SEC. 1412. AUTHORIZATION FOR ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL IN AMOUNTS NOT IN EXCESS OF $80,000,000.

With respect to any action taken by the President under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) to correct the industrial resource shortfall for high-purity beryllium metal, the limitation in subsection (a)(6)(C) of such section shall be applied by substituting ''$80,000,000'' for ''$50,000,000''.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement

Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funding for overseas contingency operations of the Department of Defense in that fiscal year.

SEC. 1502. ARMY PROCUREMENT.

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

(1) For aircraft procurement, $1,636,229,000.

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

(3) For weapons and tracked combat vehicles procurement, $759,466,000.

(4) For ammunition procurement, $370,635,000.

(5) For other procurement, $6,329,966,000.

(6) For the Joint Improvised Explosive Device Defeat Fund, $2,099,850,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

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

(1) For aircraft procurement, $916,553,000.

(2) For weapons procurement, $73,700,000.

(3) For other procurement, $318,018,000.

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

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $710,780,000.

SEC. 1504. AIR FORCE PROCUREMENT.

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

(1) For aircraft procurement, $896,441,000.

(2) For missile procurement, $36,625,000.

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

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

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $491,430,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $5,456,000,000.

SEC. 1506. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

(1) For the Army, $57,962,000.

(2) For the Navy, $107,180,000.

(3) For the Air Force, $29,286,000.

(4) For Defense-wide activities, $115,826,000.

SEC. 1507. OPERATION AND MAINTENANCE.

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

(1) For the Army, $52,070,661,000.

(2) For the Navy, $5,650,733,000.

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

(4) For the Air Force, $10,026,868,000.

(5) For Defense-wide activities, $7,578,300,000

(6) For the Army Reserve, $204,326,000.

(7) For the Navy Reserve, $68,059,000.

(8) For the Marine Corps Reserve, $86,667,000.

(9) For the Air Force Reserve, $125,925,000.

(10) For the Army National Guard, $321,646,000.

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

(12) For the Afghanistan Security Forces Fund, $7,462,769,000.

(13) For the Iraq Freedom Fund, $115,300,000.

SEC. 1508. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense for military personnel in the amount of $13,586,341,000.

SEC. 1509. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $396,915,000, for the Defense Working Capital Funds.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,155,235,000 for operation and maintenance.

SEC. 1511. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $324,603,000.

SEC. 1512. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $8,876,000.

SEC. 1513. 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. 1514. FUNDING TABLES.

(a) AMOUNTS FOR PROCUREMENT.—The amounts authorized to be appropriated by sections 1502, 1503, 1504, and 1505 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4102.

(b) AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amounts authorized to be appropriated by section 1506 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4202.

(c) AMOUNTS FOR OPERATION AND MAINTENANCE.—The amounts authorized to be appropriated by section 1507 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4302.

(d) OTHER AMOUNTS.—The amounts authorized to be appropriated by sections 1509, 1510, 1511, and 1512 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4402.

SEC. 1515. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,500,000,000.

(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.

SEC. 1516. 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 1507(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. 1517. AVAILABILITY OF FUNDS IN PAKISTAN COUNTERINSURGENCY FUND.

(a) AVAILABILITY.—

(1) IN GENERAL.—Funds authorized to be appropriated for the Department of State for fiscal year 2010 that are transferred by the Secretary of State to the Secretary of Defense during that fiscal year for the Pakistan Counterinsurgency Fund shall be merged with amounts in the Pakistan Counterinsurgency Fund and available subject to the provisions of this section.

(2) INITIAL ASSESSMENT REQUIRED BEFORE USE OF FUNDS.—Funds available under this section may not be utilized until the Secretary of Defense submits to the appropriate committees of Congress a report setting forth an assessment by the Secretary as to whether the Government of Pakistan is committed to confronting the threat posed by Al Qaeda, the Taliban, and other militant extremists based on a determination by the Government of Pakistan that—

(A) these groups pose a threat to the national interests of Pakistan; and

(B) confronting the threat posed by these groups is critical to the national interests of Pakistan.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds in the Pakistan Counterinsurgency Fund pursuant to a transfer under subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Pakistan to build the counterinsurgency capability of the Pakistan military forces and the Pakistan Frontier Corps.

(2) TYPES OF ASSISTANCE.—Assistance provided under this subsection may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction and funding.

(3) URGENT HUMANITARIAN RELIEF AND RECONSTRUCTION.—In addition to the assistance referred to in paragraph (2), up to $4,000,000 of the funds in the Pakistan Counterinsurgency Fund pursuant to a transfer described in subsection (a) may be used for a program to respond to urgent humanitarian relief and reconstruction requirements that will immediately assist Pakistani people affected by military operations.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFERS AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), funds in the Pakistan Counterinsurgency Fund pursuant to a transfer described in subsection (a) may be transferred by the Secretary of Defense from the Pakistan Counterinsurgency Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes specified in subsection (b):

(A) Operation and maintenance accounts.

(B) Procurement accounts.

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

(D) Defense working capital funds.

(E) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF TRANSFER.—Funds in the Pakistan Counterinsurgency Fund pursuant to a transfer described in subsection (a) may not be transferred under subsection (d)(1) from the Pakistan Counterinsurgency Fund until 15 days after the date on which the Secretary of Defense notifies the appropriate committees of Congress in writing of the details of the proposed transfer.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter of fiscal years 2010 and 2011, the Secretary of Defense shall submit to the appropriate committees of Congress a report summarizing the details of any obligation or transfer of funds from the Pakistan Counterinsurgency Fund under this section during such fiscal-year quarter.

(g) DURATION OF AUTHORITY.—Amounts transferred to the Pakistan Counterinsurgency Fund as described in subsection (a) are available for obligation or transfer from the Pakistan Counterinsurgency Fund in accordance with this section until September 30, 2011.

(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2010''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of this Act.

SEC. 2004. FUNDING TABLES.

(a) IN GENERAL.—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2404, 2411, 2502, and 2606 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

(b) BASE CLOSURE AND REALIGNMENT ACTIVITIES.—The amounts authorized to be appropriated by section 2703 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4502.

(c) PROJECTS FUNDED BY AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—The amounts authorized by section 2801 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4503.

(d) OVERSEAS CONTINGENCY OPERATIONS.—The amounts authorized to be appropriated by sections 2901 and 2902 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4504.

SEC. 2005. TECHNICAL CORRECTIONS REGARDING CERTAIN MILITARY CONSTRUCTION PROJECTS, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations shall be as follows:

Air Force: Inside the United States

State	*Installation*	*Project Title*	*Senate Authorized Amount*
New Mexico	*Holloman Air Force Base*	*Fire-Crash Rescue Station*	*$0*

Special Operations Command

State	*Installation*	*Project Title*	*Senate Authorized Amount*
New Mexico	*Cannon Air Force Base*	*SOF AC 130 Loadout Apron Phase 1*	*$6,000,000*

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	$56,050,000
	Fort Wainwright	$198,000,000
Alabama	Redstone Arsenal	$3,550,000
Arizona	Fort Huachuca	$21,000,000
Arkansas	Pine Bluff Arsenal	$25,000,000
California	Fort Irwin	$9,500,000
Colorado	Fort Carson	$233,400,000
Florida	Eglin Air Force Base	$132,800,000
Georgia	Fort Benning	$295,300,000
	Fort Gillem	$10,800,000
	Fort Stewart/Hunter Army Air Field	$105,967,000
Hawaii	Schofield Barracks	$184,000,000
	Wheeler Army Air Field	$7,500,000
Kansas	Fort Riley	$168,500,000
Kentucky	Fort Knox	$70,000,000
Louisiana	Fort Polk	$49,000,000
Maryland	Aberdeen Proving Ground	$15,500,000
	Fort Detrick	$39,000,000
Missouri	Fort Leonard Wood	$163,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
New York	Fort Drum	$84,500,000
North Carolina	Fort Bragg	$113,650,000
	Sunny Point (Military Ocean Terminal)	$28,900,000
Oklahoma	Fort Sill	$90,500,000
	McAlester Army Ammunition Plant	$12,500,000
South Carolina	Fort Jackson	$103,500,00
	Naval Weapons Station, Charleston	$21,800,000
Texas	Fort Bliss	$219,400,000
	Fort Hood	$32,100,000
	Fort Sam Houston	$19,800,000
Utah	Dugway Proving Ground	$25,000,000
Virginia	Fort A.P. Hill	$23,000,000
	Fort Belvoir	$17,900,000
	Fort Eustis	$8,900,000
Washington	Fort Lewis	$9,700,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$106,600,000
Germany	Ansbach	$31,700,000
	Kleber Kaserne	$20,000,000
Japan	Okinawa	$6,000,000
	Sagamihara	$6,000,000
Korea	Camp Humphreys	$50,200,000
Kuwait	Camp Arifjan	$82,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	38	$18,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,936,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $219,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,262,800,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,619,217,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $302,500,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $178,029,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $241,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41), $102,000,000.

(7) For the construction of increment 3 of a brigade complex operational support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(8) For the construction of increment 3 of a brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $22,500,000.

(9) For the construction of increment 3 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $55,400,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart/Hunter Army Air Field, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $80,000,000.

(12) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $10,000,000.

(13) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $11,000,000.

(14) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $11,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the

cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $25,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

(3) $26,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

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

Army: Extension of 2006 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Pohakuloa Training Area	Tactical Vehicle Wash Facility	$9,207,000
	Pohakuloa Training Area	Battle Area Complex	$33,660,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$28,770,000
California	Mountain Warfare Training Center, Bridgeport	$4,460,000
	Edwards Air Force Base	$3,007,000
	Marine Corps Air Station, Miramar	$9,280,000
	Marine Corps Base, Pendleton	$775,162,000
	Naval Base Point Loma	$8,730,000
	Marine Corps Recruit Depot, San Diego	$23,590,000
	Marine Air Ground Combat Center Twentynine Palms	$513,680,000
Florida	Marine Corps Support Facility, Blount Island	$3,760,000
	Eglin Air Force Base	$50,847,000
	Naval Air Station, Jacksonville	$5,917,000
	Naval Air Station, Whiting Field	$4,120,000
	Naval Station, Mayport	$75,985,000
	Pensacola	$26,161,000
Hawaii	Naval Station Pearl Harbor	$65,542,000
	Marine Corps Base, Hawaii	$5,380,000
Indiana	Naval Support Activity Crane	$13,710,000
Maine	Portsmouth Naval Shipyard	$7,100,000
Nevada	Naval Air Station Fallon	$11,450,000
North Carolina	Marine Corps Air Station, Cherry Point	$22,960,000
	Marine Corps Air Station, New River	$107,090,000
	Marine Corps Base, Camp Lejeune	$673,570,000
Rhode Island	Naval Station, Newport	$56,353,000
South Carolina	Marine Corps Air Station, Beaufort	$1,280,000
	Marine Corps Recruit Depot, Parris Island	$6,972,000
Texas	Naval Air Station, Corpus Christi	$19,764,000
Virginia	Dahlgren	$3,660,000
	Marine Corps Base, Quantico	$105,240,000
	Naval Amphibious Base, Little Creek	$13,095,000
	Naval Station, Norfolk	$18,139,000
	Norfolk Naval Shipyard	$226,969,000
Washington	Bremerton	$69,064,000
	Spokane	$12,707,000
West Virginia	Naval Security Group, Sugar Grove	$9,650,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$41,526,000
Djibouti	Djibouti	$41,845,000
Guam	Naval Activities, Guam	$286,829,000
Spain	Naval Station, Rota	$26,278,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Korea	Pusan	Welcome center/ warehouse.	$4,376.000
Mariana Islands	Naval Activities, Guam	30	$20,730,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,053,880,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,756,105,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $229,445,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $166,896,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.

(6) For the construction of increment 3 of a submarine drive-in magnetic silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

(7) For the construction of increment 6 of the limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $87,292,000.

(8) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), as amended by section 2205 of this Act, $67,419,000.

(9) For the construction of the first increment of a ship repair pier replacement at Norfolk Naval Shipyard, Virginia, authorized by section 2201(a), $126,969,000.

(10) For the construction of the first increment of a wharves improvement, Apra Harbor, Guam, authorized by section 2201(b), $83,517,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $100,000,000 (the balance of the amount authorized under section 2202(a) for Ship Repair Pier Replacement at the Norfolk Naval Shipyard, Virginia).

(3) $83,516,000 (the balance of the amount of $167,033,000 authorized under section 2202(b) for wharves improvements, Apra Harbor, Guam).

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking ''$60,160,000'' and inserting ''$127,163,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new subparagraph:

''(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).''.

(c) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$24,300,000
	Eielson Air Force Base	$13,350,000
	Elmendorf Air Force Base	$15,700,000
Arizona	Davis-Monthan Air Force Base	$41,900,000
Arkansas	Little Rock Air Force Base	$16,200,000
California	Travis Air Force Base	$6,900,000
	Vandenberg Air Force Base	$13,000,000
Colorado	Peterson Air Force Base	$25,100,000
	United States Air Force Academy	$17,500,000
Delaware	Dover Air Force Base	$24,900,000
Florida	Eglin Air Force Base	$59,800,000
	Hurlburt Field	$10,500,000
	MacDill Air Force Base	$38,300,000
	Patrick Air Force Base	$8,400,000
Georgia	Moody Air Force Base	$8,900,000
Hawaii	Wheeler Air Force Base	$15,000,000
Idaho	Mountain Home Air Force Base	$20,000,000
Illinois	Scott Air Force Base	$7,400,000
Louisiana	Barksdale Air Force Base	$12,800,000
Maryland	Andrews Air Force Base	$9,300,000
Nebraska	Offutt Air Force Base	$10,400,000
Nevada	Creech Air Force Base	$2,700,000
New Mexico	Cannon Air Force Base	$15,000,000
	Holloman Air Force Base	$15,500,000
North Carolina	Pope Air Force Base	$7,700,000
North Dakota	Grand Forks Air Force Base	$12,000,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
	Minot Air Force Base	$11,500,000
Ohio	Wright-Patterson Air Force Base	$58,600,000
Oklahoma	Altus Air Force Base	$20,300,000
	Tinker Air Force Base	$13,037,000
	Vance Air Force Base	$10,700,000
South Dakota	Ellsworth Air Force Base	$14,500,000
Texas	Dyess Air Force Base	$4,500,000
	Goodfellow Air Force Base	$44,400,000
	Lackland Air Force Base	$113,879,000
	Sheppard Air Force Base	$11,600,000
Utah	Hill Air Force Base	$21,053,000
Virginia	Langley Air Force Base	$10,000,000
Washington	Fairchild Air Force Base	$11,000,000
Wyoming	Francis E. Warren Air Force Base	$9,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$22,000,000
Colombia	Palanquero Air Base	$46,000,000
Germany	Ramstein Air Base	$34,700,000
	Spangdahlem Air Base	$23,500,000
Guam	Andersen Air Force Base	$58,202,000
Qatar	Al Udeid Air Base	$60,000,000
Turkey	Incirlik Air Base	$9,200,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,787,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,736,421,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $812,115,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $253,602,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $18,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $83,667,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $502,936,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

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

Air Force: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	C-17 Aircrew Life Support	$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

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

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

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

Air Force: Extension of 2006 Project Authorizations

State/Country	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 Units)	$18,144,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 Units)	$43,353,000

SEC. 2307. TEMPORARY PROHIBITION ON USE OF FUNDS FOR MILITARY CONSTRUCTION IMPROVEMENTS, PALANQUERO AIR BASE, COLOMBIA.

None of the funds authorized to be appropriated in section 2304(2) may be obligated or expended for runway and apron expansion or other military construction improvements at Palanquero Air Base, Colombia, until the Secretary of Defense, in consultation with the Secretary of State, certifies to the congressional defense committees that negotiations between the United States Government and the Government of Colombia have resulted in access rights that will permit United States Southern Command (SOUTHCOM) to perform adequately its mission.

SEC. 2308. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) DEFINITIONS.—In this section:

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

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

(b) REQUESTS FOR CONVEYANCE.—

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

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

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

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	$2,330,000
	Fort Stewart/Hunter Army Air Field	$22,501,000
North Carolina	Fort Bragg	$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island	$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	$11,000,000
	Point Loma Annex	$55,000,000
	Travis Air Force Base, California	$15,357,000
Florida	Jacksonville International Airport (Air National Guard)	$11,500,000
Minnesota	Duluth International Airport (Air National Guard)	$15,000,000
Oklahoma	Altus Air Force Base	$2,700,000
Texas	Fort Hood	$3,000,000
Washington	Fairchild Air Force Base	$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$12,000,000
Virginia	Naval Support Facility, Dahlgren	$24,500,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$203,800,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$15,722,000
Colorado	Fort Carson	$48,246,000
Florida	Eglin Air Force Base	$3,046,000
	Hurlburt Field	$8,156,000
Georgia	Fort Benning	$3,046,000
Kentucky	Fort Campbell	$32,335,000
New Mexico	Cannon Air Force Base	$58,864,000
North Carolina	Fort Bragg	$101,488,000
	Marine Corps Base, Camp Lejeune	$11,791,000
Virginia	Naval Amphibious Base, Little Creek	$18,669,000
Washington	Fort Lewis	$14,500,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$25,017,000
	Fort Richardson	$3,518,000
Colorado	Fort Carson	$31,900,000
Georgia	Fort Benning	$17,200,000
	Fort Stewart/Hunter Army Air Field	$22,200,000
Kentucky	Fort Campbell	$8,600,000
Maryland	Fort Detrick	$29,807,000
Missouri	Fort Leonard Wood	$5,570,000
North Carolina	Fort Bragg	$57,658,000
Oklahoma	Fort Sill	$10,554,000
Texas	Lackland Air Force Base	$470,318,000
	Fort Bliss	$200,575,000
Washington	Fort Lewis	$15,636,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$27,672,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Agency

Country	Installation or Location	Amount
Belgium	Brussels	$38,124,000
Germany	Boeblingen	$50,000,000
	Kaiserslautern	$93,545,000
	Wiesbaden Air Base	$5,379,000
United Kingdom	Royal Air Force Lakenheath	$4,509,000

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	K-16 Airfield	$5,050,000

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$12,500,000
Guam	Naval Air Station, Agana	$4,900,000
Korea	Osan Air Base	$28,000,000
United Kingdom	Royal Air Force Mildenhall	$4,700,000

National Security Agency

Country	Installation or Location	Amount
United Kingdom	Royal Air Force Menwith Hill Station	$37,588,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	$446,450,000
United Kingdom	Royal Air Force Alconbury	$14,227,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(7), the Secretary of Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Defense Logistics Agency: Family Housing

Location	Installation	Units	Amount
Pennsylvania	Cumberland Depot	6	$2,859,000

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $123,013,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,290,025,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $969,373,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $298,522,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $36,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $137,942,000.

(6) For energy conservation projects authorized by section 2403 of this Act, $123,013,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,214,000.

(B) For construction and acquisition of military family housing and facilities, $2,859,000.

(C) For the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $373,225,000.

(D) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,600,000.

(8) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $92,300,000.

(9) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $15,967,000.

(10) For the construction of increment 2 of the USAMRICD replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(11) For the construction of increment 4 of the USAMRIID stage I facility at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $108,000,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), $24,000,000.

(13) For the construction of the first increment of the hospital replacement, Guam, authorized by section 2401(b), $200,000,000.

(14) For the construction of the first increment of the Ambulatory Care Center at Lackland Air Force Base, Texas, authorized by section 2401(a), $72,610,000.

(15) For the construction of the first increment of the hospital replacement phase I at Fort Bliss, Texas, authorized by section 2401(a), $62,975,000.

(16) For the construction of increment 2 of the Utah Data Center at Camp Williams, Utah, authorized in the Supplemental Appropriations Act, 2009 (Public Law 111–32), $600,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $200,000,000 (the balance of the amount authorized by section 2401(b) for the hospital replacement, Guam).

(3) $368,390,000 (the balance of the amount authorized by section 2401(a) for the Ambulatory Care Center at Lackland Air Force Base, Texas).

(4) $820,000,000 (the balance of the amount authorized in the Supplemental Appropriations Act, 2009 (Public Law 111–32) for the Utah Data Center, Camp Williams, Utah).

(5) $24,000,000 (the balance of the amount authorized by section 2401(a) for the hospital replacement phase I, Fort Bliss, Texas).

(6) $290,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4689) for the USAMRIID replacement facility at Aberdeen Proving Ground, Maryland).

(7) $47,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as modified by section 2401(a) of this Act, for the replacement of fuel storage facilities at Point Loma Annex, California).

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking ''$140,000,000'' in the amount column and inserting ''$195,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat. 524) is amended by striking ''$84,300,000'' and inserting ''$139,300,000''.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691) is amended in the item relating to Souda Bay, Greece, by striking ''$8,000,000'' in the amount column and inserting ''$32,000,000''.

(b) CONFORMING AMENDMENTS.—Section 2403 of that Act (122 Stat. 4692) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''$246,360,000'' and inserting ''$238,360,000''; and

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

''(11) For construction of the first increment of fuel storage tanks and pipeline replacement at Souda Bay, Greece, $8,000,000.''; and

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

''(5) $24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).''.

SEC. 2407. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

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

Defense Logistics Agency: Extension of 2007 Project Authorization

State	Installation or Location	Project	Amount
Virginia	Defense Supply Center, Richmond	Whole House Renovation	$484,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of $151,541,000, as follows:

(1) For the construction of phase 11 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year

2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $59,041,000.

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, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $276,314,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona	Camp Navajo	$3,000,000
California	Fresno Yosemite International Airport	$9,900,000
	Los Alamitos	$31,000,000
Georgia	Fort Benning	$15,500,000
Iowa	Johnston	$4,000,000
Idaho	Gowen Field	$16,100,000
Illinois	Milan	$5,600,000
Indiana	Muscatatuck	$10,100,000
Kansas	Salina Army National Guard Aviation Facility	$2,227,000
Massachusetts	Hanscom Air Force Base	$29,000,000
Minnesota	Arden Hills	$6,700,000
	Camp Ripley	$1,710,000
Missouri	Boonville	$1,800,000
Mississippi	Camp Shelby	$16,100,000
	Monticello	$14,350,000
Nebraska	Lincoln	$23,000,000
New Mexico	Santa Fe	$39,000,000
Nevada	Carson City	$2,000,000
	North Las Vegas	$26,000,000
Oregon	Clatsop County, Warrenton	$3,369,000
South Carolina	Eastover	$26,000,000
	Greenville	$40,000,000
South Dakota	Camp Rapid	$9,840,000
Texas	Austin	$22,200,000
Virginia	Fort Pickett	$32,000,000
Vermont	Ethan Allen Firing Range	$1,996,000
West Virginia	St. Albans Armory, St. Albans	$2,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Territory or Commonwealth	Location	Amount
Guam	Barrigada	$30,000,000
Virgin Islands	St. Croix	$20,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Camp Pendleton	$19,500,000
	Los Angeles	$29,000,000
Colorado	Colorado Springs	$13,000,000
Connecticut	Bridgeport	$18,500,000
Florida	Panama City	$7,300,000
	West Palm Beach	$26,000,000
Georgia	Atlanta (Winder)	$14,000,000
Illinois	Chicago (Joliet)	$23,000,000
Minnesota	Fort Snelling (Minneapolis)	$12,000,000
New York	Rochester	$13,600,000
Ohio	Cincinnati	$13,000,000
Pennsylvania	Ashley	$9,800,000
	Harrisburg	$7,600,000
	Newton Square	$20,000,000
	Uniontown	$11,800,000
Texas	Austin	$20,000,000
	Fort Bliss	$9,500,000

***Army Reserve**—Continued*

State	Location	Amount
	Houston	$24,000,000
	San Antonio (Fort Sam Houston)	$20,000,000
Wisconsin	Fort McCoy	$28,850,000
Puerto Rico	Caguas	$12,400,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Phoenix (Luke Air Force Base)	$10,986,000
California	Alameda	$5,960,000
Illinois	Joliet Army Ammunition Plant	$7,957,000
South Carolina	Charleston	$4,240,000
Virginia	Oceana Naval Air Station	$30,400,000
Texas	San Antonio	$2,210,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arizona	Davis Monthan Air Force Base	$5,600,000
California	Southern California Logistics Airport	$8,400,000
Colorado	Buckley Air National Guard Base	$4,500,000
Connecticut	Bradley National Airport	$9,100,000
Hawaii	Hickam Air Force Base	$33,000,000
Iowa	Des Moines	$4,600,000
Massachusetts	Otis Air National Guard Base	$12,800,000
Maryland	Andrews Air Force Base	$14,000,000
Maine	Bangor International Airport	$28,000,000
Michigan	Alpena	$8,900,000
	Battle Creek Air National Guard Base	$14,000,000
	Selfridge Air National Guard Base	$7,100,000
Minnesota	Minnesota/Saint Paul International Airport	$1,900,000
Missouri	Rosecrans Memorial Airport	$9,300,000
Mississippi	Columbus Air Force Base	$10,000,000
Montana	Malmstrom Air Force Base	$9,600,000
Nebraska	Lincoln	$1,500,000
New Hampshire	Pease Air National Guard Base	$10,000,000
New Jersey	McGuire, Air Force Base	$9,700,000
Nevada	Reno	$10,800,000
Ohio	Mansfield Lahm Airport	$11,400,000
Oklahoma	Will Rogers World Airport	$7,300,000
South Carolina	McEntire Joint National Guard Base	$1,300,000
South Dakota	Joe Foss Field	$2,600,000
Tennessee	164th Airlift Wing, Memphis	$9,800,000
Utah	Hill Air Force Base	$5,100,000
Vermont	Burlington International Airport	$6,000,000
Wisconsin	General Mitchell International Airport	$5,000,000
West Virginia	Martinsburg	$19,500,000
Wyoming	Cheyenne Airport	$1,500,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Colorado	Schriever Air Force Base	$10,200,000
Mississippi	Keesler Air Force Base	$9,800,000
New York	Niagra Falls Air Reserve Base	$5,700,000
Pennsylvania	Pittsburgh Air Reserve Base	$12,400,000
Texas	Lackland Air Force Base	$1,500,000
Utah	Hill Air Force Base	$3,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $481,773,000; and

(B) for the Army Reserve, $378,712,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $64,124,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $301,361,000; and

(B) for the Air Force Reserve, $45,576,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

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

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/Alt, PH I	$30,000,000
New Jersey	Lakehurst	Consolidated Logistics Training Facility, PH II.	$20,024,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

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

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range	$2,532,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $396,768,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $5,934,740,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,479,498,000.

SEC. 2704. REPORT ON GLOBAL DEFENSE POSTURE REALIGNMENT AND INTERAGENCY REVIEW.

(a) INTERAGENCY REVIEW OF OVERSEAS MASTER PLANS.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on 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. The report shall address the following:

(1) How the plans would support the 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.

(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

(3) Any comments of the Secretary of Defense resulting from an interagency review of these plans that includes the Department of State and other Federal departments and agencies that the Secretary of Defense deems necessary for national security.

(b) INTERAGENCY OVERSEAS BASING REPORT.—Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) INTERAGENCY OVERSEAS BASING REPORT.—Not later than 90 days after submitting a report on a quadrennial defense review under subsection (d), the Secretary shall submit to the congressional defense committees a report detailing how the results of the assessment conducted as part of such review will impact 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. The report shall include any recommendations for additional closures or realignments of military installations outside of the United States. The report shall include any comments resulting from an interagency review of these plans that includes the Department of State and other relevant Federal departments and agencies.''.

SEC. 2705. SENSE OF THE SENATE ON NEED FOR COMMUNITY ASSISTANCE RELATED TO BASE CLOSURES AND REALIGNMENTS AND FORCE REPOSITIONING.

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

(1) The 2005 round of defense base closures and realignments (BRAC) has resulted in a requirement to dispose of excess Federal property in addition to property determined to be excess as the result of decisions in four previous rounds of base realignments and closures in 1988, 1991, 1993, and 1995.

(2) The Department of Defense has primary responsibility to dispose of Federal property resulting from the closure or realignment of military installations under 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).

(3) The Department of Defense is authorized to dispose of BRAC property using a range of methods including administrative transfer to another Federal agency, public benefit conveyances, homeless housing assistance, economic development conveyances, negotiated sales, or public sales.

(4) The Department of Defense is authorized to convey property to local redevelopment agencies representing communities affected by base closures and realignments for the purpose of economic development.

(5) The Department of Defense is authorized to assess the needs of the local community and the intended use of the property in determining the amount of compensation to be received in exchange for the economic development conveyance.

(6) The Department of Defense is authorized to receive an amount for the economic development conveyance that may range

from fair market value to an amount less than fair market, to no cost to the conveyee, depending on the local economic conditions.

(7) The Department of Defense is required to use any monetary proceeds gained from the disposal of BRAC property to fund environmental clean-up, remediation, and compliance actions required to safely dispose of BRAC property.

(8) Any revenue foregone as a result of a decision not to seek fair market value for disposed property must be compensated with appropriated funds requested by the Department of Defense in annual budget submissions to Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, as the Federal Government implements base closures and realignments, global repositioning, and grow the force initiatives, it is necessary—

(1) to assist local communities coping with the impact of these programs at both closed and active military installations; and

(2) to comprehensively assess the needs and degree of Federal assistance to communities to effectively implement the various initiatives of the Department of Defense while aiding communities to either recover quickly from closures or to accommodate growth associated with troop influxes.

SEC. 2706. RELOCATION OF CERTAIN ARMY RESERVE UNITS IN CONNECTICUT.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 for the purpose of constructing an Army Reserve Center and Maintenance Facility in the vicinity of Newtown, Connecticut, at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2707. AUTHORITY TO CONSTRUCT PREVIOUSLY AUTHORIZED ARMED FORCES RESERVE CENTER IN VICINITY OF SPECIFIED LOCATION AT PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2708. REQUIREMENT FOR MASTER PLAN TO PROVIDE WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) MASTER PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a comprehensive master plan to provide world class military medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

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

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

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

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

(i) information management and information technology support; and

(ii) expansion of support services;

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

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

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

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

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

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

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

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

(c) DEFINITIONS.—In this section:

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

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

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

SEC. 2801. MILITARY CONSTRUCTION AND LAND ACQUISITION PROJECTS AUTHORIZED BY AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Colorado	Fort Carson	$12,500,000
Georgia	Fort Stewart (Hunter Army Airfield)	$8,600,000
Kentucky	Fort Campbell	$43,000,000
North Carolina	Fort Bragg	$11,300,000
New York	Fort Drum	$10,700,000
Texas	Fort Bliss	$57,000,000
	Fort Hood	$12,700,000
Virginia	Fort Belvoir	$14,600,000
	Fort Eustis	$9,600,000

(b) AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Marine Corps Base Camp Pendleton	$35,052,000
	Naval Air Station Lemoore	$7,793,000
	Naval Base Coronado	$88,576,000
	Naval Base Point Loma	$11,844,000
Florida	Naval Station Mayport	$10,220,000
Hawaii	Marine Corps Base Hawaii	$19,360,000
Maryland	Naval Support Activity Annapolis	$1,994,000
	Naval Surface Warfare Center Carderock	$1,253,000
North Carolina	Marine Corps Air Station New River	$3,039,000
	Marine Corps Base Camp Lejeune	$13,779,000
Tennessee	Naval Support Activity Mid-South	$11,960,000
Virginia	Hampton Roads	$26,098,000

***Navy: Inside the United States**—Continued*

State	Installation or Location	Amount
	Naval Station Norfolk	$24,647,000
Washington	Naval Air Station Whidbey Island	$20,054,000
Various	Various Locations	$4,331,000

(c) AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	$53,900,000
Alabama	Birmingham	$2,300,000
Arkansas	Fort Smith	$7,800,000
Colorado	Peterson Air Force Base	$11,200,000
Florida	Hurlburt Field	$11,000,000
Georgia	Moody Air Force Base	$11,400,000
Iowa	Des Moines	$6,000,000
Kansas	Forbes	$4,100,000
Maryland	Andrews Air Force Base	$8,000,000
Mississippi	Keesler Air Force Base	$20,800,000
Montana	Malmstrom Air Force Base	$26,200,000
North Dakota	Minot Air Force Base	$28,300,000
New Jersey	Atlantic City	$4,300,000
New Mexico	Cannon Air Force Base	$12,000,000
Nevada	Nellis Air Force Base	$13,400,000
Pennsylvania	Fort Indian Town Gap	$7,000,000
South Carolina	Shaw Air Force Base	$22,500,00
Texas	Goodfellow Air Force Base	$28,400,000
	Lackland Air Force Base	$6,000,000
Utah	Hill Air Force Base	$15,000,000
	Salt Lake City	$5,100,000
Wisconsin	General Mitchell	$1,100,000
West Virginia	Eastern West Virginia Regional Airport	$4,300,000

(d) AUTHORIZED DEFENSE-WIDE CONSTRUCTION AND LAND ACQUISITION PROJECTS.—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense-wide: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$563,100,000
Florida	Naval Airt Station Jacksonville	$27,210,000
Texas	Fort Hood	$621,000,000
Various	Various Locations	$118,690,000

(e) AUTHORIZED ARMY NATIONAL GUARD AND RESERVE PROJECTS.—

(1) AUTHORIZED CONSTRUCTION AND LAND ACQUISITION PROJECTS.—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard and Army Reserve locations, and in the amounts, set forth in the following table:

Army National Guard and Reserve: Inside the United States

State	Installation or Location	Amount
California	Mather Air Field	$1,500,000
Nevada	Hawthorne Army Depot	$950,000
North Carolina	Raleigh	$39,500,000
Nebraska	Camp Ashland	$2,900,000
New York	Brooklyn (Fort Hamilton)	$1,500,000
Oregon	Camp Withycombe	$1,300,000
West Virginia	Gassaway	$3,300,000

(2) AUTHORIZED FAMILY HOUSING.—Using amounts appropriated by title X of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the Army National Guard and Army Reserve locations, in the number of units, and in the amounts, set forth in the following table:

Army National Guard and Reserve: Family Housing

State	Installation or Location	Units	Amount
California	Fort Hunter-Liggett	5	$2,370,000
	Sierra Army Depot	1	$707,000
Illinois	Rock Island	2	$930,000
Oklahoma	McAlester Army Depot	6	$2,200,000
Pennsylvania	Letterkenny Army Depot	3	$1,050,000
	Tobyhanna	2	$1,000,000

***Army National Guard and Reserve: Family Housing**—Continued*

State	Installation or Location	Units	Amount
Utah	Dugway Proving Grounds	20	$10,000,000
Virginia	Radford Army Ammunition Plant	4	$1,300,000
Wisconsin	Fort McCoy	23	$14,000,000

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2811. EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AND UNITED STATES AFRICA COMMAND AREAS OF RESPONSIBILITY.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), and section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4724) is further amended—

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

(2) in subsection (c)(2), by inserting ''or fiscal year 2010'' after ''fiscal year 2009''.

SEC. 2812. MODIFICATION OF AUTHORITY FOR SCOPE OF WORK VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''Except as provided in subsection (c)'' and inserting ''(1) Except as provided in subsection (c)'';

(B) by striking ''may be reduced by not more than 25 percent from the amount approved for that project, construction, improvement, or acquisition by Congress.'' and inserting ''may be reduced by not more than 25 percent from the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.''; and

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

''(2) The scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased above the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.''; and

(2) in subsection (c), by striking ''limitation on scope reduction in subsection (b)'' and inserting ''limitation on scope reduction in subsection (b)(1)''.

SEC. 2813. MODIFICATION OF CONVEYANCE AUTHORITY AT MILITARY INSTALLATIONS.

(a) LIMITED PURPOSES FOR WHICH REAL PROPERTY MAY BE CONVEYED.—Section 2869 of title 10, United States Code, is amended—

*(1) in the section heading, by striking ''**TO SUPPORT MILITARY CONSTRUCTION OR LIMIT ENCROACHMENT**'' and inserting ''**TO LIMIT ENCROACHMENT**'';*

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''agrees, in exchange for the real property—'' and all that follows through ''to carry out a military construction project or land acquisition'' and inserting ''agrees, in exchange for the real property, to carry out a land acquisition'';

(ii) by striking ''; or'' and inserting a period; and

(iii) by striking subparagraph (B); and

(B) by striking paragraph (3);

(3) in subsection (b), by striking ''fair market value of the military construction, military family housing, or military unaccompanied housing'' both places it appears and inserting ''fair market value of the land'';

(4) by amending subsection (c) to read as follows:

''(c) LIMITATION ON USE OF CONVEYANCE AUTHORITY AT INSTALLATIONS CLOSED UNDER BASE CLOSURE LAWS.—The authority under subsection (a)(2)(A) to convey property located on a military installation may only be used to the extent the conveyance is consistent with an approved redevelopment plan for such installation.''; and

(5) in subsection (d)(2)(A), by striking ''military construction project, land acquisition, military family housing, or military unaccompanied housing'' both places it appears and inserting ''land acquisition''.

(b) REQUIREMENT TO DEPOSIT FUNDS IN FOREIGN CURRENCY FLUCTUATIONS, CONSTRUCTION, DEFENSE ACCOUNT.—Subsection (e) of such section is amended by striking ''(1) Except as provided in paragraph (2), the Secretary concerned may deposit funds'' and all that follows through ''funds deposited under paragraph (2) shall be available'' in paragraph (3) and inserting ''The Secretary concerned shall deposit funds received under subsection (b) in the appropriation 'Foreign Currency Fluctuations, Construction, Defense'. The funds deposited shall be available''.

(c) ELIMINATION OF ANNUAL REPORT REQUIREMENT; SUNSET.—Subsection (f) of such section is amended to read as follows:

''(f) SUNSET.—The authority to enter into an agreement under this section shall expire on September 30, 2013.''.

(d) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 169 of such title is amended to read as follows:

''2869. Conveyance of property at military installations to limit encroachment.''.

SEC. 2814. TWO-YEAR EXTENSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended by striking ''2009'' and inserting ''2011''.

Subtitle B—Energy Security

SEC. 2821. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TOWARD INSTALLATION OF SOLAR PANELS AND OTHER RENEWABLE ENERGY PROJECTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that describes and assesses current Department of Defense efforts toward the installation of solar panels and other renewable energy projects on military installations and facilities.

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

(1) A description and assessment of the status of current Department efforts toward the installation of solar panels and other renewable energy projects on military installations and facilities.

(2) A description of any legislative, administrative, or other impediments to such efforts.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate for purposes of—

(A) furthering such efforts; and

(B) achieving the renewable energy goals of the Department by 2025.

(4) Such other matters as the Secretary considers appropriate.

Subtitle C—Land Conveyances

SEC. 2831. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.4 acres at Naval Air Station, Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

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

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

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

SEC. 2832. RELEASE OF REVERSIONARY INTEREST.

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled ''An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas'', approved

June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

SEC. 2833. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—

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

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

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

(B) in subsection (b)(1)—

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

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

(b) NEW CONVEYANCE AUTHORITY.—

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

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

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

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

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

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

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

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

SEC. 2834. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

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

(b) CONSIDERATION.—

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

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

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

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

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

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

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

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

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

(d) PAYMENT OF COSTS OF CONVEYANCE.—

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

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

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

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

SEC. 2835. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

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

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance, commonly known as conveyance ''as is'' and not subject to the requirements for covenants in deed under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

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

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

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including

survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the eligible entity in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the eligible entity.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

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

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

SEC. 2836. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the ''Association'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

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

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. 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.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

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

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

SEC. 2837. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

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

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

(c) EXERCISE OF RIGHT TO PURCHASE PROPERTY.—

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

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

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the lessee.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

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

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

Subtitle D—Other Matters

SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to Congress a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations, including whether the Secretary anticipates meeting the deadline imposed by subsection (a).

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations outside the United States set forth in the following table:

Army: Outside the United States

Country	*Installation or Location*	*Amount*
Various	*Various locations*	*$854,600,000*

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,484,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $854,600,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $75,884,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations outside the United States set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Various	Various locations ..	$439,500,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

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 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $10,051,215,000, to be allocated as follows:

(1) For weapons activities, $6,490,619,000.

(2) For defense nuclear nonproliferation activities, including $705,900,000 for fissile materials disposition, $2,136,709,000.

(3) For naval reactors, $1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, $420,754,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10–D–501, Nuclear Facility Risk Reduction (NFRR), Y–12 National Security Complex, Oak Ridge, Tennessee, $12,500,000.

(2) For defense nuclear security, the following new plant project:

Project 10–D–701, Security Improvement Project (SIP), Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10–D–904, Naval Reactors Facility (NRF) infrastructure upgrades, Naval Reactors Facility, Idaho Falls, Idaho, $700,000.

Project 10–D–903, Security upgrades, Knolls Atomic Power Laboratory, Knolls Site and Kesselring Site, Schenectady, New York, $1,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,395,831,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of $852,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $98,400,000.

SEC. 3105. FUNDING TABLE.

The amounts authorized to be appropriated by sections 3101, 3102, 3103, and 3104 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended to read as follows:

"SEC. 4204. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

"(a) PROGRAM REQUIRED.—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile without nuclear weapons testing.

"(b) ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.—

"(1) IN GENERAL.—The program under subsection (a) shall be carried out through the National Nuclear Security Administration.

"(2) INCLUSION OF PROGRAM FUNDS IN BUDGET.—For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program under subsection (a) shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

"(c) PROGRAM PLAN.—As part of the program under subsection (a), the Secretary of Energy shall develop a long-term plan to extend the effective life of the weapons in the nuclear weapons stockpile without nuclear weapons testing. The plan shall include the following:

"(1) Mechanisms to provide for the manufacture, maintenance, and modernization of each weapon design in the nuclear stockpile, as needed.

"(2) Mechanisms to expedite the collection of information necessary for carrying out the program, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

"(3) Mechanisms to ensure the appropriate assignment of roles and missions for each nuclear weapons laboratory and production plant of the Department of Energy, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

"(4) Mechanisms to ensure that each national laboratory of the National Nuclear Security Administration has full and complete access to all weapons data to enable a rigorous peer review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205.

"(5) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

"(6) An identification of the funds needed, in the current fiscal year and in each of the next 5 fiscal years, to carry out the program.

"(d) ANNUAL UPDATES.—The Secretary of Energy shall update the plan required under subsection (c) annually and shall submit the updated plan to Congress as part of the plan for maintaining the nuclear weapons stockpile submitted to Congress under section 4203(c).

"(e) SENSE OF CONGRESS ON FUNDING OF PROGRAM.—It is the sense of Congress that the President should include in each budget for a fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in that fiscal year the activities under the program under subsection (a) that are specified in the most current version of the plan required under subsection (c)."

SEC. 3112. ELIMINATION OF NUCLEAR WEAPONS LIFE EXTENSION PROGRAM FROM EXCEPTION TO REQUIREMENT TO REQUEST FUNDS IN BUDGET OF THE PRESIDENT.

Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(1) in subsection (c), by striking "necessary—" and all that follows through the period and inserting "necessary to address proliferation concerns."; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 3113. REPEAL OF RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) IN GENERAL.—Section 4204A of the Atomic Energy Defense Act (50 U.S.C. 2524a) is repealed.

(b) CONFORMING AMENDMENT.—The table of contents for that Act is amended by striking the item relating to section 4204A.

SEC. 3114. AUTHORIZATION OF USE OF INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS FOR BILATERAL AND MULTILATERAL NONPROLIFERATION AND DISARMAMENT ACTIVITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Energy may obligate or expend not more than 10 percent of the funds authorized to be appropriated or otherwise made available for the International Nuclear Materials Protection and Cooperation program in a fiscal year to provide assistance for or to otherwise carry out bilateral or multilateral activities relating to nonproliferation or disarmament.

(b) NOTIFICATION OF CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary may obligate or expend funds pursuant to subsection (a) if, not less than 15 days before obligating or expending such funds—

(1) the Secretary notifies the congressional defense committees of the intent of the Secretary to obligate or expend such funds; and

(2) the President certifies to the congressional defense committees that obligating or expending such funds is necessary to support the national security objectives of the United States.

SEC. 3115. REPEAL OF PROHIBITION ON FUNDING ACTIVITIES ASSOCIATED WITH INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.

(a) IN GENERAL.—Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by striking the item relating to section 4301.

SEC. 3116. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

Section 4701(3) of the Atomic Energy Defense Act (50 U.S.C. 2741(3)) is amended by striking "$5,000,000" and inserting "$7,000,000".

SEC. 3117. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by

striking ''September 30, 2009'' and inserting ''September 30, 2011''.

SEC. 3118. REPEAL OF SUNSET DATE FOR CONSOLIDATION OF COUNTERINTELLIGENCE PROGRAMS OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Section 3117 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2507; 42 U.S.C. 7144b note) is amended by amending subsection (a) to read as follows:

''(a) TRANSFER OF FUNCTIONS.—The functions, personnel, funds, assets, and other resources of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration are transferred to the Secretary of Energy, to be administered (except to any extent otherwise directed by the Secretary) by the Director of the Office of Counterintelligence of the Department of Energy.''.

Subtitle C—Other Matters

SEC. 3131. TEN-YEAR PLAN FOR UTILIZATION AND FUNDING OF CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) IN GENERAL.—The Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall jointly develop a plan to use and fund, over a ten-year period, the following facilities of the Department of Energy:

(1) The National Ignition Facility at the Lawrence Livermore National Laboratory, California.

(2) The Los Alamos Neutron Science Center at the Los Alamos National Laboratory, New Mexico.

(3) The ''Z'' Machine at the Sandia National Laboratories, New Mexico.

(4) The Microsystems and Engineering Sciences Application (MESA) Facility at the Sandia National Laboratories, New Mexico.

(b) SUBMITTAL OF PLAN.—Not later than 45 days after the date of the enactment of this Act, the Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall submit to the congressional defense committees the plan required by subsection (a).

(c) REQUIREMENT TO SPECIFY SOURCE OF FACILITY FUNDING IN BUDGET REQUESTS.—In any budget request for the Department of Energy for a fiscal year that is submitted to Congress after the date of the enactment of this Act, the Secretary of Energy shall identify for that fiscal year the portion of the funding for each facility specified in subsection (a) that is to be provided by the National Nuclear Security Administration and by the Office of Science of the Department of Energy.

SEC. 3132. REVIEW OF MANAGEMENT AND OPERATION OF CERTAIN NATIONAL LABORATORIES.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, appoint an independent panel of experts to conduct a review of the management and operation of the following:

(1) The Lawrence Livermore National Laboratory, California.

(2) The Los Alamos National Laboratory, New Mexico.

(3) The Sandia National Laboratories, New Mexico.

(b) ADMINISTRATIVE PROVISIONS.—

(1) APPOINTMENT OF CHAIRPERSON.—The Secretary of Energy shall appoint a chairperson of the panel from among the members of the panel.

(2) DESIGNATION OF AGENCY STAFF TO PANEL.—The Secretary of Energy, the Secretary of Defense, and the Director of National Intelligence shall each designate one or more employees of the Department of Energy, the Department of Defense, and the intelligence community, respectively, to serve as liaisons between the panel and the Department of Energy, the Department of Defense, or the intelligence community, as the case may be.

(3) AGENCY COOPERATION.—The Secretary of Energy shall, in consultation with the Secretary of Defense and the Director of National Intelligence, ensure that the panel receives full and timely cooperation from the Department of Energy, the Department of Defense, and the Director of National Intelligence in conducting the review required under subsection (a).

(4) SUPPORT FROM FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary of Energy may use a federally funded research and development center not associated with the Department of Energy to provide support to the panel.

(c) ELEMENTS.—The review required under subsection (a) shall include, with respect to each laboratory specified in such subsection, an evaluation of the following:

(1) The quality of the scientific research being conducted at the laboratory, including research with respect to weapons science, nonproliferation, energy, and basic science.

(2) The quality of the engineering being conducted at the laboratory.

(3) The general operations of the laboratory, including the management of facilities and procedures with respect to safety, security, environmental management and compliance, and human capital.

(4) The financial operations of the laboratory, including contract administration, accounting controls, and management of property and equipment.

(5) The management of work conducted by the laboratory for entities other than the Department of Energy, including academic institutions and other Federal agencies, and interactions between the laboratory and such entities.

(6) The adequacy and effectiveness of the form and scope of current management contracts in implementing the mission of the laboratory.

(7) The effectiveness of the management and oversight of the laboratory by the Department of Energy.

(d) REPORT OF PANEL.—The panel shall submit to the Secretary of Energy a report containing the results of the review and any recommendations of the panel resulting from the review.

(e) TRANSMITTAL TO CONGRESS.—Not later than January 1, 2011, the Secretary of Energy shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the report of the panel submitted under subsection (d) and any comments or recommendations of the Secretary with respect to that report.

SEC. 3133. INCLUSION IN 2010 STOCKPILE STEWARDSHIP PLAN OF CERTAIN INFORMATION RELATING TO STOCKPILE STEWARDSHIP CRITERIA.

(a) IN GENERAL.—The Secretary of Energy shall include in the 2010 stockpile stewardship plan the elements specified in subsection (b).

(b) ELEMENTS.—The elements specified in this subsection are the following:

(1) An update of any information or criteria included in the report on stockpile stewardship criteria submitted under subsection (c) of section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522).

(2) A description of any additional information identified under paragraph (1) of such subsection (c) or criteria established under subsection (a) of such section 4202 during the period beginning on the date of the submittal of the report under section 3133 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1751; 50 U.S.C. 2523 note) and ending on the date of the submittal of the 2010 stockpile stewardship plan.

(3) For each science-based tool developed or modified by the Department of Energy during the period described in paragraph (2) to collect information needed to determine that the nuclear weapons stockpile is safe, secure, and reliable—

(A) a description of the relationship of the science-based tool to the collection of such information; and

(B) a description of criteria for assessing the effectiveness of the science-based tool in collecting such information.

(c) 2010 STOCKPILE STEWARDSHIP PLAN DEFINED.—In this section, the term ''2010 stockpile stewardship plan'' means the updated version of the plan for maintaining the nuclear weapons stockpile developed under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) and required to be submitted to Congress on May 1, 2010, by subsection (c) of such section.

SEC. 3134. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PROJECTS CARRIED OUT BY THE OFFICE OF ENVIRONMENTAL MANAGEMENT OF THE DEPARTMENT OF ENERGY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a series of three reviews, as described in subsections (b), (c), and (d), of projects carried out by the Office of Environmental Management of the Department of Energy (in this section referred to as the ''Office'') using American Recovery and Reinvestment Act funds.

(b) PHASE ONE REVIEW.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act, the Comptroller General shall conduct a review of the following:

(A) The criteria used by the Office to select projects to be carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which lessons learned during previous accelerations of defense environmental cleanup efforts were used in the development of such criteria.

(C) The process used by the Office to estimate costs and develop schedules for such projects.

(D) The process used by the Office for the independent validation of the scope, cost, and schedule for such projects.

(E) The criteria and methodology used by the Office to measure the contribution of each such project toward reducing the overall costs, and meeting the goals, of defense environmental cleanup.

(2) REPORT.—Not later than 30 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 conducted under paragraph (1).

(c) PHASE TWO REVIEW.—

(1) IN GENERAL.—The Comptroller General shall conduct a review, during the period described in paragraph (2), of the following:

(A) The implementation of each project carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which each such project is meeting the cost and scheduling goals of the project.

(C) The number of jobs created or maintained through such projects.

(D) The adequacy of contract oversight for such projects.

(E) Any technical problems or other problems in connection with such projects that are identified by the Comptroller General in the course of the review.

(F) Any management and implementation issues or actions, or other systemic issues, identified by the Comptroller General in the course of the review that either hinder or assist the effective management of defense environmental cleanup efforts.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period—

(A) beginning on the date on which the Comptroller General submits the report required under subsection (b)(2); and

(B) ending on the later of—

(i) the date on which all projects carried out using American Recovery and Reinvestment Act funds have been completed; or

(ii) the date on which all American Recovery and Reinvestment Act funds have been obligated or expended or are no longer available to be obligated or expended.

(3) REPORTS.—The Comptroller General shall submit to the congressional defense committees a report on the status of the review conducted under paragraph (1) not later than 30 days after submitting the report required under subsection (b)(2) and every 120 days thereafter until the end of the period described in paragraph (2).

(d) PHASE THREE REVIEW.—

(1) IN GENERAL.—Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:

(A) The implementation of all projects carried out using American Recovery and Reinvestment Act funds, including the number of such projects that were completed, that were not completed, that were completed on budget, that exceeded the budget for such project, that were completed on schedule, and that exceeded the scheduling goals for such project.

(B) The impact on employment as a result of the completion of such projects.

(C) Any lessons learned as a result of accelerating such projects.

(D) The extent to which the achievement of the overall goals of defense environmental cleanup were accelerated, and the overall costs of defense environmental cleanup were reduced, as a result of such projects.

(E) Any other issues the Comptroller General considers appropriate with respect to such projects.

(2) REPORT.—Not later than 90 days after submitting the last report required under subsection (c)(3), the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(e) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS DEFINED.—In this section, the term ''American Recovery and Reinvestment Act funds'' means funds made available for the Office of Environmental Management under the heading ''DEFENSE ENVIRONMENTAL CLEANUP'' under the heading ''ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES'' under the heading ''DEPARTMENT OF ENERGY'' under title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140).

SEC. 3135. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR CERTAIN DEPARTMENT OF ENERGY PENSION OBLIGATIONS.

The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to meet the pension obligations of the Department of Energy for contractor employees at each facility of the Department of Energy operated using amounts authorized to be appropriated for the Department of Energy.

SEC. 3136. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(2) in subsection (d), by inserting ''and subtitle B'' after ''this subtitle'';

(3) in subsection (e), by inserting ''and subtitle B'' after ''this subtitle'' each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

''(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.''.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l et seq.).

SEC. 3137. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

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

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the timeline for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) REPORT.—Not later than 270 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 study required by subsection (a).

SEC. 3138. SENSE OF THE SENATE ON PRODUCTION OF MOLYBDENUM–99.

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

(1) There are fewer than five reactors around the world currently capable of producing molybdenum–99 (Mo–99) and there are no such reactors in the United States that can provide a reliable supply of Mo–99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo–99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo–99-based medical products in the United States and around the world.

(3) Ensuring a reliable supply of medical radioisotopes, including Mo–99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo–99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo–99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

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

(1) radioisotopes and radiopharmaceuticals, including Mo–99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo–99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—MARITIME ADMINISTRATION

SEC. 3301. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

''§ 109. Maritime Administration

''(a) ORGANIZATION.—The Maritime Administration is an administration in the Department of Transportation.

''(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

''(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administrator shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

''(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

''(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate

activities and programs of the Maritime Administration through the regional offices.

''(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

''(g) DETAILING OFFICERS FROM ARMED FORCES.—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the armed forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer's pay and allowances as an officer in the armed forces, make the officer's total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

''(h) CONTRACTS AND AUDITS.—

''(1) CONTRACTS.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts for the United States Government and disburse amounts to—

''(A) carry out the Secretary's duties and powers under this section and subtitle V of title 46; and

''(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

''(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

''(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

''(A) acquisition, construction, or reconstruction of vessels;

''(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

''(C) costs of national defense features;

''(D) payments of obligations incurred for operating-differential subsidies;

''(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

''(F) the Vessel Operations Revolving Fund;

''(G) National Defense Reserve Fleet expenses;

''(H) expenses necessary to carry out part B of subtitle V of title 46; and

''(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

''(3) TRAINING VESSELS.—Amounts may not be appropriated for the purchase or construction of training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.''.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supercede the requirements of this section.

TITLE XLI—PROCUREMENT
SEC. 4101. PROCUREMENT.

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY						
	AIRCRAFT						
	FIXED WING						
001	JOINT CARGO AIRCRAFT (JCA)						
002	UTILITY F/W AIRCRAFT						
003	MQ–1 UAV	24	401,364	–12	–200,000	12	201,364
	Avoid forward funding of production				[–200,000]		
004	RQ–11 (RAVEN)	618	35,008			618	35,008
004A	C–12A						
	ROTARY WING						
006	ARMED RECONNAISSANCE HELICOPTER						
007	ADVANCE PROCUREMENT (CY)						
008	HELICOPTER, LIGHT UTILITY (LUH)	54	326,040			54	326,040
009	AH–64 APACHE BLOCK III	8	161,280			8	161,280
010	ADVANCE PROCUREMENT (CY)		57,890				57,890
011	UH–60 BLACKHAWK (MYP)	79	1,258,374			79	1,258,374
012	ADVANCE PROCUREMENT (CY)		98,740				98,740
013	CH–47 HELICOPTER	35	860,087		22,000	35	882,087
	Multiyear procurement execution				[22,000]		
014	ADVANCE PROCUREMENT (CY)		50,676				50,676
015	HELICOPTER NEW TRAINING		19,639				19,639
	MODIFICATION OF AIRCRAFT						
016	MQ–1 PAYLOAD—UAS		87,424				87,424
017	MQ–1 WEAPONIZATION—UAS		14,832				14,832
018	GUARDRAIL MODS (MIP)		61,517				61,517
019	MULTI SENSOR ABN RECON (MIP)		21,457				21,457
020	AH–64 MODS		426,415		5,500		431,915
	Fuselage manufacturing				[5,500]		
021	ADVANCE PROCUREMENT (CY)						
022	CH–47 CARGO HELICOPTER MODS (MYP)		102,876		–22,000		80,876
	Multiyear procurement execution				[–22,000]		
023	ADVANCE PROCUREMENT (CY)						
024	UTILITY/CARGO AIRPLANE MODS		39,547				39,547
025	AIRCRAFT LONG RANGE MODS		823				823
026	UTILITY HELICOPTER MODS		66,682		20,400		87,082

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	UH–60A to UH–60L conversion				[20,400]		
027	KIOWA WARRIOR		140,768				140,768
028	AIRBORNE AVIONICS		241,287				241,287
029	GATM ROLLUP		103,142				103,142
030	RQ–7 UAV MODS		283,012				283,012
030A	C–12A						
	SPARES AND REPAIR PARTS						
031	SPARE PARTS (AIR)		7,083				7,083
	SUPPORT EQUIPMENT AND FACILITIES						
	GROUND SUPPORT AVIONICS						
032	AIRCRAFT SURVIVABILITY EQUIPMENT		25,975				25,975
033	ASE INFRARED CM		186,356				186,356
	OTHER SUPPORT						
034	AVIONICS SUPPORT EQUIPMENT		4,933				4,933
035	COMMON GROUND EQUIPMENT		87,682				87,682
036	AIRCREW INTEGRATED SYSTEMS		52,725		3,000		55,725
	Air warrior ensemble—generation III				[3,000]		
037	AIR TRAFFIC CONTROL		76,999				76,999
038	INDUSTRIAL FACILITIES		1,533				1,533
039	LAUNCHER, 2.75 ROCKET		2,716				2,716
040	AIRBORNE COMMUNICATIONS		11,109				11,109
	TOTAL—AIRCRAFT PROCUREMENT, ARMY		**5,315,991**		**–171,100**		**5,144,891**
	MISSILE PROCUREMENT, ARMY						
	OTHER MISSILES						
	SURFACE-TO-AIR MISSILE SYSTEM						
001	PATRIOT SYSTEM SUMMARY	59	348,351			59	348,351
002	PATRIOT/MEADS CAP SYSTEM SUMMARY		16,406				16,406
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	13	72,920			13	72,920
004	ADVANCE PROCUREMENT (CY)						
	AIR-TO-SURFACE MISSILE SYSTEM						
005	HELLFIRE SYS SUMMARY	240	31,154			240	31,154
	ANTI-TANK/ASSAULT MISSILE SYSTEM						
006	JAVELIN (AAWS–M) SYSTEM SUMMARY	470	148,649			470	148,649
007	TOW 2 SYSTEM SUMMARY	1165	108,066			1165	108,066
008	GUIDED MLRS ROCKET (GMLRS)	2628	293,617			2628	293,617
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	2064	15,663			2064	15,663
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	46	209,061			46	209,061
011	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM						
	MODIFICATIONS						
012	PATRIOT MODS		44,775		5,000		49,775
	Command & control modifications				[5,000]		
013	ITAS/TOW MODS		6,983				6,983
014	MLRS MODS		3,662				3,662
015	HIMARS MODIFICATIONS		38,690				38,690
016	HELLFIRE MODIFICATIONS		10				10
	SPARES AND REPAIR PARTS						
017	SPARES AND REPAIR PARTS		22,338				22,338
	SUPPORT EQUIPMENT AND FACILITIES						
018	AIR DEFENSE TARGETS		4,188				4,188
019	ITEMS LESS THAN $5.0M (MISSILES)		1,178				1,178
020	PRODUCTION BASE SUPPORT		4,398				4,398
	TOTAL—MISSILE PROCUREMENT, ARMY		**1,370,109**		**5,000**		**1,375,109**
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
001	BRADLEY PROGRAM						
002	BRADLEY TRAINING DEVICES (MOD)						
003	ABRAMS TANK TRAINING DEVICES						
004	STRYKER VEHICLE		388,596				388,596
005	FUTURE COMBAT SYSTEMS: (FCS)						
006	ADVANCE PROCUREMENT (CY)						
007	FCS SPIN OUTS		285,920				285,920
008	ADVANCE PROCUREMENT (CY)		42,001				42,001
	MODIFICATION OF TRACKED COMBAT VEHICLES						
009	FIST VEHICLE (MOD)		34,192				34,192
010	BRADLEY PROGRAM (MOD)		526,356				526,356
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)		96,503				96,503
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	12	96,814			12	96,814
013	ARMORED BREACHER VEHICLE		63,250				63,250
014	JOINT ASSAULT BRIDGE		70,637				70,637
015	M1 ABRAMS TANK (MOD)		183,829				183,829
016	ABRAMS UPGRADE PROGRAM	22	185,611			22	185,611
	SUPPORT EQUIPMENT & FACILITIES						
017	ITEMS LESS THAN $5.0M (TCV–WTCV)						
018	PRODUCTION BASE SUPPORT (TCV–WTCV)		6,601				6,601
	WEAPONS AND OTHER COMBAT VEHICLES						
019	HOWITZER, LIGHT, TOWED, 105MM, M119	70	95,631			70	95,631
020	M240 MEDIUM MACHINE GUN (7.62MM)	2010	32,919			2010	32,919

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
021	MACHINE GUN, CAL .50 M2 ROLL	4825	84,588			4825	84,588
022	LIGHTWEIGHT .50 CALIBER MACHINE GUN		977				977
023	M249 SAW MACHINE GUN (5.56MM)	1550	7,535			1550	7,535
024	MK–19 GRENADE MACHINE GUN (40MM)	349	7,700			349	7,700
025	MORTAR SYSTEMS	315	14,779			315	14,779
026	M107, CAL. 50, SNIPER RIFLE		224				224
027	XM320 GRENADE LAUNCHER MODULE (GLM)	4740	16,023			4740	16,023
028	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	448	6,223			448	6,223
029	M4 CARBINE	12000	20,500			12000	20,500
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	3738	6,945			3738	6,945
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO.						
032	HANDGUN	5000	3,389			5000	3,389
033	HOWITZER LT WT 155MM (T)	17	49,572			17	49,572
	MOD OF WEAPONS AND OTHER COMBAT VEH						
034	MK–19 GRENADE MACHINE GUN MODS		8,164				8,164
035	M4 CARBINE MODS		31,472				31,472
036	M2 50 CAL MACHINE GUN MODS		7,738				7,738
037	M249 SAW MACHINE GUN MODS		7,833				7,833
038	M240 MEDIUM MACHINE GUN MODS		17,964				17,964
039	PHALANX MODS						
040	M119 MODIFICATIONS		25,306				25,306
041	M16 RIFLE MODS		4,186				4,186
041A	M14 7.62 RIFLE MODS						
042	MODIFICATIONS LESS THAN $5.0M (WOCV–WTCV)		6,164				6,164
	SUPPORT EQUIPMENT & FACILITIES						
043	ITEMS LESS THAN $5.0M (WOCV–WTCV)		551				551
044	PRODUCTION BASE SUPPORT (WOCV–WTCV)		9,855				9,855
045	INDUSTRIAL PREPAREDNESS		392				392
046	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)		5,012				5,012
	TOTAL—PROCUREMENT OF WTCV, ARMY		**2,451,952**				**2,451,952**
	PROCUREMENT OF AMMUNITION, ARMY						
	AMMUNITION						
	SMALL/MEDIUM CALIBER AMMUNITION						
001	CTG, 5.56MM, ALL TYPES		207,752				207,752
002	CTG, 7.62MM, ALL TYPES		77,602				77,602
003	CTG, HANDGUN, ALL TYPES		5,120				5,120
004	CTG, .50 CAL, ALL TYPES		162,342				162,342
005	CTG, 25MM, ALL TYPES		17,054				17,054
006	CTG, 30MM, ALL TYPES		96,572				96,572
007	CTG, 40MM, ALL TYPES		172,675				172,675
	MORTAR AMMUNITION						
008	60MM MORTAR, ALL TYPES		23,607		3,000		26,607
	Additional ammunition				[3,000]		
009	81MM MORTAR, ALL TYPES		28,719				28,719
010	CTG, MORTAR, 120MM, ALL TYPES		104,961				104,961
	TANK AMMUNITION						
011	CTG TANK 105MM: ALL TYPES		7,741				7,741
012	CTG, TANK, 120MM, ALL TYPES		113,483				113,483
	ARTILLERY AMMUNITION						
013	CTG, ARTY, 75MM: ALL TYPES		5,229				5,229
014	CTG, ARTY, 105MM: ALL TYPES		90,726				90,726
015	CTG, ARTY, 155MM, ALL TYPES		54,546				54,546
016	PROJ 155MM EXTENDED RANGE XM982		62,292				62,292
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T		33,441				33,441
	ARTILLERY FUZES						
018	ARTILLERY FUZES, ALL TYPES		19,870				19,870
	MINES						
019	MINES, ALL TYPES		815				815
020	MINE, CLEARING CHARGE, ALL TYPES						
021	ANTIPERSONNEL LANDMINE ALTERNATIVES		56,387				56,387
022	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES		19,507				19,507
	ROCKETS						
023	SHOULDER LAUNCHED MUNITIONS, ALL TYPES		45,302				45,302
024	ROCKET, HYDRA 70, ALL TYPES		99,904				99,904
	OTHER AMMUNITION						
025	DEMOLITION MUNITIONS, ALL TYPES		18,793				18,793
026	GRENADES, ALL TYPES		49,910				49,910
027	SIGNALS, ALL TYPES		83,094				83,094
028	SIMULATORS, ALL TYPES		12,081				12,081
	MISCELLANEOUS						
029	AMMO COMPONENTS, ALL TYPES		17,968				17,968
030	NON-LETHAL AMMUNITION, ALL TYPES		7,378				7,378
031	CAD/PAD ALL TYPES		3,353				3,353
032	ITEMS LESS THAN $5 MILLION		8,826				8,826
033	AMMUNITION PECULIAR EQUIPMENT		11,187				11,187
034	FIRST DESTINATION TRANSPORTATION (AMMO)		14,354				14,354
035	CLOSEOUT LIABILITIES		99				99
	AMMUNITION PRODUCTION BASE SUPPORT						
	PRODUCTION BASE SUPPORT						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
036	PROVISION OF INDUSTRIAL FACILITIES		151,943		5,000		156,943
	Bomb line modernization				[5,000]		
037	LAYAWAY OF INDUSTRIAL FACILITIES		9,529				9,529
038	MAINTENANCE OF INACTIVE FACILITIES		8,772				8,772
039	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL		145,777				145,777
040	ARMS INITIATIVE		3,184				3,184
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY		**2,051,895**		**8,000**		**2,059,895**
	OTHER PROCUREMENT, ARMY						
	TACTICAL AND SUPPORT VEHICLES						
	TACTICAL VEHICLES						
001	TACTICAL TRAILERS/DOLLY SETS	8037	95,893			8037	95,893
002	SEMITRAILERS, FLATBED:	290	20,870			290	20,870
003	SEMITRAILERS, TANKERS	70	13,217			70	13,217
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	1770	281,123			1770	281,123
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	3889	1,158,522			3889	1,158,522
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN		17,575				17,575
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		812,918				812,918
008	PLS ESP		18,973				18,973
009	ARMORED SECURITY VEHICLES (ASV)	150	136,605			150	136,605
010	MINE PROTECTION VEHICLE FAMILY		402,517		–90,000		312,517
	Reassessment of program requirement				[–90,000]		
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)						
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	310	74,703			310	74,703
013	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P		180,793				180,793
014	HMMWV RECAPITALIZATION PROGRAM		2,904				2,904
015	MODIFICATION OF IN–SVC EQUIP		10,314				10,314
016	ITEMS LESS THAN $5.0M (TAC VEH)		298				298
017	TOWING DEVICE–FIFTH WHEEL		414				414
	NON-TACTICAL VEHICLES						
018	HEAVY ARMORED SEDAN		1,980				1,980
019	PASSENGER CARRYING VEHICLES		269				269
020	NONTACTICAL VEHICLES, OTHER		3,052				3,052
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	COMM-JOINT COMMUNICATIONS						
021	COMBAT IDENTIFICATION PROGRAM						
022	JOINT COMBAT IDENTIFICATION MARKING SYSTEM		11,868				11,868
023	WIN–T—GROUND FORCES TACTICAL NETWORK		544,202				544,202
024	JCSE EQUIPMENT (USREDCOM)		4,868				4,868
	COMM—SATELLITE COMMUNICATIONS						
025	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS (S		145,108				145,108
026	SHF TERM		90,918				90,918
027	SAT TERM, EMUT (SPACE)		653				653
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)		72,735				72,735
029	SMART–T (SPACE)		61,116				61,116
030	SCAMP (SPACE)		1,834				1,834
031	GLOBAL BRDCST SVC—GBS		6,849				6,849
032	MOD OF IN–SVC EQUIP (TAC SAT)		2,862				2,862
	COMM—COMBAT SUPPORT COMM						
032A	MOD–IN–SERVICE PROFILER						
	COMM—C3 SYSTEM						
033	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		22,996				22,996
	COMM—COMBAT COMMUNICATIONS						
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)		1,705				1,705
035	JOINT TACTICAL RADIO SYSTEM		90,204		–55,200		35,004
	Testing delays in JTRS GMR				[–55,200]		
036	RADIO TERMINAL SET, MIDS LVT(2)		8,549				8,549
037	SINCGARS FAMILY		6,812				6,812
038	AMC CRITICAL ITEMS—OPA2						
038A	SINCGARS—GROUND						
039	MULTI-PURPOSE INFORMATIONS OPERATIONS SYSEMS		6,164				6,164
040	BRIDGE TO FUTURE NETWORKS						
041	COMMS–ELEC EQUIP FIELDING						
042	SPIDER APLA REMOTE CONTROL UNIT		21,820				21,820
043	IMS REMOTE CONTROL UNIT		9,256				9,256
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS.		4,646				4,646
045	COMBAT SURVIVOR EVADER LOCATOR (CSEL)		2,367				2,367
046	RADIO, IMPROVED HF (COTS) FAMILY		6,555				6,555
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)		18,583				18,583
	COMM—INTELLIGENCE COMM						
048	CI AUTOMATION ARCHITECTURE (MIP)		1,414				1,414
	INFORMATION SECURITY						
049	TSEC—ARMY KEY MGT SYS (AKMS)		29,525				29,525
050	INFORMATION SYSTEM SECURITY PROGRAM–ISSP		33,189				33,189
	COMM—LONG HAUL COMMUNICATIONS						
051	TERRESTRIAL TRANSMISSION		1,890				1,890
052	BASE SUPPORT COMMUNICATIONS		25,525				25,525
053	ELECTROMAG COMP PROG (EMCP)						
054	WW TECH CON IMP PROG (WWTCIP)		31,256				31,256
	COMM—BASE COMMUNICATIONS						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
055	INFORMATION SYSTEMS		216,057				216,057
056	DEFENSE MESSAGE SYSTEM (DMS)		6,203				6,203
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM (.		147,111				147,111
058	PENTAGON INFORMATION MGT AND TELECOM		39,906				39,906
	ELECT EQUIP—TACT INT REL ACT (TIARA)						
061	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)						
062	JTT/CIBS–M (MIP)		3,279				3,279
063	PROPHET GROUND (MIP)		64,498				64,498
064	TACTICAL UNMANNED AERIAL SYS (TUAS) MIP						
065	SMALL UNMANNED AERIAL SYSTEM (SUAS)						
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)						
067	DRUG INTERDICTION PROGRAM (DIP) (TIARA)						
068	TACTICAL EXPLOITATION SYSTEM (MIP)						
069	DCGS–A (MIP)		85,354				85,354
070	JOINT TACTICAL GROUND STATION (JTAGS)		6,703		–6,700		3
	Program reduction				[–6,700]		
071	TROJAN (MIP)		26,659				26,659
072	MOD OF IN–SVC EQUIP (INTEL SPT) (MIP)		7,021				7,021
073	CI HUMINT AUTO REPRTING AND COLL (CHARCS) (MIP)		4,509				4,509
074	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM		6,420				6,420
075	ITEMS LESS THAN $5.0M (MIP)		17,053				17,053
	ELECT EQUIP—ELECTRONIC WARFARE (EW)						
076	LIGHTWEIGHT COUNTER MORTAR RADAR		31,661				31,661
077	WARLOCK						
078	COUNTERINTELLIGENCE/SECURITY COUNTER-MEASURES.		1,284				1,284
079	CI MODERNIZATION (MIP)		1,221				1,221
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)						
080	SENTINEL MODS		25,863				25,863
081	SENSE THROUGH THE WALL (STTW)		25,352				25,352
082	NIGHT VISION DEVICES		366,820		–100,000		266,820
	Contractor production delays in ENVG line				[–100,000]		
083	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYS-TEM.		133,836				133,836
084	NIGHT VISION, THERMAL WPN SIGHT		313,237				313,237
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF		9,179				9,179
086	RADIATION MONITORING SYSTEMS		2,198				2,198
087	COUNTER–ROCKET, ARTILLERY & MORTAR (C–RAM)						
088	BASE EXPEDITIONARY TARGETING AND SURV SYS						
089	ARTILLERY ACCURACY EQUIP		5,838				5,838
090	MOD OF IN-SVC EQUIP (MMS)						
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE		1,178				1,178
092	PROFILER		4,766				4,766
093	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)		2,801				2,801
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)		271,979				271,979
095	JOINT BATTLE COMMAND—PLATFORM (JBC–P)		17,242				17,242
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD		59,080				59,080
097	COMPUTER BALLISTICS: LHMBC XM32						
098	MORTAR FIRE CONTROL SYSTEM		15,520				15,520
099	COUNTERFIRE RADARS		194,665				194,665
100	INTEGRATED MET SYS SENSORS (IMETS)—MIP						
101	ENHANCED SENSOR & MONITORING SYSTEM		1,944				1,944
	ELECT EQUIP—TACTICAL C2 SYSTEMS						
102	TACTICAL OPERATIONS CENTERS		29,934				29,934
103	FIRE SUPPORT C2 FAMILY		39,042				39,042
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC.		31,968				31,968
105	FAAD C2		8,289				8,289
106	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD		62,439				62,439
107	KNIGHT FAMILY		80,831				80,831
108	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		1,778				1,778
109	AUTOMATIC IDENTIFICATION TECHNOLOGY		31,542				31,542
110	TC AIMS II		11,124				11,124
111	JOINT NETWORK MANAGEMENT SYSTEM (JNMS)						
112	TACTICAL INTERNET MANAGER						
113	NETWORK MANAGEMENT INITIALIZATION AND SERV-ICE.		53,898				53,898
114	MANEUVER CONTROL SYSTEM (MCS)		77,646				77,646
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)		46,861				46,861
116	RECONNAISSANCE AND SURVEYING INSTRUMENT SET		11,118				11,118
117	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)		926				926
	ELECT EQUIP—AUTOMATION						
118	GENERAL FUND ENTERPRISE BUSINESS SYSTEM		85,801				85,801
119	ARMY TRAINING MODERNIZATION		12,823				12,823
120	AUTOMATED DATA PROCESSING EQUIP		254,723				254,723
121	CSS COMMUNICATIONS		33,749				33,749
122	RESERVE COMPONENT AUTOMATION SYS (RCAS)		39,675				39,675
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)						
123	AFRTS						
124	ITEMS LESS THAN $5.0M (A/V)		2,709				2,709
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)		5,172				5,172

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	ELECT EQUIP—MODS TACTICAL SYS/EQ						
126	WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS)						
	ELECT EQUIP—SUPPORT						
127	ITEMS UNDER $5M (SSE)						
128	PRODUCTION BASE SUPPORT (C–E)		518				518
	CLASSIFIED PROGRAMS		2,522				2,522
	OTHER SUPPORT EQUIPMENT						
	CHEMICAL DEFENSIVE EQUIPMENT						
129	PROTECTIVE SYSTEMS		2,081				2,081
130	CBRN SOLDIER PROTECTION		108,334				108,334
131	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)		7,135				7,135
	BRIDGING EQUIPMENT						
132	TACTICAL BRIDGING		58,509				58,509
133	TACTICAL BRIDGE, FLOAT–RIBBON		135,015				135,015
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT						
134	HANDHELD STANDOFF MINEFIELD DETECTION SYS–HST.		42,264				42,264
135	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS		56,123		7,000		63,123
	FIDO explosives detector				[7,000]		
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)		49,333				49,333
137	< $5M, COUNTERMINE EQUIPMENT		3,479				3,479
138	AERIAL DETECTION		11,200				11,200
	COMBAT SERVICE SUPPORT EQUIPMENT						
139	HEATERS AND ECU'S		11,924				11,924
140	LAUNDRIES, SHOWERS AND LATRINES						
141	SOLDIER ENHANCEMENT		4,071				4,071
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)						
142A	LAND WARRIOR						
143	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)		6,981				6,981
144	GROUND SOLDIER SYSTEM		1,809				1,809
145	MOUNTED SOLDIER SYSTEM		1,085				1,085
146	FORCE PROVIDER						
147	FIELD FEEDING EQUIPMENT		57,872				57,872
148	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM.		66,381				66,381
149	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM:		16,585				16,585
150	ITEMS LESS THAN $5M (ENG SPT)		25,531				25,531
	PETROLEUM EQUIPMENT						
151	QUALITY SURVEILLANCE EQUIPMENT						
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER		84,019				84,019
	WATER EQUIPMENT						
153	WATER PURIFICATION SYSTEMS		7,173				7,173
	MEDICAL EQUIPMENT						
154	COMBAT SUPPORT MEDICAL		33,694		8,300		41,994
	Combat casualty care equipment upgrade program				[8,300]		
	MAINTENANCE EQUIPMENT						
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS		137,002				137,002
156	ITEMS LESS THAN $5.0M (MAINT EQ)		812				812
	CONSTRUCTION EQUIPMENT						
157	GRADER, ROAD MTZD, HVY, 6X4 (CCE)		50,897				50,897
158	SKID STEER LOADER (SSL) FAMILY OF SYSTEM		18,387				18,387
159	SCRAPERS, EARTHMOVING						
160	DISTR, WATER, SP MIN 2500G SEC/NON–SEC						
161	MISSION MODULES—ENGINEERING		44,420				44,420
162	LOADERS		20,824				20,824
163	HYDRAULIC EXCAVATOR		18,785				18,785
164	TRACTOR, FULL TRACKED		50,102				50,102
165	CRANES						
166	PLANT, ASPHALT MIXING		12,915				12,915
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS		36,451				36,451
168	CONST EQUIP ESP		8,391				8,391
169	ITEMS LESS THAN $5.0M (CONST EQUIP)		12,562				12,562
	RAIL FLOAT CONTAINERIZATION EQUIPMENT						
170	JOINT HIGH SPEED VESSEL (JHSV)		183,666				183,666
171	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC).		10,962				10,962
172	ITEMS LESS THAN $5.0M (FLOAT/RAIL)		6,785				6,785
	GENERATORS						
173	GENERATORS AND ASSOCIATED EQUIP		146,067				146,067
	MATERIAL HANDLING EQUIPMENT						
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)		41,239				41,239
175	ALL TERRAIN LIFTING ARMY SYSTEM		44,898				44,898
	TRAINING EQUIPMENT						
176	COMBAT TRAINING CENTERS SUPPORT		22,967				22,967
177	TRAINING DEVICES, NONSYSTEM		261,348		22,440		283,788
	Operator driving simulator				[5,000]		
	Immersive group simulation virtual training system				[5,500]		
	Joint fires & effects training systems (JFETS)				[5,000]		
	Urban training instrumentation				[2,000]		
	Virtual interactive combat environment (VICE)				[4,940]		
178	CLOSE COMBAT TACTICAL TRAINER		65,155				65,155
179	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA		12,794				12,794

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request Qty	FY 2010 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
180	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING		7,870				7,870
	TEST MEASURE AND DIG EQUIPMENT (TMD)						
181	CALIBRATION SETS EQUIPMENT		16,844				16,844
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)		101,320				101,320
183	TEST EQUIPMENT MODERNIZATION (TEMOD)		15,526				15,526
	OTHER SUPPORT EQUIPMENT						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		21,770				21,770
185	PHYSICAL SECURITY SYSTEMS (OPA3)		49,758				49,758
186	BASE LEVEL COM'L EQUIPMENT		1,303				1,303
187	MODIFICATION OF IN–SVC EQUIPMENT (OPA–3)		53,884				53,884
188	PRODUCTION BASE SUPPORT (OTH)		3,050				3,050
189	BUILDING, PRE-FAB, RELOCATABLE						
190	SPECIAL EQUIPMENT FOR USER TESTING		45,516				45,516
191	AMC CRITICAL ITEMS OPA3		12,232				12,232
192	MA8975		4,492				4,492
	SPARES AND REPAIR PARTS						
	OPA2						
193	INITIAL SPARES—C&E		25,867				25,867
194	WIN–T INCREMENT 2 SPARES		9,758				9,758
194a	Procurement of computer services/systems				–75,000		–75,000
	Eliminate redundant activities				[–75,000]		
	TOTAL—OTHER PROCUREMENT, ARMY		**9,907,151**		**–289,160**		**9,617,991**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND						
	NETWORK ATTACK						
001	ATTACK THE NETWORK		203,100		–203,100		
	Transfer to OCO				[–203,100]		
	JIEDDO DEVICE DEFEAT						
002	DEFEAT THE DEVICE		199,100		–199,100		
	Transfer to OCO				[–199,100]		
	FORCE TRAINING						
003	TRAIN THE FORCE		41,100		–41,100		
	Transfer to OCO				[–41,100]		
	STAFF AND INFRASTRUCTURE						
004	OPERATIONS		121,550		–121,550		
	Transfer to OCO				[–121,550]		
	TOTAL—JOINT IED DEFEAT FUND		**564,850**		**–564,850**		
	AIRCRAFT PROCUREMENT, NAVY						
	COMBAT AIRCRAFT						
001	AV–8B (V/STOL) HARRIER						
002	EA–18G	22	1,611,837			22	1,611,837
003	ADVANCE PROCUREMENT (CY)		20,559				20,559
004	F/A–18E/F (FIGHTER) HORNET	9	1,009,537	9	560,000	18	1,569,537
	Additional aircraft				[560,000]		
005	ADVANCE PROCUREMENT (CY)		51,431				51,431
006	JOINT STRIKE FIGHTER	20	3,997,048			20	3,997,048
007	ADVANCE PROCUREMENT (CY)		481,000				481,000
008	V–22 (MEDIUM LIFT)	30	2,215,829			30	2,215,829
009	ADVANCE PROCUREMENT (CY)		84,342				84,342
010	UH–1Y/AH–1Z	28	709,801	–10	–282,900	18	426,901
	Maintain production at FY 09 level				[–282,900]		
011	ADVANCE PROCUREMENT (CY)		70,550				70,550
012	MH–60S (MYP)	18	414,145			18	414,145
013	ADVANCE PROCUREMENT (CY)		78,830				78,830
014	MH–60R	24	811,781			24	811,781
015	ADVANCE PROCUREMENT (CY)		131,504				131,504
016	P–8A POSEIDON	6	1,664,525			6	1,664,525
017	ADVANCE PROCUREMENT (CY)		160,526				160,526
018	E–2D ADV HAWKEYE	2	511,245			2	511,245
019	ADVANCE PROCUREMENT (CY)		94,924				94,924
	AIRLIFT AIRCRAFT						
020	C–40A	1	74,381			1	74,381
	TRAINER AIRCRAFT						
021	T–45TS (TRAINER) GOSHAWK						
022	JPATS	38	266,539			38	266,539
	OTHER AIRCRAFT						
023	KC–130J						
024	ADVANCE PROCUREMENT (CY)						
025	RQ–7 UAV	11	56,797			11	56,797
026	MQ–8 UAV	5	77,616			5	77,616
027	OTHER SUPPORT AIRCRAFT						
	MODIFICATION OF AIRCRAFT						
028	EA–6 SERIES		39,977				39,977
029	AV–8 SERIES		35,668				35,668
030	F–18 SERIES		484,129				484,129
031	H–46 SERIES		35,325				35,325
032	AH–1W SERIES		66,461				66,461
033	H–53 SERIES		68,197				68,197
034	SH–60 SERIES		82,253				82,253

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request Qty	FY 2010 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
035	H–1 SERIES		20,040				20,040
036	EP–3 SERIES		92,530				92,530
037	P–3 SERIES		485,171				485,171
038	S–3 SERIES						
039	E–2 SERIES		22,853				22,853
040	TRAINER A/C SERIES		20,907				20,907
041	C–2A		21,343				21,343
042	C–130 SERIES		22,449				22,449
043	FEWSG		9,486				9,486
044	CARGO/TRANSPORT A/C SERIES		19,429				19,429
045	E–6 SERIES		102,646				102,646
046	EXECUTIVE HELICOPTERS SERIES		42,456				42,456
047	SPECIAL PROJECT AIRCRAFT		14,869				14,869
048	T–45 SERIES		51,484				51,484
049	POWER PLANT CHANGES		26,395				26,395
050	JPATS SERIES		4,922				4,922
051	AVIATION LIFE SUPPORT MODS		5,594				5,594
052	COMMON ECM EQUIPMENT		47,419				47,419
053	COMMON AVIONICS CHANGES		151,112				151,112
054	COMMON DEFENSIVE WEAPON SYSTEM						
055	ID SYSTEMS		24,125				24,125
056	V–22 (TILT/ROTOR ACFT) OSPREY		24,502				24,502
	AIRCRAFT SPARES AND REPAIR PARTS						
057	SPARES AND REPAIR PARTS		1,264,012				1,264,012
	AIRCRAFT SUPPORT EQUIP & FACILITIES						
058	COMMON GROUND EQUIPMENT		363,588				363,588
059	AIRCRAFT INDUSTRIAL FACILITIES		11,075				11,075
060	WAR CONSUMABLES		55,406				55,406
061	OTHER PRODUCTION CHARGES		23,861				23,861
062	SPECIAL SUPPORT EQUIPMENT		42,147				42,147
063	FIRST DESTINATION TRANSPORTATION		1,734				1,734
064	CANCELLED ACCOUNT ADJUSTMENTS						
	TOTAL—AIRCRAFT PROCUREMENT, NAVY		**18,378,312**		**277,100**		**18,655,412**
	WEAPONS PROCUREMENT, NAVY						
	BALLISTIC MISSILES						
	MODIFICATION OF MISSILES						
001	TRIDENT II MODS	24	1,060,504			24	1,060,504
	SUPPORT EQUIPMENT & FACILITIES						
002	MISSILE INDUSTRIAL FACILITIES		3,447				3,447
	OTHER MISSILES						
	STRATEGIC MISSILES						
003	TOMAHAWK	196	283,055			196	283,055
	TACTICAL MISSILES						
004	AMRAAM	79	145,506			79	145,506
005	SIDEWINDER	161	56,845			161	56,845
006	JSOW	430	145,336			430	145,336
007	SLAM–ER						
008	STANDARD MISSILE	62	249,233			62	249,233
009	RAM	90	74,784			90	74,784
010	HELLFIRE	818	59,411			818	59,411
011	AERIAL TARGETS		47,003				47,003
012	OTHER MISSILE SUPPORT		3,928				3,928
	MODIFICATION OF MISSILES						
013	ESSM	50	51,388			50	51,388
014	HARM MODS		47,973				47,973
015	STANDARD MISSILES MODS		81,451				81,451
	SUPPORT EQUIPMENT & FACILITIES						
016	WEAPONS INDUSTRIAL FACILITIES		3,211		30,000		33,211
	Accelerate facility restoration program				[30,000]		
017	FLEET SATELLITE COMM FOLLOW-ON	1	487,280			1	487,280
018	ADVANCE PROCUREMENT (CY)		28,847		32,000		60,847
	MUOS UHF augmentation—transfer from PE 33109N (RDN 192).				[32,000]		
	ORDNANCE SUPPORT EQUIPMENT						
019	ORDNANCE SUPPORT EQUIPMENT		48,883				48,883
	TORPEDOES AND RELATED EQUIPMENT						
	TORPEDOES AND RELATED EQUIP.						
020	SSTD						
021	ASW TARGETS		9,288				9,288
	MOD OF TORPEDOES AND RELATED EQUIP						
022	MK–46 TORPEDO MODS		94,159				94,159
023	MK–48 TORPEDO ADCAP MODS		61,608				61,608
024	QUICKSTRIKE MINE		4,680				4,680
	SUPPORT EQUIPMENT						
025	TORPEDO SUPPORT EQUIPMENT		39,869				39,869
026	ASW RANGE SUPPORT		10,044				10,044
	DESTINATION TRANSPORTATION						
027	FIRST DESTINATION TRANSPORTATION		3,434				3,434
	OTHER WEAPONS						
	GUNS AND GUN MOUNTS						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
028	SMALL ARMS AND WEAPONS		12,742				12,742
	MODIFICATION OF GUNS AND GUN MOUNTS						
029	CIWS MODS		158,896				158,896
030	COAST GUARD WEAPONS		21,157				21,157
031	GUN MOUNT MODS		30,761				30,761
032	LCS MODULE WEAPONS						
033	CRUISER MODERNIZATION WEAPONS		51,227				51,227
034	AIRBORNE MINE NEUTRALIZATION SYSTEMS		12,309				12,309
	OTHER						
035	MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM						
036	CANCELLED ACCOUNT ADJUSTMENTS						
	SPARES AND REPAIR PARTS						
037	SPARES AND REPAIR PARTS		65,196				65,196
	TOTAL—WEAPONS PROCUREMENT, NAVY		**3,453,455**		**62,000**		**3,515,455**
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS						
	PROC AMMO, NAVY						
	NAVY AMMUNITION						
001	GENERAL PURPOSE BOMBS		75,227				75,227
002	JDAM		1,968				1,968
003	AIRBORNE ROCKETS, ALL TYPES		38,643				38,643
004	MACHINE GUN AMMUNITION		19,622				19,622
005	PRACTICE BOMBS		33,803				33,803
006	CARTRIDGES & CART ACTUATED DEVICES		50,600				50,600
007	AIR EXPENDABLE COUNTERMEASURES		79,102				79,102
008	JATOS		3,230				3,230
009	5 INCH/54 GUN AMMUNITION		27,483				27,483
010	INTERMEDIATE CALIBER GUN AMMUNITION		25,974				25,974
011	OTHER SHIP GUN AMMUNITION		35,934				35,934
012	SMALL ARMS & LANDING PARTY AMMO		43,490				43,490
013	PYROTECHNIC AND DEMOLITION		10,623				10,623
014	AMMUNITION LESS THAN $5 MILLION		3,214				3,214
	PROC AMMO, MC						
	MARINE CORPS AMMUNITION						
015	SMALL ARMS AMMUNITION		87,781				87,781
016	LINEAR CHARGES, ALL TYPES		23,582				23,582
017	40 MM, ALL TYPES		57,291				57,291
018	60MM, ALL TYPES		22,037				22,037
019	81MM, ALL TYPES		54,869				54,869
020	120MM, ALL TYPES		29,579				29,579
021	CTG 25MM, ALL TYPES		2,259				2,259
022	GRENADES, ALL TYPES		10,694				10,694
023	ROCKETS, ALL TYPES		13,948				13,948
024	ARTILLERY, ALL TYPES		57,948				57,948
025	EXPEDITIONARY FIGHTING VEHICLE						
026	DEMOLITION MUNITIONS, ALL TYPES		14,886				14,886
027	FUZE, ALL TYPES		575				575
028	NON LETHALS		3,034				3,034
029	AMMO MODERNIZATION		8,886				8,886
030	ITEMS LESS THAN $5 MILLION		4,393				4,393
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS.		**840,675**				**840,675**
	SHIPBUILDING AND CONVERSION, NAVY						
	OTHER WARSHIPS						
001	CARRIER REPLACEMENT PROGRAM		739,269				739,269
002	ADVANCE PROCUREMENT (CY)		484,432				484,432
003	VIRGINIA CLASS SUBMARINE	1	1,964,317			1	1,964,317
004	ADVANCE PROCUREMENT (CY)		1,959,725				1,959,725
005	CVN REFUELING OVERHAULS		1,563,602				1,563,602
006	ADVANCE PROCUREMENT (CY)		211,820				211,820
007	SSBN ERO						
008	ADVANCE PROCUREMENT (CY)						
009	DDG 1000		1,084,161				1,084,161
010	ADVANCE PROCUREMENT (CY)						
011	DDG–51	1	1,912,267			1	1,912,267
012	ADVANCE PROCUREMENT (CY)		328,996				328,996
013	LITTORAL COMBAT SHIP	3	1,380,000			3	1,380,000
	AMPHIBIOUS SHIPS						
014	LPD–17		872,392				872,392
015	ADVANCE PROCUREMENT (CY)		184,555				184,555
016	LHA REPLACEMENT						
017	ADVANCE PROCUREMENT (CY)						
018	INTRATHEATER CONNECTOR	1	177,956			1	177,956
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST						
019	OUTFITTING		391,238				391,238
020	SERVICE CRAFT		3,694				3,694
021	LCAC SLEP	3	63,857			3	63,857
022	COMPLETION OF PY SHIPBUILDING PROGRAMS		454,586				454,586

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL—SHIPBUILDING AND CONVERSION, NAVY		**13,776,867**				**13,776,867**
	OTHER PROCUREMENT, NAVY						
	SHIPS SUPPORT EQUIPMENT						
	SHIP PROPULSION EQUIPMENT						
001	LM–2500 GAS TURBINE		8,014				8,014
002	ALLISON 501K GAS TURBINE		9,162				9,162
003	OTHER PROPULSION EQUIPMENT						
	NAVIGATION EQUIPMENT						
004	OTHER NAVIGATION EQUIPMENT		34,743				34,743
	PERISCOPES						
005	SUB PERISCOPES & IMAGING EQUIP		75,127				75,127
	OTHER SHIPBOARD EQUIPMENT						
006	DDG MOD		142,262				142,262
007	FIREFIGHTING EQUIPMENT		11,423		4,000		15,423
	Smart valves for fire suppression				[4,000]		
008	COMMAND AND CONTROL SWITCHBOARD		4,383				4,383
009	POLLUTION CONTROL EQUIPMENT		24,992				24,992
010	SUBMARINE SUPPORT EQUIPMENT		16,867				16,867
011	VIRGINIA CLASS SUPPORT EQUIPMENT		103,153				103,153
012	SUBMARINE BATTERIES		51,482				51,482
013	STRATEGIC PLATFORM SUPPORT EQUIP		15,672				15,672
014	DSSP EQUIPMENT		10,641				10,641
015	CG MODERNIZATION		315,323				315,323
016	LCAC		6,642				6,642
017	MINESWEEPING EQUIPMENT						
018	UNDERWATER EOD PROGRAMS		19,232				19,232
019	ITEMS LESS THAN $5 MILLION		127,554				127,554
020	CHEMICAL WARFARE DETECTORS		8,899				8,899
021	SUBMARINE LIFE SUPPORT SYSTEM		14,721				14,721
	REACTOR PLANT EQUIPMENT						
022	REACTOR POWER UNITS						
023	REACTOR COMPONENTS		262,354				262,354
	OCEAN ENGINEERING						
024	DIVING AND SALVAGE EQUIPMENT		5,304				5,304
	SMALL BOATS						
025	STANDARD BOATS		35,318				35,318
	TRAINING EQUIPMENT						
026	OTHER SHIPS TRAINING EQUIPMENT		15,113				15,113
	PRODUCTION FACILITIES EQUIPMENT						
027	OPERATING FORCES IPE		47,172				47,172
	OTHER SHIP SUPPORT						
028	NUCLEAR ALTERATIONS		136,683				136,683
029	LCS MODULES		137,259				137,259
	LOGISTIC SUPPORT						
030	LSD MIDLIFE		117,856				117,856
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	SHIP RADARS						
031	RADAR SUPPORT		9,968				9,968
032	SPQ–9B RADAR		13,476				13,476
033	AN/SQQ–89 SURF ASW COMBAT SYSTEM		111,093				111,093
034	SSN ACOUSTICS		299,962		4,000		303,962
	TB–33 thinline towed array				[4,000]		
035	UNDERSEA WARFARE SUPPORT EQUIPMENT		38,705				38,705
036	SONAR SWITCHES AND TRANSDUCERS		13,537				13,537
	ASW ELECTRONIC EQUIPMENT						
037	SUBMARINE ACOUSTIC WARFARE SYSTEM		20,681				20,681
038	SSTD		2,184				2,184
039	FIXED SURVEILLANCE SYSTEM		63,017				63,017
040	SURTASS		24,108				24,108
041	TACTICAL SUPPORT CENTER		22,464				22,464
	ELECTRONIC WARFARE EQUIPMENT						
042	AN/SLQ–32		34,264				34,264
	RECONNAISSANCE EQUIPMENT						
043	SHIPBOARD IW EXPLOIT		105,883				105,883
	SUBMARINE SURVEILLANCE EQUIPMENT						
044	SUBMARINE SUPPORT EQUIPMENT PROG		98,645				98,645
	OTHER SHIP ELECTRONIC EQUIPMENT						
045	NAVY TACTICAL DATA SYSTEM						
046	COOPERATIVE ENGAGEMENT CAPABILITY		30,522				30,522
047	GCCS–M EQUIPMENT		13,594				13,594
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		35,933				35,933
049	ATDLS		7,314				7,314
050	MINESWEEPING SYSTEM REPLACEMENT		79,091				79,091
051	SHALLOW WATER MCM		7,835				7,835
052	NAVSTAR GPS RECEIVERS (SPACE)		10,845				10,845
053	ARMED FORCES RADIO AND TV		3,333				3,333
054	STRATEGIC PLATFORM SUPPORT EQUIP		4,149				4,149
	TRAINING EQUIPMENT						
055	OTHER TRAINING EQUIPMENT		36,784				36,784
	AVIATION ELECTRONIC EQUIPMENT						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
056	MATCALS		17,468				17,468
057	SHIPBOARD AIR TRAFFIC CONTROL		7,970				7,970
058	AUTOMATIC CARRIER LANDING SYSTEM		18,878				18,878
059	NATIONAL AIR SPACE SYSTEM		28,988				28,988
060	AIR STATION SUPPORT EQUIPMENT		8,203				8,203
061	MICROWAVE LANDING SYSTEM		10,526				10,526
062	ID SYSTEMS		38,682				38,682
063	TAC A/C MISSION PLANNING SYS (TAMPS)		9,102				9,102
	OTHER SHORE ELECTRONIC EQUIPMENT						
064	DEPLOYABLE JOINT COMMAND AND CONT		8,719				8,719
065	TADIX–B		793				793
066	GCCS–M EQUIPMENT TACTICAL/MOBILE		11,820				11,820
067	COMMON IMAGERY GROUND SURFACE SYSTEMS		27,632				27,632
068	CANES		1,181				1,181
069	RADIAC		5,990				5,990
070	GPETE		3,737				3,737
071	INTEG COMBAT SYSTEM TEST FACILITY		4,423				4,423
072	EMI CONTROL INSTRUMENTATION		4,778				4,778
073	ITEMS LESS THAN $5 MILLION		65,760				65,760
	SHIPBOARD COMMUNICATIONS						
074	SHIPBOARD TACTICAL COMMUNICATIONS						
075	PORTABLE RADIOS						
076	SHIP COMMUNICATIONS AUTOMATION		310,605				310,605
077	AN/URC–82 RADIO		4,913				4,913
078	COMMUNICATIONS ITEMS UNDER $5M		25,314				25,314
	SUBMARINE COMMUNICATIONS						
079	SUBMARINE BROADCAST SUPPORT		105				105
080	SUBMARINE COMMUNICATION EQUIPMENT		48,729				48,729
	SATELLITE COMMUNICATIONS						
081	SATELLITE COMMUNICATIONS SYSTEMS		50,172				50,172
082	NAVY MULTIBAND TERMINAL (NMT)		72,496				72,496
	SHORE COMMUNICATIONS						
083	JCS COMMUNICATIONS EQUIPMENT		2,322				2,322
084	ELECTRICAL POWER SYSTEMS		1,293				1,293
085	NAVAL SHORE COMMUNICATIONS		2,542				2,542
	CRYPTOGRAPHIC EQUIPMENT						
086	INFO SYSTEMS SECURITY PROGRAM (ISSP)		119,054				119,054
087	CRYPTOLOGIC COMMUNICATIONS EQUIP		16,839				16,839
	OTHER ELECTRONIC SUPPORT						
088	COAST GUARD EQUIPMENT		18,892				18,892
	DRUG INTERDICTION SUPPORT						
089	OTHER DRUG INTERDICTION SUPPORT						
	AVIATION SUPPORT EQUIPMENT						
	SONOBUOYS						
090	SONOBUOYS—ALL TYPES		91,976				91,976
	AIRCRAFT SUPPORT EQUIPMENT						
091	WEAPONS RANGE SUPPORT EQUIPMENT		75,329				75,329
092	EXPEDITIONARY AIRFIELDS		8,343				8,343
093	AIRCRAFT REARMING EQUIPMENT		12,850				12,850
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT		48,670				48,670
095	METEOROLOGICAL EQUIPMENT		21,458				21,458
096	OTHER PHOTOGRAPHIC EQUIPMENT		1,582				1,582
097	AVIATION LIFE SUPPORT		27,367				27,367
098	AIRBORNE MINE COUNTERMEASURES		55,408				55,408
099	LAMPS MK III SHIPBOARD EQUIPMENT		23,694				23,694
100	PORTABLE ELECTRONIC MAINTENANCE AIDS		9,710				9,710
101	OTHER AVIATION SUPPORT EQUIPMENT		16,541				16,541
	ORDNANCE SUPPORT EQUIPMENT						
	SHIP GUN SYSTEM EQUIPMENT						
102	NAVAL FIRES CONTROL SYSTEM		1,391				1,391
103	GUN FIRE CONTROL EQUIPMENT		7,891				7,891
	SHIP MISSILE SYSTEMS EQUIPMENT						
104	NATO SEASPARROW		13,556				13,556
105	RAM GMLS		7,762				7,762
106	SHIP SELF DEFENSE SYSTEM		34,079				34,079
107	AEGIS SUPPORT EQUIPMENT		108,886				108,886
108	TOMAHAWK SUPPORT EQUIPMENT		88,475				88,475
109	VERTICAL LAUNCH SYSTEMS		5,513				5,513
	FBM SUPPORT EQUIPMENT						
110	STRATEGIC MISSILE SYSTEMS EQUIP		155,579				155,579
	ASW SUPPORT EQUIPMENT						
111	SSN COMBAT CONTROL SYSTEMS		118,528				118,528
112	SUBMARINE ASW SUPPORT EQUIPMENT		5,200				5,200
113	SURFACE ASW SUPPORT EQUIPMENT		13,646				13,646
114	ASW RANGE SUPPORT EQUIPMENT		7,256				7,256
	OTHER ORDNANCE SUPPORT EQUIPMENT						
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		54,069				54,069
116	ITEMS LESS THAN $5 MILLION		3,478				3,478
	OTHER EXPENDABLE ORDNANCE						
117	ANTI-SHIP MISSILE DECOY SYSTEM		37,128				37,128
118	SURFACE TRAINING DEVICE MODS		7,430				7,430
119	SUBMARINE TRAINING DEVICE MODS		25,271				25,271

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request Qty	FY 2010 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
	CIVIL ENGINEERING SUPPORT EQUIPMENT						
120	PASSENGER CARRYING VEHICLES		4,139				4,139
121	GENERAL PURPOSE TRUCKS		1,731				1,731
122	CONSTRUCTION & MAINTENANCE EQUIP		12,931				12,931
123	FIRE FIGHTING EQUIPMENT		12,976				12,976
124	TACTICAL VEHICLES		25,352				25,352
125	AMPHIBIOUS EQUIPMENT		2,950				2,950
126	POLLUTION CONTROL EQUIPMENT		5,097				5,097
127	ITEMS UNDER $5 MILLION		23,787				23,787
128	PHYSICAL SECURITY VEHICLES		1,115				1,115
	SUPPLY SUPPORT EQUIPMENT						
129	MATERIALS HANDLING EQUIPMENT		17,153				17,153
130	OTHER SUPPLY SUPPORT EQUIPMENT		6,368				6,368
131	FIRST DESTINATION TRANSPORTATION		6,217				6,217
132	SPECIAL PURPOSE SUPPLY SYSTEMS		71,597				71,597
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT						
	TRAINING DEVICES						
133	TRAINING SUPPORT EQUIPMENT		12,944				12,944
	COMMAND SUPPORT EQUIPMENT						
134	COMMAND SUPPORT EQUIPMENT		55,267		1,000		56,267
	National small unit center of excellence				[–3,000]		
	Man overboard indicators				[4,000]		
135	EDUCATION SUPPORT EQUIPMENT		2,084				2,084
136	MEDICAL SUPPORT EQUIPMENT		5,517				5,517
137	NAVAL MIP SUPPORT EQUIPMENT		1,537				1,537
139	OPERATING FORCES SUPPORT EQUIPMENT		12,250				12,250
140	C4ISR EQUIPMENT		5,324				5,324
141	ENVIRONMENTAL SUPPORT EQUIPMENT		18,183				18,183
142	PHYSICAL SECURITY EQUIPMENT		128,921				128,921
143	ENTERPRISE INFORMATION TECHNOLOGY		79,747				79,747
	OTHER						
144	CANCELLED ACCOUNT ADJUSTMENTS						
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		19,463				19,463
	SPARES AND REPAIR PARTS						
145	SPARES AND REPAIR PARTS		247,796				247,796
145a	Procurement of computer services/systems				–75,000		–75,000
	Eliminate redundant activities				[–75,000]		
	TOTAL—OTHER PROCUREMENT, NAVY		**5,661,176**		**–66,000**		**5,595,176**
	PROCUREMENT, MARINE CORPS						
	WEAPONS AND COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
001	AAV7A1 PIP		9,127				9,127
002	LAV PIP		34,969				34,969
003	IMPROVED RECOVERY VEHICLE (IRV)						
004	M1A1 FIREPOWER ENHANCEMENTS						
	ARTILLERY AND OTHER WEAPONS						
005	EXPEDITIONARY FIRE SUPPORT SYSTEM	20	19,591			20	19,591
006	155MM LIGHTWEIGHT TOWED HOWITZER		7,420				7,420
007	HIGH MOBILITY ARTILLERY ROCKET SYSTEM		71,476				71,476
008	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION		25,949				25,949
	WEAPONS						
009	MODULAR WEAPON SYSTEM						
	OTHER SUPPORT						
010	MODIFICATION KITS		33,990				33,990
011	WEAPONS ENHANCEMENT PROGRAM		22,238				22,238
	GUIDED MISSILES AND EQUIPMENT						
	GUIDED MISSILES						
012	GROUND BASED AIR DEFENSE		11,387				11,387
013	JAVELIN						
014	FOLLOW ON TO SMAW		25,333				25,333
015	ANTI-ARMOR WEAPONS SYSTEM–HEAVY (AAWS–H)		71,225				71,225
	OTHER SUPPORT						
016	MODIFICATION KITS		2,114				2,114
	COMMUNICATIONS & ELECTRONICS EQUIPMENT						
	COMMAND AND CONTROL SYSTEMS						
017	UNIT OPERATIONS CENTER		19,832				19,832
	REPAIR AND TEST EQUIPMENT						
018	REPAIR AND TEST EQUIPMENT		31,087				31,087
	OTHER SUPPORT (TEL)						
019	COMBAT SUPPORT SYSTEM		11,368				11,368
020	MODIFICATION KITS						
	COMMAND AND CONTROL SYSTEM (NON–TEL)						
021	ITEMS UNDER $5 MILLION (COMM & ELEC)		3,531				3,531
022	AIR OPERATIONS C2 SYSTEMS		45,084				45,084
	RADAR + EQUIPMENT (NON–TEL)						
023	RADAR SYSTEMS		7,428				7,428
	INTELL/COMM EQUIPMENT (NON–TEL)						
024	FIRE SUPPORT SYSTEM		2,580				2,580
025	INTELLIGENCE SUPPORT EQUIPMENT		37,581				37,581

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
026	RQ–11 UAV	517	42,403			517	42,403
	OTHER COMM/ELEC EQUIPMENT (NON–TEL)						
027	NIGHT VISION EQUIPMENT		10,360				10,360
	OTHER SUPPORT (NON–TEL)						
028	COMMON COMPUTER RESOURCES		115,263				115,263
029	COMMAND POST SYSTEMS		49,820				49,820
030	RADIO SYSTEMS		61,954				61,954
031	COMM SWITCHING & CONTROL SYSTEMS		98,254				98,254
032	COMM & ELEC INFRASTRUCTURE SUPPORT		15,531				15,531
	SUPPORT VEHICLES						
	ADMINISTRATIVE VEHICLES						
033	COMMERCIAL PASSENGER VEHICLES		1,265				1,265
034	COMMERCIAL CARGO VEHICLES		13,610				13,610
035	**TACTICAL VEHICLES**	54	9,796			54	9,796
036	MOTOR TRANSPORT MODIFICATIONS		6,111				6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT		10,792				10,792
038	LOGISTICS VEHICLE SYSTEM REP	495	217,390			495	217,390
039	FAMILY OF TACTICAL TRAILERS		26,497				26,497
040	TRAILERS		18,122				18,122
	OTHER SUPPORT						
041	ITEMS LESS THAN $5 MILLION		5,948				5,948
	ENGINEER AND OTHER EQUIPMENT						
042	ENVIRONMENTAL CONTROL EQUIP ASSORT		5,121				5,121
043	BULK LIQUID EQUIPMENT		13,035				13,035
044	TACTICAL FUEL SYSTEMS		35,059				35,059
045	POWER EQUIPMENT ASSORTED		21,033				21,033
046	AMPHIBIOUS SUPPORT EQUIPMENT		39,876				39,876
047	EOD SYSTEMS		93,335				93,335
	MATERIALS HANDLING EQUIPMENT						
048	PHYSICAL SECURITY EQUIPMENT		12,169				12,169
049	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)		11,825				11,825
050	MATERIAL HANDLING EQUIP		41,430				41,430
051	FIRST DESTINATION TRANSPORTATION		5,301				5,301
	GENERAL PROPERTY						
052	FIELD MEDICAL EQUIPMENT		6,811				6,811
053	TRAINING DEVICES		14,854				14,854
054	CONTAINER FAMILY		3,770				3,770
055	FAMILY OF CONSTRUCTION EQUIPMENT		37,735				37,735
056	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	52	10,360			52	10,360
057	BRIDGE BOATS						
058	RAPID DEPLOYABLE KITCHEN		2,159				2,159
	OTHER SUPPORT						
059	ITEMS LESS THAN $5 MILLION		8,792				8,792
	SPARES AND REPAIR PARTS						
060	SPARES AND REPAIR PARTS		41,547				41,547
	TOTAL—PROCUREMENT, MARINE CORPS		**1,600,638**				**1,600,638**
	AIRCRAFT PROCUREMENT, AIR FORCE						
	COMBAT AIRCRAFT						
	TACTICAL FORCES						
001	F–35	10	2,048,830			10	2,048,830
002	ADVANCE PROCUREMENT (CY)		300,600				300,600
003	F–22A		95,163	7	1,717,735	7	1,812,898
	Use FY 09 funds to offset FY 10 requirements				[–32,265]		
	Purchase additional aircraft				[1,750,000]		
	Unneeded production shutdown costs				[–64,000]		
	Other program requirements				[64,000]		
004	ADVANCE PROCUREMENT (CY)						
	AIRLIFT AIRCRAFT						
	TACTICAL AIRLIFT						
005	C–17A (MYP)		88,510				88,510
	OTHER AIRLIFT						
006	C–130J	3	285,632			3	285,632
007	ADVANCE PROCUREMENT (CY)		108,000				108,000
008	HC/MC–130 RECAP	9	879,231			9	879,231
009	ADVANCE PROCUREMENT (CY)		137,360				137,360
010	JOINT CARGO AIRCRAFT	8	319,050			8	319,050
	TRAINER AIRCRAFT						
	UPT TRAINERS						
011	USAFA POWERED FLIGHT PROGRAM	13	4,144			13	4,144
	OPERATIONAL TRAINERS						
012	JPATS		15,711				15,711
	OTHER AIRCRAFT						
	HELICOPTERS						
013	V22 OSPREY	5	437,272			5	437,272
014	ADVANCE PROCUREMENT (CY)		13,835				13,835
	MISSION SUPPORT AIRCRAFT						
015	C–29A FLIGHT INSPECTION ACFT						
016	C–12 A						
017	C–40	3	154,044			3	154,044
018	CIVIL AIR PATROL A/C		2,426				2,426

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	OTHER AIRCRAFT						
020	TARGET DRONES		78,511				78,511
021	C–37A	1	66,400			1	66,400
022	GLOBAL HAWK	5	554,775		–50,000	5	504,775
	Reduction due to program delays				[–50,000]		
023	ADVANCE PROCUREMENT (CY)		113,049				113,049
024	MQ–1						
025	MQ–9	24	489,469		–19,900	24	469,569
	Gorgon Stare				[–19,900]		
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		3,608				3,608
	MODIFICATION OF IN–SERVICE AIRCRAFT						
	STRATEGIC AIRCRAFT						
026	B–2A		283,955				283,955
027	ADVANCE PROCUREMENT (CY)						
028	B–1B		107,558				107,558
029	B–52		78,788				78,788
	TACTICAL AIRCRAFT						
030	A–10		252,488				252,488
031	F–15		92,921				92,921
032	F–16		224,642				224,642
033	F–22A		350,735		–350,735		
	Use FY 09 funds to offset FY 10 requirements				[–350,735]		
	AIRLIFT AIRCRAFT						
034	C–5		606,993				606,993
035	ADVANCE PROCUREMENT (CY)		108,300				108,300
036	C–9C		10				10
037	C–17A		469,731				469,731
038	C–21		562				562
039	C–32A		10,644				10,644
040	C–37A		4,336				4,336
	TRAINER AIRCRAFT						
041	GLIDER MODS		119				119
042	T–6		33,074				33,074
043	T–1		35				35
044	T–38		75,274				75,274
045	T–43						
	OTHER AIRCRAFT						
046	KC–10A (ATCA)		9,441				9,441
047	C–12		472				472
048	MC–12W		63,000				63,000
049	C–20 MODS		734				734
050	VC–25A MOD		15,610				15,610
051	C–40		9,162				9,162
052	C–130		354,421		–209,500		144,921
	Use FY 08 & FY 09 resources to fund AMP production				[–209,500]		
053	C130J MODS		13,627				13,627
054	C–135		150,425				150,425
055	COMPASS CALL MODS		29,187				29,187
056	DARP		107,859				107,859
057	E–3		79,263				79,263
058	E–4		73,058				73,058
059	E–8		225,973				225,973
060	H–1		18,280				18,280
061	H–60		14,201				14,201
062	GLOBAL HAWK MODS		134,864				134,864
063	HC/MC–130 MODIFICATIONS		1,964				1,964
064	OTHER AIRCRAFT		103,274		24,000		127,274
	Litening ATP upgrade kits				[24,000]		
065	MQ–1 MODS		123,889				123,889
066	MQ–9 MODS		48,837				48,837
067	CV–22 MODS		24,429				24,429
	AIRCRAFT SPARES + REPAIR PARTS						
068	INITIAL SPARES/REPAIR PARTS		418,604				418,604
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
	COMMON SUPPORT EQUIP						
069	AIRCRAFT REPLACEMENT SUPPORT EQUIP		105,820				105,820
	POST PRODUCTION SUPPORT						
070	B–1		3,929				3,929
071	B–2A						
072	B–2A		24,481				24,481
073	C–5		2,259				2,259
074	C–5		11,787				11,787
075	KC–10A (ATCA)		4,125				4,125
076	C–17A		91,400				91,400
077	C–130		28,092				28,092
078	EC–130J		5,283				5,283
079	F–15		15,744				15,744
080	F–16		19,951				19,951
081	OTHER AIRCRAFT		51,980				51,980
082	T–1						
	INDUSTRIAL PREPAREDNESS						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request Qty	FY 2010 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
083	INDUSTRIAL RESPONSIVENESS		25,529				25,529
	WAR CONSUMABLES						
084	WAR CONSUMABLES		134,427				134,427
	OTHER PRODUCTION CHARGES						
085	OTHER PRODUCTION CHARGES		490,344				490,344
	OTHER PRODUCTION CHARGES—SOF						
087	CANCELLED ACCT ADJUSTMENTS						
	DARP						
088	DARP		15,323				15,323
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		19,443				19,443
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE		**11,966,276**		**1,111,600**		**13,077,876**
	PROCUREMENT OF AMMUNITION, AIR FORCE						
	PROCUREMENT OF AMMO, AIR FORCE						
	ROCKETS						
001	ROCKETS		43,461				43,461
	CARTRIDGES						
002	CARTRIDGES		123,886				123,886
	BOMBS						
003	PRACTICE BOMBS		52,459				52,459
004	GENERAL PURPOSE BOMBS		225,145				225,145
005	JOINT DIRECT ATTACK MUNITION	3592	103,041			3592	103,041
	FLARE, IR MJU–7B						
006	CAD/PAD		40,522				40,522
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD)		3,302				3,302
008	SPARES AND REPAIR PARTS		4,582				4,582
009	MODIFICATIONS		1,289				1,289
010	ITEMS LESS THAN $5,000,000		5,061				5,061
	FUZES						
011	FLARES		152,515				152,515
012	FUZES		61,037				61,037
	WEAPONS						
	SMALL ARMS						
013	SMALL ARMS		6,162				6,162
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE		**822,462**				**822,462**
	MISSILE PROCUREMENT, AIR FORCE						
	BALLISTIC MISSILES						
	MISSILE REPLACEMENT EQUIPMENT–BALLISTIC						
001	MISSILE REPLACEMENT EQ–BALLISTIC		58,139				58,139
	OTHER MISSILES						
	TACTICAL						
002	JASSM		52,666				52,666
003	SIDEWINDER (AIM–9X)	219	78,753			219	78,753
004	AMRAAM	196	291,827			196	291,827
005	PREDITOR HELLFIRE MISSILE	792	79,699			792	79,699
006	SMALL DIAMETER BOMB	2340	134,801			2340	134,801
	INDUSTRIAL FACILITIES						
007	INDUSTR'L PREPAREDNS/POL PREVENTION		841				841
	MODIFICATION OF IN–SERVICE MISSILES						
	CLASS IV						
008	ADVANCED CRUISE MISSILE		32				32
009	MM III MODIFICATIONS		199,484				199,484
010	AGM–65D MAVERICK		258				258
011	AGM–88A HARM		30,280				30,280
012	AIR LAUNCH CRUISE MISSILE (ALCM)						
	SPARES AND REPAIR PARTS						
	MISSILE SPARES + REPAIR PARTS						
013	INITIAL SPARES/REPAIR PARTS		70,185				70,185
	OTHER SUPPORT						
	SPACE PROGRAMS						
014	ADVANCED EHF	1	1,843,475			1	1,843,475
015	ADVANCE PROCUREMENT (CY)						
016	WIDEBAND GAPFILLER SATELLITES (SPACE)		201,671				201,671
017	ADVANCE PROCUREMENT (CY)		62,380				62,380
018	SPACEBORNE EQUIP (COMSEC)		9,871				9,871
019	GLOBAL POSITIONING (SPACE)		53,140				53,140
020	ADVANCE PROCUREMENT (CY)						
021	NUDET DETECTION SYSTEM						
022	DEF METEOROLOGICAL SAT PROG (SPACE)		97,764				97,764
023	TITAN SPACE BOOSTERS (SPACE)						
024	EVOLVED EXPENDABLE LAUNCH VEH (SPACE)	5	1,295,325		–193,000	5	1,102,325
	EELV reduction for GPS IF8				[–88,000]		
	EELV reduction for AFSPC4				[–105,000]		
025	MEDIUM LAUNCH VEHICLE (SPACE)						
026	SBIR HIGH (SPACE)	1	307,456			1	307,456
027	ADVANCE PROCUREMENT (CY)		159,000				159,000
028	NATL POLAR-ORBITING OP ENV SATELLITE		3,900				3,900
	SPECIAL PROGRAMS						

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
029	DEFENSE SPACE RECONN PROGRAM		105,152				105,152
031	SPECIAL UPDATE PROGRAMS		311,070				311,070
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		853,559				853,559
	TOTAL—MISSILE PROCUREMENT, AIR FORCE		**6,300,728**		**–193,000**		**6,107,728**
	OTHER PROCUREMENT, AIR FORCE						
	VEHICULAR EQUIPMENT						
	CARGO + UTILITY VEHICLES						
002	MEDIUM TACTICAL VEHICLE		25,922				25,922
003	CAP VEHICLES		897				897
	SPECIAL PURPOSE VEHICLES						
004	SECURITY AND TACTICAL VEHICLES		44,603				44,603
	FIRE FIGHTING EQUIPMENT						
005	FIRE FIGHTING/CRASH RESCUE VEHICLES		27,760				27,760
	MATERIALS HANDLING EQUIPMENT						
006	HALVERSEN LOADER				12,000		12,000
	Procure additional loaders				[12,000]		
	BASE MAINTENANCE SUPPORT						
007	RUNWAY SNOW REMOV AND CLEANING EQU		24,884				24,884
008	ITEMS LESS THAN $5,000,000 (VEHICLES)		57,243				57,243
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		18,163				18,163
	ELECTRONICS AND TELECOMMUNICATIONS						
	COMM SECURITY EQUIPMENT (COMSEC)						
009	COMSEC EQUIPMENT		209,249				209,249
010	MODIFICATIONS (COMSEC)		1,570				1,570
	INTELLIGENCE PROGRAMS						
011	INTELLIGENCE TRAINING EQUIPMENT		4,230				4,230
012	INTELLIGENCE COMM EQUIPMENT		21,965				21,965
	ELECTRONICS PROGRAMS						
013	AIR TRAFFIC CONTROL & LANDING SYS		22,591				22,591
014	NATIONAL AIRSPACE SYSTEM		47,670				47,670
015	THEATER AIR CONTROL SYS IMPROVEMEN		56,776				56,776
016	WEATHER OBSERVATION FORECAST		19,357				19,357
017	STRATEGIC COMMAND AND CONTROL		35,116				35,116
018	CHEYENNE MOUNTAIN COMPLEX		28,608				28,608
019	DRUG INTERDICTION SPT		452				452
	SPCL COMM–ELECTRONICS PROJECTS						
020	GENERAL INFORMATION TECHNOLOGY		111,282				111,282
021	AF GLOBAL COMMAND & CONTROL SYS		15,499				15,499
022	MOBILITY COMMAND AND CONTROL		8,610				8,610
023	AIR FORCE PHYSICAL SECURITY SYSTEM		137,293				137,293
024	COMBAT TRAINING RANGES		40,633		6,200		46,833
	Unmanned modular threat emitter (UMTE)				[3,000]		
	Joint threat emitter (JTE)				[3,200]		
025	C3 COUNTERMEASURES		8,177				8,177
026	GCSS–AF FOS		81,579				81,579
027	THEATER BATTLE MGT C2 SYSTEM		29,687				29,687
028	AIR & SPACE OPERATIONS CTR–WPN SYS		54,093				54,093
	AIR FORCE COMMUNICATIONS						
029	BASE INFO INFRASTRUCTURE		433,859				433,859
030	USCENTCOM		38,958				38,958
031	AUTOMATED TELECOMMUNICATIONS PRG						
	DISA PROGRAMS						
032	SPACE BASED IR SENSOR PGM SPACE		34,440				34,440
033	NAVSTAR GPS SPACE		6,415				6,415
034	NUDET DETECTION SYS SPACE		15,436				15,436
035	AF SATELLITE CONTROL NETWORK SPACE		58,865				58,865
036	SPACELIFT RANGE SYSTEM SPACE		100,275				100,275
037	MILSATCOM SPACE		110,575		9,000		119,575
	Application software assurance				[9,000]		
038	SPACE MODS SPACE		30,594				30,594
039	COUNTERSPACE SYSTEM		29,793				29,793
	ORGANIZATION AND BASE						
040	TACTICAL C–E EQUIPMENT		240,890				240,890
041	COMBAT SURVIVOR EVADER LOCATER		35,029				35,029
042	RADIO EQUIPMENT		15,536				15,536
043	TV EQUIPMENT (AFRTV)						
044	CCTV/AUDIOVISUAL EQUIPMENT		12,961				12,961
045	BASE COMM INFRASTRUCTURE		121,049				121,049
	MODIFICATIONS						
046	COMM ELECT MODS		64,087				64,087
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP						
	PERSONAL SAFETY & RESCUE EQUIP						
047	NIGHT VISION GOGGLES		28,226				28,226
048	ITEMS LESS THAN $5,000,000 (SAFETY)		17,223				17,223
	DEPOT PLANT + MTRLS HANDLING EQ						
049	MECHANIZED MATERIAL HANDLING EQUIP		15,449				15,449
	BASE SUPPORT EQUIPMENT						
050	BASE PROCURED EQUIPMENT		14,300				14,300

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request Qty	FY 2010 Request Cost	Senate Change Qty	Senate Change Cost	Senate Authorized Qty	Senate Authorized Cost
051	CONTINGENCY OPERATIONS		22,973				22,973
052	PRODUCTIVITY CAPITAL INVESTMENT		3,020				3,020
053	MOBILITY EQUIPMENT		32,855				32,855
054	ITEMS LESS THAN $5,000,000 (BASE S)		8,195				8,195
	SPECIAL SUPPORT PROJECTS						
056	DARP RC135		23,132				23,132
057	DISTRIBUTED GROUND SYSTEMS		293,640				293,640
059	SPECIAL UPDATE PROGRAM		471,234				471,234
060	DEFENSE SPACE RECONNAISSANCE PROG.		30,041				30,041
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		13,830,722				13,830,722
	SPARES AND REPAIR PARTS						
061	SPARES AND REPAIR PARTS		19,460				19,460
061a	Procurement of computer services/systems				–75,000		–75,000
	Eliminate redundant activities				[–75,000]		
	TOTAL—OTHER PROCUREMENT, AIR FORCE		**17,293,141**		**–47,800**		**17,245,341**
	MINE RESISTANT AMBUSH PROT VEH FUND						
	MINE RESISTANT AMBUSH PROT VEH FUND						
	MINE RESISTANT AMBUSH PROT VEH FUND				1,200,000		1,200,000
	Additional MRAP vehicles to meet new requirement				[1,200,000]		
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND				**1,200,000**		**1,200,000**
	PROCUREMENT, DEFENSE-WIDE						
	MAJOR EQUIPMENT						
	MAJOR EQUIPMENT, AFIS						
001	MAJOR EQUIPMENT, AFIS						
	MAJOR EQUIPMENT, BTA						
002	MAJOR EQUIPMENT, BTA		8,858				8,858
	MAJOR EQUIPMENT, DCAA						
003	ITEMS LESS THAN $5 MILLION		1,489				1,489
	MAJOR EQUIPMENT, DCMA						
004	MAJOR EQUIPMENT		2,012				2,012
	MAJOR EQUIPMENT, DHRA						
005	PERSONNEL ADMINISTRATION		10,431				10,431
	MAJOR EQUIPMENT, DISA						
017	INTERDICTION SUPPORT						
018	INFORMATION SYSTEMS SECURITY		13,449				13,449
019	GLOBAL COMMAND AND CONTROL SYSTEM		7,053				7,053
020	GLOBAL COMBAT SUPPORT SYSTEM		2,820				2,820
021	TELEPORT PROGRAM		68,037				68,037
022	ITEMS LESS THAN $5 MILLION		196,232				196,232
023	NET CENTRIC ENTERPRISE SERVICES (NCES)		3,051				3,051
024	DEFENSE INFORMATION SYSTEM NETWORK (DISN)		89,725				89,725
025	PUBLIC KEY INFRASTRUCTURE		1,780				1,780
026	JOINT COMMAND AND CONTROL PROGRAM		2,835				2,835
027	CYBER SECURITY INITIATIVE		18,188				18,188
	MAJOR EQUIPMENT, DLA						
028	MAJOR EQUIPMENT		7,728				7,728
	MAJOR EQUIPMENT, DMACT						
029	MAJOR EQUIPMENT	4	10,149			4	10,149
	MAJOR EQUIPMENT, DODEA						
030	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS		1,463				1,463
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY						
031	EQUIPMENT						
032	VEHICLES		50				50
033	OTHER MAJOR EQUIPMENT		7,447				7,447
	MAJOR EQUIPMENT, DTSA						
034	MAJOR EQUIPMENT		436				436
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY						
035	THAAD SYSTEM		420,300				420,300
036	SM–3		168,723				168,723
	MAJOR EQUIPMENT, NSA						
044	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)		4,013				4,013
	MAJOR EQUIPMENT, OSD						
047	MAJOR EQUIPMENT, OSD		111,487				111,487
	MAJOR EQUIPMENT, TJS						
048	MAJOR EQUIPMENT, TJS		12,065				12,065
	MAJOR EQUIPMENT, WHS						
049	WHS MOTOR VEHICLES						
050	MAJOR EQUIPMENT, WHS		26,945				26,945
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		818,766				818,766
	SPECIAL OPERATIONS COMMAND						
	AVIATION PROGRAMS						
051	ROTARY WING UPGRADES AND SUSTAINMENT		101,936				101,936
052	MH–47 SERVICE LIFE EXTENSION PROGRAM		22,958				22,958
053	MH–60 SOF MODERNIZATION PROGRAM		146,820				146,820

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
054	NON-STANDARD AVIATION	9	227,552			9	227,552
055	UNMANNED VEHICLES						
056	SOF TANKER RECAPITALIZATION		34,200				34,200
057	SOF U–28		2,518				2,518
058	MC–130H, COMBAT TALON II						
059	CV–22 SOF MOD	5	114,553			5	114,553
060	MQ–1 UAV		10,930				10,930
061	MQ–9 UAV		12,671				12,671
062	STUASL0	9	12,223			9	12,223
063	C–130 MODIFICATIONS		59,950		85,000		144,950
	MC–130W multi-mission modifications				[85,000]		
064	AIRCRAFT SUPPORT		973				973
	SHIPBUILDING						
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS)		5,236				5,236
066	MK8 MOD1 SEAL DELIVERY VEHICLE		1,463				1,463
	AMMUNITION PROGRAMS						
067	SOF ORDNANCE REPLENISHMENT		61,360				61,360
068	SOF ORDNANCE ACQUISITION		26,791				26,791
	OTHER PROCUREMENT PROGRAMS						
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS		55,080				55,080
070	SOF INTELLIGENCE SYSTEMS		72,811				72,811
071	SMALL ARMS AND WEAPONS		35,235		5,000		40,235
	Advanced lightweight grenade launcher				[5,000]		
072	MARITIME EQUIPMENT MODIFICATIONS		791				791
073	SPEC APPLICATION FOR CONT						
074	SOF COMBATANT CRAFT SYSTEMS		6,156				6,156
075	SPARES AND REPAIR PARTS		2,010				2,010
076	TACTICAL VEHICLES		18,821				18,821
077	MISSION TRAINING AND PREPARATION SYSTEMS		17,265				17,265
078	COMBAT MISSION REQUIREMENTS		20,000				20,000
079	MILCON COLLATERAL EQUIPMENT		6,835				6,835
081	SOF AUTOMATION SYSTEMS		60,836				60,836
082	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES		12,401				12,401
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE		26,070				26,070
084	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS		550				550
085	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS.		33,741		15,400		49,141
	Special operations visual augmentation systems				[15,400]		
086	SOF TACTICAL RADIO SYSTEMS		53,034		31,300		84,334
	Special operations forces multi-band inter/intra team radio				[31,300]		
087	SOF MARITIME EQUIPMENT		2,777				2,777
088	DRUG INTERDICTION						
089	MISCELLANEOUS EQUIPMENT		7,576				7,576
090	SOF OPERATIONAL ENHANCEMENTS		273,998				273,998
091	PSYOP EQUIPMENT		43,081				43,081
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		5,573				5,573
	CHEMICAL/BIOLOGICAL DEFENSE						
	CBDP						
092	Installation Force Protection		65,590				65,590
093	Individual Force Protection		92,004		4,000		96,004
	M53 joint chemical biological protection mask				[4,000]		
094	Decontamination		22,008				22,008
095	Joint Bio Defense Program (Medical)		12,740				12,740
096	Collective Protection		27,938				27,938
097	Contamination Avoidance		151,765				151,765
097a	Procurement of computer services/systems				–75,000		–75,000
	Eliminate redundant activities				[–75,000]		
	TOTAL—PROCUREMENT, DEFENSE-WIDE		**3,984,352**		**65,700**		**4,050,052**
	RAPID ACQUISITION FUND						
001	JOINT RAPID ACQUISITION CELL		79,300				79,300
	TOTAL—RAPID ACQUISITION FUND		**79,300**				**79,300**
	Total Procurement		**105,819,330**		**1,397,490**		**107,216,820**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY						
	AIRCRAFT						
	FIXED WING						
003	MQ–1 UAV	12	250,000			12	250,000
004	RQ–11 (RAVEN)	86	44,640			86	44,640
004A	C–12A	6	45,000			6	45,000
	ROTARY WING						
011	UH–60 BLACKHAWK (MYP)	4	74,340			4	74,340
013	CH–47 HELICOPTER	4	141,200			4	141,200
	MODIFICATION OF AIRCRAFT						
018	GUARDRAIL MODS (MIP)		50,210				50,210
019	MULTI SENSOR ABN RECON (MIP)		54,000				54,000
020	AH–64 MODS	4	315,300			4	315,300
026	UTILITY HELICOPTER MODS		2,500				2,500
027	KIOWA WARRIOR	6	94,335			6	94,335
030	RQ–7 UAV MODS		326,400				326,400
030A	C–12A		60,000				60,000
	SPARES AND REPAIR PARTS						
031	SPARE PARTS (AIR)		18,200				18,200
	SUPPORT EQUIPMENT AND FACILITIES						
	GROUND SUPPORT AVIONICS						
033	ASE INFRARED CM		111,600				111,600
	OTHER SUPPORT						
035	COMMON GROUND EQUIPMENT		23,704				23,704
036	AIRCREW INTEGRATED SYSTEMS		24,800				24,800
	TOTAL—AIRCRAFT PROCUREMENT, ARMY.		**1,636,229**				**1,636,229**
	MISSILE PROCUREMENT, ARMY						
	OTHER MISSILES						
	AIR-TO-SURFACE MISSILE SYSTEM						
005	HELLFIRE SYS SUMMARY	2133	219,700			2133	219,700
	ANTI-TANK/ASSAULT MISSILE SYSTEM						
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	864	140,979			864	140,979
007	TOW 2 SYSTEM SUMMARY	1294	59,200			1294	59,200
008	GUIDED MLRS ROCKET (GMLRS)	678	60,600			678	60,600
	MODIFICATIONS						
014	MLRS MODS		18,772				18,772
015	HIMARS MODIFICATIONS		32,319				32,319
	TOTAL—MISSILE PROCUREMENT, ARMY		**531,570**				**531,570**
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES						
	MODIFICATION OF TRACKED COMBAT VEHICLES						
009	FIST VEHICLE (MOD)		36,000				36,000
010	BRADLEY PROGRAM (MOD)		243,600				243,600
011	HOWITZER, MED SP FT 155MM M109A6 (MOD).		37,620				37,620
	WEAPONS AND OTHER COMBAT VEHICLES						
027	XM320 GRENADE LAUNCHER MODULE (GLM).	3643	13,900			3643	13,900
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO.	1000	235,000			1000	235,000
033	HOWITZER LT WT 155MM (T)	36	107,996			36	107,996
	MOD OF WEAPONS AND OTHER COMBAT VEH						
036	M2 50 CAL MACHINE GUN MODS		27,600				27,600
037	M249 SAW MACHINE GUN MODS		20,900				20,900
038	M240 MEDIUM MACHINE GUN MODS		4,800				4,800
040	M119 MODIFICATIONS		21,250				21,250

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
041A	M14 7.62 RIFLE MODS		5,800				5,800
	SUPPORT EQUIPMENT & FACILITIES						
043	ITEMS LESS THAN $5.0M (WOCV–WTCV)		5,000				5,000
	TOTAL—PROCUREMENT OF WTCV, ARMY		**759,466**				**759,466**
	PROCUREMENT OF AMMUNITION, ARMY						
	AMMUNITION						
	SMALL/MEDIUM CALIBER AMMUNITION						
001	CTG, 5.56MM, ALL TYPES		22,000				22,000
002	CTG, 7.62MM, ALL TYPES		8,300				8,300
003	CTG, HANDGUN, ALL TYPES		500				500
004	CTG, .50 CAL, ALL TYPES		26,500				26,500
006	CTG, 30MM, ALL TYPES		530				530
	MORTAR AMMUNITION						
008	60MM MORTAR, ALL TYPES		20,000				20,000
	ARTILLERY AMMUNITION						
014	CTG, ARTY, 105MM: ALL TYPES		9,200				9,200
016	PROJ 155MM EXTENDED RANGE XM982		52,200				52,200
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T.		10,000				10,000
	ARTILLERY FUZES						
018	ARTILLERY FUZES, ALL TYPES		7,800				7,800
	MINES						
019	MINES, ALL TYPES		5,000				5,000
020	MINE, CLEARING CHARGE, ALL TYPES		7,000				7,000
	ROCKETS						
024	ROCKET, HYDRA 70, ALL TYPES		169,505				169,505
	OTHER AMMUNITION						
027	SIGNALS, ALL TYPES		100				100
	MISCELLANEOUS						
030	NON-LETHAL AMMUNITION, ALL TYPES		32,000				32,000
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY.		**370,635**				**370,635**
	OTHER PROCUREMENT, ARMY						
	TACTICAL AND SUPPORT VEHICLES						
	TACTICAL VEHICLES						
001	TACTICAL TRAILERS/DOLLY SETS	185	1,948			185	1,948
002	SEMITRAILERS, FLATBED	670	40,403			670	40,403
003	SEMITRAILERS, TANKERS	44	8,651			44	8,651
004	HI MOB MULTI-PURP WHLD VEH (HMMWV).	8444	1,251,038			8444	1,251,038
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV).	1643	461,657			1643	461,657
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV).		623,230				623,230
009	ARMORED SECURITY VEHICLES (ASV)		13,206				13,206
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	259	62,654			259	62,654
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	COMM-JOINT COMMUNICATIONS						
023	WIN–T—GROUND FORCES TACTICAL NETWORK.		13,500				13,500
	COMM—SATELLITE COMMUNICATIONS						
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE).		53,486				53,486
029	SMART–T (SPACE)		26,000				26,000
032	MOD OF IN–SVC EQUIP (TAC SAT)		23,900				23,900
	COMM—COMBAT SUPPORT COMM						
032A	MOD–IN–SERVICE PROFILER		6,070				6,070
	COMM—COMBAT COMMUNICATIONS						

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO).		239				239
037	SINCGARS FAMILY		128,180		–75,000		53,180
	Unjustified program growth				[–75,000]		
038	AMC CRITICAL ITEMS—OPA2		100,000				100,000
046	RADIO, IMPROVED HF (COTS) FAMILY		11,286				11,286
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4).		18				18
	INFORMATION SECURITY						
050	INFORMATION SYSTEM SECURITY PROGRAM–ISSP.		32,095				32,095
	COMM—BASE COMMUNICATIONS						
055	INFORMATION SYSTEMS		330,342				330,342
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.		227,733				227,733
	ELECT EQUIP—TACT INT REL ACT (TIARA)						
062	JTT/CIBS-M (MIP)		1,660				1,660
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP).		265				265
069	DCGS–A (MIP)		167,100				167,100
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP).		34,208				34,208
075	ITEMS LESS THAN $5.0M (MIP)		5,064				5,064
	ELECT EQUIP—ELECTRONIC WARFARE (EW)						
076	LIGHTWEIGHT COUNTER MORTAR RADAR.		58,590				58,590
077	WARLOCK		164,435				164,435
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES.		126,030				126,030
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)						
082	NIGHT VISION DEVICES		93,183				93,183
084	NIGHT VISION, THERMAL WPN SIGHT		25,000				25,000
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF.		15,000				15,000
087	COUNTER–ROCKET, ARTILLERY & MORTAR (C–RAM).		150,400				150,400
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE.		1,900				1,900
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2).		242,999		179,000		421,999
	Unfunded requirement				[179,000]		
095	JOINT BATTLE COMMAND—PLATFORM (JBC–P).						
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD.		97,020				97,020
097	COMPUTER BALLISTICS: LHMBC XM32		3,780				3,780
099	COUNTERFIRE RADARS		26,000				26,000
	ELECT EQUIP—TACTICAL C2 SYSTEMS						
103	FIRE SUPPORT C2 FAMILY		14,840				14,840
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC.		16				16
107	KNIGHT FAMILY		178,500				178,500
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE.		58,900				58,900
114	MANEUVER CONTROL SYSTEM (MCS)		5,000				5,000
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE).		1,440				1,440
	ELECT EQUIP—SUPPORT						
	CLASSIFIED PROGRAMS		760				760
	OTHER SUPPORT EQUIPMENT						
	CHEMICAL DEFENSIVE EQUIPMENT						

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
129	PROTECTIVE SYSTEMS		44,460				44,460
130	CBRN SOLDIER PROTECTION		38,811				38,811
	BRIDGING EQUIPMENT						
133	TACTICAL BRIDGE, FLOAT-RIBBON		13,525				13,525
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT).		10,800				10,800
	COMBAT SERVICE SUPPORT EQUIPMENT						
140	LAUNDRIES, SHOWERS AND LATRINES		21,561				21,561
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME).		1,955				1,955
146	FORCE PROVIDER		245,382				245,382
147	FIELD FEEDING EQUIPMENT		4,011				4,011
150	ITEMS LESS THAN $5M (ENG SPT)		4,987				4,987
	PETROLEUM EQUIPMENT						
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER.		58,554				58,554
	WATER EQUIPMENT						
153	WATER PURIFICATION SYSTEMS		3,017				3,017
	MEDICAL EQUIPMENT						
154	COMBAT SUPPORT MEDICAL		11,386				11,386
	MAINTENANCE EQUIPMENT						
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS.		12,365				12,365
156	ITEMS LESS THAN $5.0M (MAINT EQ)		546				546
	CONSTRUCTION EQUIPMENT						
162	LOADERS		1,100				1,100
163	HYDRAULIC EXCAVATOR		290				290
166	PLANT, ASPHALT MIXING		2,500				2,500
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS.		16,500				16,500
169	ITEMS LESS THAN $5.0M (CONST EQUIP)		360				360
	RAIL FLOAT CONTAINERIZATION EQUIPMENT						
172	ITEMS LESS THAN $5.0M (FLOAT/RAIL)		3,550				3,550
	GENERATORS						
173	GENERATORS AND ASSOCIATED EQUIP		62,210				62,210
	MATERIAL HANDLING EQUIPMENT						
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH).		54,360				54,360
175	ALL TERRAIN LIFTING ARMY SYSTEM		49,319				49,319
	TRAINING EQUIPMENT						
176	COMBAT TRAINING CENTERS SUPPORT		60,200				60,200
177	TRAINING DEVICES, NONSYSTEM		28,200				28,200
	TEST MEASURE AND DIG EQUIPMENT (TMD)						
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE).		1,524				1,524
183	TEST EQUIPMENT MODERNIZATION (TEMOD).		3,817				3,817
	OTHER SUPPORT EQUIPMENT						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT.		27,000				27,000
187	MODIFICATION OF IN–SVC EQUIPMENT (OPA–3).		555,950				555,950
	TOTAL—OTHER PROCUREMENT, ARMY		**6,225,966**		**104,000**		**6,329,966**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND						
	NETWORK ATTACK						
001	ATTACK THE NETWORK		812,000		203,100		1,015,100
	Transfer from base budget				[203,100]		
	JIEDDO DEVICE DEFEAT						

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
002	DEFEAT THE DEVICE		536,000		199,100		735,100
	Transfer from base budget				[199,100]		
	FORCE TRAINING						
003	TRAIN THE FORCE		187,000		41,100		228,100
	Transfer from base budget				[41,100]		
	STAFF AND INFRASTRUCTURE						
004	OPERATIONS				121,550		121,550
	Transfer from base budget				[121,550]		
	TOTAL—JOINT IED DEFEAT FUND		**1,535,000**		**564,850**		**2,099,850**
	AIRCRAFT PROCUREMENT, NAVY						
	COMBAT AIRCRAFT						
010	UH–1Y/AH–1Z	2	55,006			2	55,006
	MODIFICATION OF AIRCRAFT						
028	EA–6 SERIES		45,000				45,000
029	AV–8 SERIES		28,296				28,296
030	F–18 SERIES		96,000				96,000
031	H–46 SERIES		17,485				17,485
033	H–53 SERIES		164,730				164,730
034	SH–60 SERIES		11,192				11,192
035	H–1 SERIES		11,217				11,217
037	P–3 SERIES		74,900				74,900
039	E–2 SERIES		17,200				17,200
041	C–2A		14,100				14,100
042	C–130 SERIES		52,324				52,324
049	POWER PLANT CHANGES		4,456				4,456
052	COMMON ECM EQUIPMENT		263,382				263,382
054	COMMON DEFENSIVE WEAPON SYSTEM		5,500				5,500
056	V–22 (TILT/ROTOR ACFT) OSPREY		53,500				53,500
	AIRCRAFT SPARES AND REPAIR PARTS						
057	SPARES AND REPAIR PARTS		2,265				2,265
	TOTAL—AIRCRAFT PROCUREMENT, NAVY.		**916,553**				**916,553**
	WEAPONS PROCUREMENT, NAVY						
	OTHER MISSILES						
	TACTICAL MISSILES						
010	HELLFIRE	782	73,700			782	73,700
	TOTAL—WEAPONS PROCUREMENT, NAVY.		**73,700**				**73,700**
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS						
	PROC AMMO, NAVY						
	NAVY AMMUNITION						
001	GENERAL PURPOSE BOMBS		40,500				40,500
003	AIRBORNE ROCKETS, ALL TYPES		42,510				42,510
004	MACHINE GUN AMMUNITION		109,200				109,200
007	AIR EXPENDABLE COUNTERMEASURES		5,501				5,501
009	5 INCH/54 GUN AMMUNITION		352				352
011	OTHER SHIP GUN AMMUNITION		2,835				2,835
012	SMALL ARMS & LANDING PARTY AMMO		14,229				14,229
013	PYROTECHNIC AND DEMOLITION		1,442				1,442
	PROC AMMO, MC						
	MARINE CORPS AMMUNITION						
015	SMALL ARMS AMMUNITION		16,930				16,930
016	LINEAR CHARGES, ALL TYPES		5,881				5,881
017	40 MM, ALL TYPES		104,824				104,824
018	60MM, ALL TYPES		43,623				43,623
019	81MM, ALL TYPES		103,647				103,647
020	120MM, ALL TYPES		62,265				62,265

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
021	CTG 25MM, ALL TYPES		563				563
022	GRENADES, ALL TYPES		6,074				6,074
023	ROCKETS, ALL TYPES		8,117				8,117
024	ARTILLERY, ALL TYPES		81,975				81,975
026	DEMOLITION MUNITIONS, ALL TYPES		9,241				9,241
027	FUZE, ALL TYPES		51,071				51,071
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS		**710,780**				**710,780**
	OTHER PROCUREMENT, NAVY						
	SHIPS SUPPORT EQUIPMENT						
	OTHER SHIPBOARD EQUIPMENT						
018	UNDERWATER EOD PROGRAMS		12,040				12,040
	SMALL BOATS						
025	STANDARD BOATS		13,000				13,000
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT						
	AVIATION ELECTRONIC EQUIPMENT						
056	MATCALS		400				400
	SHIPBOARD COMMUNICATIONS						
076	SHIP COMMUNICATIONS AUTOMATION		1,500				1,500
	AVIATION SUPPORT EQUIPMENT						
	AIRCRAFT SUPPORT EQUIPMENT						
092	EXPEDITIONARY AIRFIELDS		37,345				37,345
097	AVIATION LIFE SUPPORT		17,883				17,883
	ORDNANCE SUPPORT EQUIPMENT						
	OTHER ORDNANCE SUPPORT EQUIPMENT						
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP.		43,650				43,650
	CIVIL ENGINEERING SUPPORT EQUIPMENT						
120	PASSENGER CARRYING VEHICLES		25				25
121	GENERAL PURPOSE TRUCKS		93				93
122	CONSTRUCTION & MAINTENANCE EQUIP		11,167				11,167
124	TACTICAL VEHICLES		54,008				54,008
127	ITEMS UNDER $5 MILLION		10,842				10,842
128	PHYSICAL SECURITY VEHICLES		1,130				1,130
	SUPPLY SUPPORT EQUIPMENT						
129	MATERIALS HANDLING EQUIPMENT		25				25
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT						
	COMMAND SUPPORT EQUIPMENT						
134	COMMAND SUPPORT EQUIPMENT		4,000				4,000
139	OPERATING FORCES SUPPORT EQUIPMENT.		15,452				15,452
140	C4ISR EQUIPMENT		3,100				3,100
142	PHYSICAL SECURITY EQUIPMENT		89,521				89,521
	SPARES AND REPAIR PARTS						
145	SPARES AND REPAIR PARTS		2,837				2,837
	TOTAL—OTHER PROCUREMENT, NAVY		**318,018**				**318,018**
	PROCUREMENT, MARINE CORPS						
	WEAPONS AND COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
002	LAV PIP		58,229				58,229
	ARTILLERY AND OTHER WEAPONS						
006	155MM LIGHTWEIGHT TOWED HOWITZER	18	54,000			18	54,000
008	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION.		3,351				3,351
	OTHER SUPPORT						

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
010	MODIFICATION KITS		20,183				20,183
011	WEAPONS ENHANCEMENT PROGRAM		9,151				9,151
	GUIDED MISSILES AND EQUIPMENT OTHER SUPPORT						
016	MODIFICATION KITS		8,506				8,506
	COMMUNICATIONS & ELECTRONICS EQUIPMENT						
	REPAIR AND TEST EQUIPMENT						
018	REPAIR AND TEST EQUIPMENT		11,741				11,741
	OTHER SUPPORT (TEL)						
019	COMBAT SUPPORT SYSTEM		462				462
	COMMAND AND CONTROL SYSTEM (NON-TEL)						
021	ITEMS UNDER $5 MILLION (COMM & ELEC).		4,153				4,153
022	AIR OPERATIONS C2 SYSTEMS		3,096				3,096
	RADAR + EQUIPMENT (NON-TEL)						
023	RADAR SYSTEMS		3,417				3,417
	INTELL/COMM EQUIPMENT (NON-TEL)						
024	FIRE SUPPORT SYSTEM		521				521
025	INTELLIGENCE SUPPORT EQUIPMENT		37,547				37,547
026	RQ–11 UAV		13,000				13,000
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)						
027	NIGHT VISION EQUIPMENT		12,570				12,570
	OTHER SUPPORT (NON-TEL)						
028	COMMON COMPUTER RESOURCES		23,105				23,105
029	COMMAND POST SYSTEMS		23,041				23,041
030	RADIO SYSTEMS		32,497				32,497
031	COMM SWITCHING & CONTROL SYSTEMS		2,044				2,044
032	COMM & ELEC INFRASTRUCTURE SUPPORT.		64				64
	SUPPORT VEHICLES						
035	**TACTICAL VEHICLES**		205,036				205,036
036	MOTOR TRANSPORT MODIFICATIONS		10,177				10,177
037	MEDIUM TACTICAL VEHICLE REPLACEMENT.		131,044				131,044
038	LOGISTICS VEHICLE SYSTEM REP		59,219				59,219
039	FAMILY OF TACTICAL TRAILERS		13,388				13,388
	ENGINEER AND OTHER EQUIPMENT						
042	ENVIRONMENTAL CONTROL EQUIP ASSORT.		5,119				5,119
043	BULK LIQUID EQUIPMENT		4,549				4,549
044	TACTICAL FUEL SYSTEMS		33,421				33,421
045	POWER EQUIPMENT ASSORTED		24,860				24,860
047	EOD SYSTEMS		47,697				47,697
	MATERIALS HANDLING EQUIPMENT						
048	PHYSICAL SECURITY EQUIPMENT		19,720				19,720
050	MATERIAL HANDLING EQUIP		56,875				56,875
	GENERAL PROPERTY						
053	TRAINING DEVICES		157,734				157,734
055	FAMILY OF CONSTRUCTION EQUIPMENT		35,818				35,818
058	RAPID DEPLOYABLE KITCHEN		55				55
	OTHER SUPPORT						
059	ITEMS LESS THAN $5 MILLION		39,055				39,055
	TOTAL—PROCUREMENT, MARINE CORPS		**1,164,445**				**1,164,445**
	AIRCRAFT PROCUREMENT, AIR FORCE						
	AIRLIFT AIRCRAFT						
	OTHER AIRLIFT						
006	C–130J		72,000				72,000
	MODIFICATION OF IN-SERVICE AIRCRAFT						

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	STRATEGIC AIRCRAFT						
028	B–1B		20,500				20,500
	TACTICAL AIRCRAFT						
030	A–10		10,000				10,000
032	F–16		20,025				20,025
	AIRLIFT AIRCRAFT						
034	C–5		57,400				57,400
037	C–17A		132,300				132,300
	OTHER AIRCRAFT						
052	C–130		210,800				210,800
054	C–135		16,916				16,916
056	DARP		10,300				10,300
063	HC/MC–130 MODIFICATIONS		7,000				7,000
064	OTHER AIRCRAFT		90,000				90,000
065	MQ–1 MODS		65,000				65,000
066	MQ–9 MODS		99,200		–40,000		59,200
	Reflect USAF decision to change sensor payload.				[–40,000]		
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
	POST PRODUCTION SUPPORT						
076	C–17A		11,000				11,000
	OTHER PRODUCTION CHARGES						
085	OTHER PRODUCTION CHARGES		114,000				114,000
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE.		**936,441**		**–40,000**		**896,441**
	PROCUREMENT OF AMMUNITION, AIR FORCE						
	PROCUREMENT OF AMMO, AIR FORCE						
	ROCKETS						
001	ROCKETS		3,488				3,488
	CARTRIDGES						
002	CARTRIDGES		39,236				39,236
	BOMBS						
004	GENERAL PURPOSE BOMBS		34,085				34,085
005	JOINT DIRECT ATTACK MUNITION	3860	97,978			3860	97,978
	FLARE, IR MJU–7B						
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD).		4,800				4,800
	FUZES						
011	FLARES		41,000				41,000
012	FUZES		14,595				14,595
	WEAPONS						
	SMALL ARMS						
013	SMALL ARMS		21,637				21,637
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE.		**256,819**				**256,819**
	MISSILE PROCUREMENT, AIR FORCE						
	OTHER MISSILES						
	TACTICAL						
005	PREDITOR HELLFIRE MISSILE	385	29,325			385	29,325
006	SMALL DIAMETER BOMB	100	7,300			100	7,300
	TOTAL—MISSILE PROCUREMENT, AIR FORCE.		**36,625**				**36,625**
	OTHER PROCUREMENT, AIR FORCE						
	VEHICULAR EQUIPMENT						
	CARGO + UTILITY VEHICLES						
002	MEDIUM TACTICAL VEHICLE		3,364				3,364

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	SPECIAL PURPOSE VEHICLES						
004	SECURITY AND TACTICAL VEHICLES		11,337				11,337
	FIRE FIGHTING EQUIPMENT						
005	FIRE FIGHTING/CRASH RESCUE VEHICLES.		8,626				8,626
	ELECTRONICS AND TELECOMMUNICATIONS						
	SPCL COMM-ELECTRONICS PROJECTS						
023	AIR FORCE PHYSICAL SECURITY SYSTEM.		1,600				1,600
	DISA PROGRAMS						
037	MILSATCOM SPACE		714				714
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP						
	PERSONAL SAFETY & RESCUE EQUIP						
047	NIGHT VISION GOGGLES		14,528				14,528
048	ITEMS LESS THAN $5,000,000 (SAFETY)		4,900				4,900
	BASE SUPPORT EQUIPMENT						
051	CONTINGENCY OPERATIONS		11,300				11,300
	SPECIAL SUPPORT PROJECTS						
060	DEFENSE SPACE RECONNAISSANCE PROG..		34,400				34,400
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		2,230,780				2,230,780
	TOTAL—OTHER PROCUREMENT, AIR FORCE.		**2,321,549**				**2,321,549**
	MINE RESISTANT AMBUSH PROT VEH FUND						
	MINE RESISTANT AMBUSH PROT VEH FUND						
	MINE RESISTANT AMBUSH PROT VEH FUND.		5,456,000				5,456,000
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND.		**5,456,000**				**5,456,000**
	PROCUREMENT, DEFENSE-WIDE						
	MAJOR EQUIPMENT						
	MAJOR EQUIPMENT, DISA						
019	GLOBAL COMMAND AND CONTROL SYSTEM.		1,500				1,500
021	TELEPORT PROGRAM		7,411				7,411
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		304,794				304,794
	SPECIAL OPERATIONS COMMAND						
	AVIATION PROGRAMS						
052	MH–47 SERVICE LIFE EXTENSION PROGRAM.		5,900				5,900
057	SOF U–28		3,000				3,000
060	MQ–1 UAV		1,450				1,450
062	STUASL0	9	12,000			9	12,000
063	C–130 MODIFICATIONS		19,500				19,500
	AMMUNITION PROGRAMS						
067	SOF ORDNANCE REPLENISHMENT		51,156				51,156
068	SOF ORDNANCE ACQUISITION		17,560				17,560
	OTHER PROCUREMENT PROGRAMS						
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS.		2,000				2,000
070	SOF INTELLIGENCE SYSTEMS		23,260				23,260
071	SMALL ARMS AND WEAPONS		3,800				3,800
076	TACTICAL VEHICLES		6,865				6,865

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE.		11,000				11,000
086	SOF TACTICAL RADIO SYSTEMS		5,448				5,448
090	SOF OPERATIONAL ENHANCEMENTS		11,900				11,900
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		2,886				2,886
	TOTAL—PROCUREMENT, DEFENSE-WIDE		**491,430**				**491,430**
	Total Procurement		**23,741,226**		**628,850**		**24,370,076**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY			
		BASIC RESEARCH			
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,671		19,671
002	0601102A	DEFENSE RESEARCH SCIENCES	173,024	5,500	178,524
		Ballistic materials research		[3,500]	
		Military operating environments research		[2,000]	
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	88,421	4,000	92,421
		Nanocomposite materials research		[2,000]	
		Open source intelligence research		[2,000]	
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	96,144	7,700	103,844
		Advanced nanomaterials design		[2,000]	
		Electrolyte research for batteries		[1,000]	
		Immersive simulation research		[1,200]	
		Materials processing research		[2,000]	
		Structural modeling and analysis		[1,500]	
		SUBTOTAL, BASIC RESEARCH, ARMY	**377,260**	**17,200**	**394,460**
		APPLIED RESEARCH			
005	0602105A	MATERIALS TECHNOLOGY	27,206	23,000	50,206
		Advanced manufacturing technologies		[2,000]	
		Advanced renewable jet fuels		[4,000]	
		Applied composite materials research		[3,000]	
		High strength fibers for ballistic armor applications		[3,000]	
		Moldable fabric armor		[2,500]	
		Nanosensor manufacturing research		[4,000]	
		Smart materials and structures		[4,500]	
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	50,641	2,500	53,141
		Nanoelectronic memory, sensor and energy devices		[2,500]	
007	0602122A	TRACTOR HIP	14,324		14,324
008	0602211A	AVIATION TECHNOLOGY	41,332	2,000	43,332
		Manned-unmanned aerial system teaming technologies		[2,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	16,119		16,119
010	0602303A	MISSILE TECHNOLOGY	50,716		50,716
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	19,678		19,678
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	17,473	2,000	19,473
		Cognitive modeling and simulation research		[2,000]	
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	55,937	63,000	118,937
		Advanced composite materials research		[4,000]	
		Army vehicle modernization research		[25,000]	
		Composite vehicle shelters		[2,500]	
		Fuel cell APU systems		[3,000]	
		Hybrid electric vehicle reliability research		[2,000]	
		Materials research for alternative energy and transportation.		[1,500]	
		Tactical metal fabrication program		[3,000]	
		Tribology research		[2,000]	
		Vehicle systems engineering and integration activities		[20,000]	
014	0602618A	BALLISTICS TECHNOLOGY	61,843	26,000	87,843
		Army vehicle survivability research		[25,000]	
		Electromagnetic gun		[–2,000]	
		Reactive armor research		[3,000]	
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	5,293		5,293
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,674		7,674
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	41,085	9,000	50,085
		Acoustic gun detection systems		[2,000]	
		Acoustic research		[3,000]	
		UGV weaponization		[4,000]	
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	61,404	6,000	67,404
		Hybrid battery systems		[2,500]	
		Hybrid portable power program		[3,500]	
019	0602709A	NIGHT VISION TECHNOLOGY	26,893		26,893
020	0602712A	COUNTERMINE SYSTEMS	18,945		18,945
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	18,605		18,605
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	15,902		15,902
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.	24,833		24,833
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	5,639		5,639
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	54,818	8,500	63,318
		Ballistic materials for force protection		[3,000]	
		Critical infrastructure monitoring and protection research.		[3,500]	
		Geosciences research		[2,000]	
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,701		18,701
027	0602786A	WARFIGHTER TECHNOLOGY	27,109	8,500	35,609
		Airbeam shelter protection systems		[3,000]	
		Enhanced ballistic protection research		[3,000]	
		Thermal resistant fiber research		[2,500]	
028	0602787A	MEDICAL TECHNOLOGY	99,027	26,500	125,527
		Bioengineering research		[2,500]	
		Biomechanics research		[3,500]	
		Blast protection for ground soldiers		[2,000]	
		Blast wave modeling		[3,000]	
		Dengue fever research		[2,000]	
		Hemorrhage research		[3,000]	
		Malaria vaccine development		[2,500]	
		Nanomaterials for biological processes		[2,000]	
		Neurotrauma research		[3,500]	
		Secondary trauma research		[2,500]	
		SUBTOTAL, APPLIED RESEARCH, ARMY	**781,197**	**177,000**	**958,197**
		ADVANCED TECHNOLOGY DEVELOPMENT			
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	37,574		37,574
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	72,940	38,000	110,940
		Biosensor controller systems development		[2,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Body temperature conditioner systems		[2,500]	
		Gulf War illness research		[12,000]	
		Integrated medical technology program		[7,500]	
		Lower limb prosthetics research		[2,000]	
		Prosthetics technology transition		[8,000]	
		Regenerative medical research		[4,000]	
031	0603003A	AVIATION ADVANCED TECHNOLOGY	60,097	19,750	79,847
		Advanced Affordable Turbine Engine Program		[4,000]	
		Advanced ultrasonic inspections		[2,000]	
		Aviation weapons technology integration		[2,000]	
		Full authority digital engine control systems		[5,000]	
		Heavy fuel UAV propulsion systems		[3,000]	
		Integration facility enterprise resource planning system		[3,750]	
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	66,410	–4,500	61,910
		Electromagnetic gun		[–11,500]	
		Lightweight advanced metals program		[3,000]	
		Nanotechnology manufacturing research		[4,000]	
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	89,586	183,100	272,686
		Advanced APU development		[6,000]	
		Advanced battery development program		[20,000]	
		Advanced lithium ion battery systems		[3,000]	
		Advanced suspension systems for heavy vehicles		[3,500]	
		Advanced thermal management systems		[5,500]	
		Alternative energy research		[20,000]	
		Applied power management controls		[3,000]	
		Army vehicle modernization technologies		[50,000]	
		Dynamometer facility upgrade		[4,000]	
		Electric drive advanced tactical wheeled armored vehicle system.		[5,500]	
		Fuel cell unmanned robotic system		[4,500]	
		Ground robotics reliability research		[2,000]	
		Heavy fuel engines for unmanned ground vehicles		[2,500]	
		Hybrid blast protected vehicle technologies		[4,000]	
		Hybrid engine development program		[8,000]	
		Hybrid truck development		[4,000]	
		Hydraulic hybrid vehicles for the tactical wheeled fleet		[3,000]	
		Next generation superchargers for military engines		[3,000]	
		Silicon carbide electronics for ground vehicles		[2,500]	
		Simulations for vehicle reliability and performance		[2,000]	
		Smart plug-in hybrid electric vehicle program		[4,100]	
		Threat cue research		[2,000]	
		Tire development for JLTV program		[1,500]	
		Unmanned ground vehicle initiative		[12,000]	
		Vehicle autonomy research		[1,500]	
		Vehicle prognostics technologies		[4,000]	
		Water analysis technologies		[2,000]	
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	8,667		8,667
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	7,410		7,410
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,458		50,458
037	0603009A	TRACTOR HIKE	11,328		11,328
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	19,415	7,000	26,415
		Combat medic training systems		[2,500]	
		Joint Fires & Effects Trainer System enhancements		[4,500]	
039	0603020A	TRACTOR ROSE	14,569		14,569
040	0603103A	EXPLOSIVES DEMILITARIZATION TECHNOLOGY			
041	0603105A	MILITARY HIV RESEARCH	6,657		6,657
042	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT.	11,989	3,500	15,489
		Mid-sized unmanned ground vehicle		[3,500]	
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	19,192	2,000	21,192
		Laser systems for light aircraft missile defense		[2,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	63,951	3,000	66,951
		Discriminatory imaging research		[3,000]	
045	0603322A	TRACTOR CAGE	12,154		12,154
046	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	30,317		30,317
047	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	8,996		8,996
048	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	40,329	5,000	45,329
		Bradley third generation FLIR		[5,000]	
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	15,706		15,706
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	5,911	8,500	14,411
		Permafrost tunnel		[500]	
		Photovoltaic technology development		[8,000]	
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	41,561	4,000	45,561
		Wideband digital airborne electronic sensing array		[4,000]	
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY.	**695,217**	**269,350**	**964,567**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
052	0603024A	UNIQUE ITEM IDENTIFICATION (UID)			
053	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (NON SPACE).	14,683		14,683
054	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE).	117,471		117,471
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	209,531	12,500	222,031
		Adaptive robotic technology		[3,500]	
		Advanced electronics integration		[4,000]	
		Advanced environmental controls		[5,000]	
056	0603460A	JOINT AIR-TO-GROUND MISSILE (JAGM)			
057	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	17,536		17,536
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV.	4,920		4,920
059	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	33,934		33,934
060	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	90,299	50,000	140,299
		Advanced Tank Armament Systems		[50,000]	
061	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	31,752		31,752
062	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	18,228		18,228
063	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT			
064	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY	4,770		4,770
065	0603782A	WARFIGHTER INFORMATION NETWORK—TACTICAL	180,673		180,673
066	0603790A	NATO RESEARCH AND DEVELOPMENT	5,048		5,048
067	0603801A	AVIATION—ADV DEV	8,537	50,000	58,537
		Joint Future Theater Lift		[50,000]	
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	56,373	–10,000	46,373
		Premature JLTV program growth		[–10,000]	
069	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	9,868		9,868
070	0603807A	MEDICAL SYSTEMS—ADV DEV	31,275		31,275
071	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	71,832		71,832
072	0603850A	INTEGRATED BROADCAST SERVICE	1,476		1,476
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY.	**908,206**	**102,500**	**1,010,706**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
073	0604201A	AIRCRAFT AVIONICS	92,977		92,977
074	0604220A	ARMED, DEPLOYABLE HELOS	65,515		65,515
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	248,463		248,463
076	0604321A	ALL SOURCE ANALYSIS SYSTEM	13,107		13,107
077	0604328A	TRACTOR CAGE	16,286		16,286
078	0604601A	INFANTRY SUPPORT WEAPONS	74,814	8,000	82,814

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Lightweight caliber .50 machine gun		[5,000]	
		Next generation helmet ballistic materials technology		[3,000]	
079	0604604A	MEDIUM TACTICAL VEHICLES	5,683	10,000	15,683
		Medium tactical vehicle development		[10,000]	
080	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—SDD.	978		978
081	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	7,477	10,000	17,477
		Heavy tactical vehicle development		[10,000]	
082	0604633A	AIR TRAFFIC CONTROL	7,578		7,578
083	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM	88,660		88,660
084	0604647A	NON-LINE OF SIGHT CANNON	58,216	–58,216	
		Excess termination costs		[–58,216]	
085	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE.	368,557	–323,557	45,000
		Excess termination costs		[–323,557]	
086	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	1,067,191		1,067,191
087	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	68,701		68,701
088	0604663A	FCS UNMANNED GROUND VEHICLES	125,616		125,616
089	0604664A	FCS UNATTENDED GROUND SENSORS	26,919		26,919
090	0604665A	FCS SUSTAINMENT & TRAINING R&D	749,182		749,182
091	0604666A	SPIN OUT TECHNOLOGY/CAPABILITY INSERTION			
092	0604710A	NIGHT VISION SYSTEMS—SDD	55,410		55,410
093	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,092		2,092
094	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,209	3,000	33,209
		Urban training development		[3,000]	
095	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD.	28,936		28,936
096	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT.	33,213		33,213
097	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	15,320		15,320
098	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD.	15,727		15,727
099	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	9,446		9,446
100	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	26,243		26,243
101	0604783A	JOINT NETWORK MANAGEMENT SYSTEM			
102	0604802A	WEAPONS AND MUNITIONS—SDD	34,878	7,500	42,378
		Common guidance control module		[7,500]	
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	36,018		36,018
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD.	88,995		88,995
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD.	33,893		33,893
106	0604808A	LANDMINE WARFARE/BARRIER—SDD	82,260		82,260
107	0604814A	ARTILLERY MUNITIONS	42,452		42,452
108	0604817A	COMBAT IDENTIFICATION	20,070		20,070
109	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	90,864		90,864
110	0604820A	RADAR DEVELOPMENT			
111	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS).	6,002		6,002
112	0604823A	FIREFINDER	20,333		20,333
113	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	19,786		19,786
114	0604854A	ARTILLERY SYSTEMS	23,318	58,216	81,534
		Accelerate Paladin integration management		[58,216]	
115	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP).	569,182		569,182
116	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK.	7,140		7,140
117	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	35,309		35,309
118	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,439		127,439
119	0605625A	MANNED GROUND VEHICLE	100,000		100,000
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY.	**4,640,455**	**–285,057**	**4,355,398**

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		RDT&E MANAGEMENT SUPPORT			
120	0604256A	THREAT SIMULATOR DEVELOPMENT	22,222		22,222
121	0604258A	TARGET SYSTEMS DEVELOPMENT	13,615		13,615
122	0604759A	MAJOR T&E INVESTMENT	51,846		51,846
123	0605103A	RAND ARROYO CENTER	16,305		16,305
124	0605301A	ARMY KWAJALEIN ATOLL	163,514		163,514
125	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	23,445		23,445
126	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH			
127	0605601A	ARMY TEST RANGES AND FACILITIES	354,693	25,600	380,293
		Program increase		[25,600]	
128	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	72,911	10,000	82,911
		Common regional operational systems		[3,000]	
		Data fusion systems		[2,500]	
		Dugway field test improvements		[4,500]	
129	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	45,016		45,016
130	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	2,891	6,000	8,891
		Program increase		[6,000]	
131	0605606A	AIRCRAFT CERTIFICATION	3,766		3,766
132	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,391		8,391
133	0605706A	MATERIEL SYSTEMS ANALYSIS	19,969		19,969
134	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,432		5,432
135	0605712A	SUPPORT OF OPERATIONAL TESTING	77,877		77,877
136	0605716A	ARMY EVALUATION CENTER	66,309		66,309
137	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	5,357		5,357
138	0605801A	PROGRAMWIDE ACTIVITIES	77,823		77,823
139	0605803A	TECHNICAL INFORMATION ACTIVITIES	51,620		51,620
140	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	45,053	2,200	47,253
		3D woven preform technology for Army munitions		[2,200]	
141	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	5,191		5,191
142	0605898A	MANAGEMENT HQ—R&D	15,866		15,866
143	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, ARMY	**1,149,112**	**43,800**	**1,192,912**
		OPERATIONAL SYSTEMS DEVELOPMENT			
144	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	27,693		27,693
145	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV			
146	0102419A	AEROSTAT JOINT PROJECT OFFICE	360,076	–20,000	340,076
		Program delay reduction		[–20,000]	
147	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	23,727		23,727
148	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	190,301		190,301
149	0203740A	MANEUVER CONTROL SYSTEM	21,394		21,394
150	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	209,401		209,401
151	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	792		792
152	0203758A	DIGITIZATION	10,692		10,692
153	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)			
154	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	39,273		39,273
155	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS.		5,000	5,000
		TOW LBS		[5,000]	
156	0203808A	TRACTOR CARD	20,035		20,035
157	0208010A	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI–TAC)			
158	0208053A	JOINT TACTICAL GROUND SYSTEM	13,258	–13,258	
		Joint Tactical Ground System		[–13,258]	
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,082		3,082

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
160	0301359A	SPECIAL ARMY PROGRAM	[ ]		[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,144	5,000	7,144
		Collection management tools		[5,000]	
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	74,355		74,355
163	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	144,733		144,733
164	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	40,097		40,097
165	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	12,034		12,034
166	0303158A	JOINT COMMAND AND CONTROL PROGRAM (JC2)	20,365		20,365
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	202,521	86,000	288,521
		A160 Afghanistan deployment		[86,000]	
168	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	188,414		188,414
169	0305287A	BASE EXPED TARGETING SURVEILLANCE SYS—COMBINED			
170	0307207A	AERIAL COMMON SENSOR (ACS)	210,035		210,035
171	0702239A	AVIONICS COMPONENT IMPROVEMENT PROGRAM			
172	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	68,466	37,250	105,716
		Combat vehicle manufacturing technology		[30,000]	
		Manufacturing metrology research		[2,750]	
		Smart machine platform initiative		[2,000]	
		Weapon systems repair technologies		[2,500]	
999	9999999	OTHER PROGRAMS	3,883		3,883
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY.	**1,886,771**	**99,992**	**1,986,763**
		TOTAL, RDT&E ARMY	**10,438,218**	**424,785**	**10,863,003**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			
		BASIC RESEARCH			
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	99,472	2,000	101,472
		Blast and impact resistant structures		[2,000]	
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,076	1,000	19,076
		S&T educational outreach		[1,000]	
003	0601153N	DEFENSE RESEARCH SCIENCES	413,743	2,000	415,743
		Nanoscale research program		[2,000]	
		SUBTOTAL, BASIC RESEARCH, NAVY	**531,291**	**5,000**	**536,291**
		APPLIED RESEARCH			
004	0602114N	POWER PROJECTION APPLIED RESEARCH	59,787	3,000	62,787
		Energetics research		[3,000]	
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	91,400	32,000	123,400
		Alternative energy research		[20,000]	
		Energy systems integration research		[4,000]	
		Port security technologies		[3,500]	
		Reconfigurable shipboard power systems		[2,500]	
		SOF combatant research		[2,000]	
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	39,308		39,308
007	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY			
008	0602235N	COMMON PICTURE APPLIED RESEARCH	83,163		83,163
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	104,169	5,000	109,169
		Anti-reverse engineering technologies		[1,000]	
		Asset lifecycle program		[4,000]	
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	64,816	3,000	67,816
		Photonic digital radar systems		[3,000]	
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	48,750	5,500	54,250
		Advanced UUV research		[3,500]	
		Laser underwater imaging and communications research.		[2,000]	
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,008		6,008

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	55,694	3,750	59,444
		Littoral glider systems		[3,000]	
		Quiet power technologies		[750]	
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	40,880	2,000	42,880
		Electromagnetic signature assessment system		[2,000]	
		SUBTOTAL, APPLIED RESEARCH, NAVY	**593,975**	**54,250**	**648,225**
		ADVANCED TECHNOLOGY DEVELOPMENT			
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	107,969	4,000	111,969
		Mobile target tracking technologies		[4,000]	
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	66,035	8,000	74,035
		Advanced coatings for aviation components		[3,000]	
		Single generator operations lithium ion battery		[5,000]	
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	108,394	–59,100	49,294
		High-integrity GPS		[–59,100]	
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY.	86,239		86,239
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	65,827		65,827
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD).	107,363	9,500	116,863
		Acoustic combat sensors		[7,500]	
		Unmanned vehicle conversion kits		[2,000]	
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	10,998		10,998
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	18,609		18,609
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	68,037		68,037
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	52,643		52,643
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	28,782		28,782
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY.	**720,896**	**–37,600**	**683,296**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	116,082	1,400	117,482
		Semi-submersible for UUV sensor developments		[1,400]	
027	0603216N	AVIATION SURVIVABILITY	6,505		6,505
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	6,032		6,032
029	0603254N	ASW SYSTEMS DEVELOPMENT	16,585	4,000	20,585
		Sonobuoy wave energy module		[4,000]	
030	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	7,713		7,713
031	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,677		1,677
032	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	76,739		76,739
033	0603506N	SURFACE SHIP TORPEDO DEFENSE	57,538		57,538
034	0603512N	CARRIER SYSTEMS DEVELOPMENT	173,594		173,594
035	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	1,691	9,300	10,991
		DDG–51 hybrid propulsion system		[9,300]	
036	0603525N	PILOT FISH	79,194		79,194
037	0603527N	RETRACT LARCH	99,757		99,757
038	0603536N	RETRACT JUNIPER	120,752		120,752
039	0603542N	RADIOLOGICAL CONTROL	1,372		1,372
040	0603553N	SURFACE ASW	21,995		21,995
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	551,836		551,836
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,172		10,172
043	0603563N	SHIP CONCEPT ADVANCED DESIGN	22,541	5,820	28,361
		Remote monitoring & troubleshooting project		[5,820]	
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	28,135		28,135
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	259,887		259,887

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	5,599		5,599
047	0603576N	CHALK EAGLE	443,555		443,555
048	0603581N	LITTORAL COMBAT SHIP (LCS)	360,518		360,518
049	0603582N	COMBAT SYSTEM INTEGRATION	22,558		22,558
050	0603609N	CONVENTIONAL MUNITIONS	3,458		3,458
051	0603611M	MARINE CORPS ASSAULT VEHICLES	293,466		293,466
052	0603612M	USMC MINE COUNTERMEASURES SYSTEMS—ADV DEV			
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	73,798	–7,500	66,298
		Model-based management decision tools		[4,500]	
		Premature JLTV program growth		[–12,000]	
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	21,054		21,054
055	0603658N	COOPERATIVE ENGAGEMENT	56,586		56,586
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	17,328		17,328
057	0603721N	ENVIRONMENTAL PROTECTION	20,661		20,661
058	0603724N	NAVY ENERGY PROGRAM	8,476	1,774	10,250
		Fuel cell and hydrogen generation technologies		[2,500]	
		Molten carbonate fuel cell demonstrator		[3,000]	
		Solar heat reflective film development		[4,750]	
		Unjustified request		[–8,476]	
059	0603725N	FACILITIES IMPROVEMENT	4,002		4,002
060	0603734N	CHALK CORAL	70,772		70,772
061	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,301	5,000	9,301
		Highly integrated optical interconnects for advanced air vehicles.		[4,000]	
		RFID technology exploitation		[1,000]	
062	0603746N	RETRACT MAPLE	210,237		210,237
063	0603748N	LINK PLUMERIA	69,313		69,313
064	0603751N	RETRACT ELM	152,151		152,151
065	0603755N	SHIP SELF DEFENSE	6,960		6,960
066	0603764N	LINK EVERGREEN	123,660		123,660
067	0603787N	SPECIAL PROCESSES	54,115		54,115
068	0603790N	NATO RESEARCH AND DEVELOPMENT	10,194		10,194
069	0603795N	LAND ATTACK TECHNOLOGY	1,238		1,238
070	0603851M	NONLETHAL WEAPONS	46,971		46,971
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS.	150,304		150,304
072	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE).	52,716		52,716
073	0603889N	COUNTERDRUG RDT&E PROJECTS			
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	5,003		5,003
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	63,702		63,702
076	0604450N	JOINT AIR-TO-GROUND MISSILE (JAGM)			
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW).	67,843		67,843
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	40,926		40,926
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	42,533		42,533
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY.	**4,163,795**	**19,794**	**4,183,589**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
080	0604212N	OTHER HELO DEVELOPMENT	54,092		54,092
081	0604214N	AV–8B AIRCRAFT—ENG DEV	20,886		20,886
082	0604215N	STANDARDS DEVELOPMENT	53,540		53,540
083	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	81,953		81,953
084	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	7,485		7,485
085	0604221N	P–3 MODERNIZATION PROGRAM	3,659		3,659
086	0604230N	WARFARE SUPPORT SYSTEM	6,307		6,307

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
087	0604231N	TACTICAL COMMAND SYSTEM	86,462		86,462
088	0604234N	ADVANCED HAWKEYE	364,557		364,557
089	0604245N	H–1 UPGRADES	32,830		32,830
090	0604261N	ACOUSTIC SEARCH SENSORS	56,369		56,369
091	0604262N	V–22A	89,512		89,512
092	0604264N	AIR CREW SYSTEMS DEVELOPMENT	14,265		14,265
093	0604269N	EA–18	55,446		55,446
094	0604270N	ELECTRONIC WARFARE DEVELOPMENT	97,635		97,635
095	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	85,240		85,240
096	0604274N	NEXT GENERATION JAMMER (NGJ)	127,970		127,970
097	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS–NAVY)	876,374		876,374
098	0604300N	SC–21 TOTAL SHIP SYSTEM ENGINEERING			
099	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	178,459		178,459
100	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	5,304		5,304
101	0604329N	SMALL DIAMETER BOMB (SDB)	43,902		43,902
102	0604366N	STANDARD MISSILE IMPROVEMENTS	182,197		182,197
103	0604373N	AIRBORNE MCM	48,712		48,712
104	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	11,727		11,727
105	0604501N	ADVANCED ABOVE WATER SENSORS	236,078	50,000	286,078
		Mobile maritime sensor technology development		[50,000]	
106	0604503N	SSN–688 AND TRIDENT MODERNIZATION	122,733	5,000	127,733
		SSN Communications		[5,000]	
107	0604504N	AIR CONTROL	6,533		6,533
108	0604512N	SHIPBOARD AVIATION SYSTEMS	80,623		80,623
109	0604518N	COMBAT INFORMATION CENTER CONVERSION	13,305		13,305
110	0604558N	NEW DESIGN SSN	154,756	11,000	165,756
		Common command & control system module		[9,000]	
		Mold-in-place coating development		[2,000]	
111	0604561N	SSN–21 DEVELOPMENTS			
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	59,703	13,000	72,703
		Artificial Intelligence-based combat system kernel		[5,000]	
		Submarine environment for evaluation & development		[4,000]	
		Weapon acquisition & firing system		[4,000]	
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E	89,988	2,000	91,988
		Automated fiber optic manufacturing		[2,000]	
114	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,620		4,620
115	0604601N	MINE DEVELOPMENT	2,249		2,249
116	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	21,105		21,105
117	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	10,327		10,327
118	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	5,898		5,898
119	0604727N	JOINT STANDOFF WEAPON SYSTEMS	10,022		10,022
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	35,459	5,000	40,459
		AUSV		[5,000]	
121	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	34,236	12,000	46,236
		Phalanx Next Generation		[12,000]	
122	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	88,895	9,000	97,895
		NULKA decoy R&D		[9,000]	
123	0604761N	INTELLIGENCE ENGINEERING	14,438		14,438
124	0604771N	MEDICAL DEVELOPMENT	9,888	10,500	20,388
		Composite tissue transplantation research		[2,000]	
		Custom body implant development		[2,000]	
		Multivalent dengue vaccine program		[3,500]	
		Orthopedic surgery instrumentation		[3,000]	
125	0604777N	NAVIGATION/ID SYSTEM	63,184		63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM			
127	0604800N	JOINT STRIKE FIGHTER (JSF)	1,741,296	141,450	1,882,746
		F136 development		[219,450]	
		Excess management reserves		[–78,000]	
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	9,868		9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	69,026	12,000	81,026
		Information systems research		[7,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Integrated network-centric technology systems		[5,000]	
130	0605212N	CH–53K RDTE	554,827		554,827
131	0605430N	C/KC–130 AVIONICS MODERNIZATION PROGRAM (AMP)			
132	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	81,434		81,434
133	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	1,162,417		1,162,417
134	0204201N	CG(X)	150,022		150,022
135	0204202N	DDG–1000	539,053		539,053
136	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	19,016		19,016
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY.	**7,975,882**	**270,950**	**8,246,832**
		RDT&E MANAGEMENT SUPPORT			
137	0604256N	THREAT SIMULATOR DEVELOPMENT	25,534		25,534
138	0604258N	TARGET SYSTEMS DEVELOPMENT	79,603		79,603
139	0604759N	MAJOR T&E INVESTMENT	44,844	5,000	49,844
		Aviation enterprise interoperability upgrades		[5,000]	
140	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	11,422		11,422
141	0605154N	CENTER FOR NAVAL ANALYSES	49,821		49,821
142	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH			
143	0605804N	TECHNICAL INFORMATION SERVICES	735		735
144	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	60,590		60,590
145	0605856N	STRATEGIC TECHNICAL SUPPORT	3,633		3,633
146	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,942		70,942
147	0605862N	RDT&E INSTRUMENTATION MODERNIZATION			
148	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	193,353		193,353
149	0605864N	TEST AND EVALUATION SUPPORT	380,733		380,733
150	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	12,010		12,010
151	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	2,703		2,703
152	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	20,921		20,921
153	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	19,004		19,004
154	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,464		2,464
155	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	4,197		4,197
156	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, NAVY	**982,509**	**5,000**	**987,509**
		OPERATIONAL SYSTEMS DEVELOPMENT			
158	0604227N	HARPOON MODIFICATIONS			
159	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	311,204		311,204
160	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	74,939	1,170	76,109
		LINAC		[1,170]	
161	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,479		34,479
162	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,211		7,211
163	0101402N	NAVY STRATEGIC COMMUNICATIONS	43,982		43,982
164	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	39,125		39,125
165	0204136N	F/A–18 SQUADRONS	127,733		127,733
166	0204152N	E–2 SQUADRONS	63,058		63,058
167	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	37,431		37,431
168	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	13,238		13,238
169	0204311N	INTEGRATED SURVEILLANCE SYSTEM	24,835		24,835
170	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	2,324		2,324
171	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	49,293		49,293
172	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,609		1,609
173	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	37,524		37,524
174	0205601N	HARM IMPROVEMENT	30,045		30,045
175	0205604N	TACTICAL DATA LINKS	25,003		25,003

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
176	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	41,803		41,803
177	0205632N	MK–48 ADCAP	28,438		28,438
178	0205633N	AVIATION IMPROVEMENTS	135,840		135,840
179	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,716		3,716
180	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	72,031		72,031
181	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	287,348		287,348
182	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	120,379	8,200	128,579
		Expandable rigid wall composite shelters		[1,300]	
		Marine personnel carrier support system		[3,000]	
		Ultrasonic armor consolidation		[3,900]	
183	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	17,057	1,000	18,057
		High performance capabilities for military vehicles		[1,000]	
184	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	30,167		30,167
185	0207161N	TACTICAL AIM MISSILES	2,298		2,298
186	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	3,604		3,604
187	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	8,431		8,431
188	0301303N	MARITIME INTELLIGENCE	[ ]		[ ]
189	0301323N	COLLECTION MANAGEMENT	[ ]		[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]		[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[ ]		[ ]
192	0303109N	SATELLITE COMMUNICATIONS (SPACE)	474,009	–32,000	442,009
		MUOS program transfer to WPN		[–32,000]	
193	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	45,513		45,513
194	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	24,226	3,500	27,726
		Policy decision point for Consolidated Afloat Networks and Enterprise Services.		[3,500]	
195	0303158M	JOINT COMMAND AND CONTROL PROGRAM (JC2)	2,453		2,453
196	0303158N	JOINT COMMAND AND CONTROL PROGRAM (JC2)	4,139		4,139
197	0305149N	COBRA JUDY	62,061		62,061
198	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS—SPACE (METOC).	28,094		28,094
199	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES.	4,600		4,600
200	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,971		8,971
201	0305205N	ENDURANCE UNMANNED AERIAL VEHICLES			
202	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	46,208		46,208
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	22,599		22,599
204	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,079		18,079
205	0305220N	RQ–4 UAV	465,839		465,839
206	0305231N	MQ–8 UAV	25,639		25,639
207	0305232M	RQ–11 UAV	553		553
208	0305233N	RQ–7 UAV	986		986
209	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	18,763		18,763
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	23,594		23,594
211	0307207N	AERIAL COMMON SENSOR (ACS)			
212	0307217N	EP–3E REPLACEMENT (EPX)	11,976		11,976
213	0308601N	MODELING AND SIMULATION SUPPORT	8,028		8,028
214	0702207N	DEPOT MAINTENANCE (NON–IF)	14,675		14,675
215	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	2,725		2,725
216	0708011N	INDUSTRIAL PREPAREDNESS	56,691	7,500	64,191
		Integrated manufacturing enterprise		[5,000]	
		Life extension of weapon system structures research		[2,500]	
217	0708730N	MARITIME TECHNOLOGY (MARITECH)		20,000	20,000
		National Shipbuilding Research Program		[20,000]	
999	9999999	OTHER PROGRAMS	1,258,018		1,258,018
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E.	**4,302,584**	**9,370**	**4,311,954**
		TOTAL, RDT&E NAVY	**19,270,932**	**326,764**	**19,597,696**

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
		BASIC RESEARCH			
001	0601102F	DEFENSE RESEARCH SCIENCES	321,028	2,500	323,528
		Coal transformation research		[1,000]	
		Nanotechnology for portable power research		[1,500]	
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	132,249	13,500	145,749
		Cybersecurity for control networks research		[4,000]	
		End-user software safeguard research		[2,000]	
		Informatics research		[1,500]	
		Information security research		[4,000]	
		Integrated design and manufacturing research		[2,000]	
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	12,834		12,834
004	0301555F	CLASSIFIED PROGRAMS	[ ]		[ ]
005	0301556F	SPECIAL PROGRAM	[ ]		[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE	**466,111**	**16,000**	**482,111**
		APPLIED RESEARCH			
006	0602015F	MEDICAL DEVELOPMENT			
007	0602102F	MATERIALS	127,957	19,750	147,707
		Advanced aerospace heat exchangers		[3,000]	
		Aircraft active corrosion protection systems		[2,000]	
		Energy and automation technologies		[4,000]	
		Energy efficiency, recovery, and generation systems		[4,000]	
		Health monitoring sensors for aerospace components		[2,000]	
		Intelligent manufacturing research		[1,000]	
		Light alloy aerospace and automotive parts development.		[1,000]	
		Mid-infrared laser source research		[2,750]	
008	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	127,129	2,500	129,629
		Unmanned aerial system collaboration technologies		[2,500]	
009	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	85,122		85,122
010	0602203F	AEROSPACE PROPULSION	196,529	18,000	214,529
		Hybrid bearing development		[1,000]	
		Integrated electrical starter/generator systems		[2,500]	
		Lithium battery manufacturing		[5,000]	
		Lithium ion technologies for aviation batteries		[2,000]	
		Scramjet research		[3,500]	
		Thermally efficient engine pumping system		[4,000]	
011	0602204F	AEROSPACE SENSORS	121,768		121,768
012	0602601F	SPACE TECHNOLOGY	104,148	9,500	113,648
		Reconfigurable electronics research		[2,000]	
		Seismic research program		[7,500]	
013	0602602F	CONVENTIONAL MUNITIONS	58,289		58,289
014	0602605F	DIRECTED ENERGY TECHNOLOGY	105,677	–5,750	99,927
		Chemical laser technology		[–5,750]	
015	0602702F	COMMAND CONTROL AND COMMUNICATIONS			
016	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	115,278		115,278
017	0602890F	HIGH ENERGY LASER RESEARCH	52,754	–4,100	48,654
		Advanced deformable mirrors for high energy laser weapons.		[2,000]	
		Chemical laser technology		[–6,100]	
		SUBTOTAL, APPLIED RESEARCH, AIR FORCE	**1,094,651**	**39,900**	**1,134,551**
		ADVANCED TECHNOLOGY DEVELOPMENT			
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	37,901	14,000	51,901
		Metals Affordability Initiative		[7,000]	
		Sewage-derived biofuels program		[5,000]	
		Sonic infrared imaging technology development		[2,000]	
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,955		2,955
020	0603203F	ADVANCED AEROSPACE SENSORS	51,482	4,000	55,482

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Reconfigurable secure computing technologies		[4,000]	
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	76,844		76,844
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	175,676	39,500	215,176
		Alternative energy research		[20,000]	
		Long range supersonic engine for high speed strike		[10,000]	
		Scalable UAV engines		[3,500]	
		Silicon carbide power electronics research		[6,000]	
023	0603231F	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY			
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY	31,021		31,021
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	83,909		83,909
026	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	5,813		5,813
027	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	24,565		24,565
028	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	14,356		14,356
029	0603605F	ADVANCED WEAPONS TECHNOLOGY	30,056		30,056
030	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	39,913	3,250	43,163
		Next generation casting initiative		[3,250]	
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	39,708	2,500	42,208
		Optical interconnects research		[2,500]	
032	0603789F	C3I ADVANCED DEVELOPMENT			
033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.	3,831		3,831
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE.	**618,030**	**63,250**	**681,280**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
034	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,009		5,009
035	0603287F	PHYSICAL SECURITY EQUIPMENT	3,623		3,623
036	0603421F	NAVSTAR GLOBAL POSITIONING SYSTEM III			
037	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT			
038	0603430F	ADVANCED EHF MILSATCOM (SPACE)	464,335		464,335
039	0603432F	POLAR MILSATCOM (SPACE)	253,150		253,150
040	0603438F	SPACE CONTROL TECHNOLOGY	97,701	12,500	110,201
		Space protection program		[6,500]	
		Space situational awareness		[6,000]	
041	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	27,252		27,252
042	0603790F	NATO RESEARCH AND DEVELOPMENT	4,351		4,351
043	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	632		632
044	0603845F	TRANSFORMATIONAL SATCOM (TSAT)			
045	0603850F	INTEGRATED BROADCAST SERVICE	20,739		20,739
046	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	66,079	–5,000	61,079
		Program decrease		[–5,000]	
047	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	70,956		70,956
048	0603859F	POLLUTION PREVENTION	2,896		2,896
049	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS.	23,174		23,174
050	0604015F	NEXT GENERATION BOMBER			
051	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	22,612		22,612
052	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	20,891		20,891
053	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	6,882		6,882
054	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	35,533		35,533
055	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	18,778		18,778
056	0604796F	ALTERNATIVE FUELS	89,020		89,020
057	0604830F	AUTOMATED AIR-TO-AIR REFUELING	43,158		43,158
058	0604856F	COMMON AERO VEHICLE (CAV)			
059	0604857F	OPERATIONALLY RESPONSIVE SPACE	112,861	170,000	282,861
		ORS smallsat imaging prototyping		[115,000]	
		ORS–1		[40,000]	
		RSLV		[15,000]	

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
060	0604858F	TECH TRANSITION PROGRAM	9,611		9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS).	396,641	80,000	476,641
		Program increase		[80,000]	
061a	604xxxxF	NEXT GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT.		53,000	53,000
		IRIS		[3,000]	
		Next generation MILSATCOM technology development		[50,000]	
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE.	**1,795,884**	**310,500**	**2,106,384**
		SYSTEM DEVELOPMENT & DEMONSTRATION			
062	0603840F	GLOBAL BROADCAST SERVICE (GBS)	31,124		31,124
063	0604222F	NUCLEAR WEAPONS SUPPORT	37,860		37,860
064	0604226F	B–1B		2,000	2,000
		B–1B AESA radar		[2,000]	
065	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,227		6,227
066	0604240F	B–2 ADVANCED TECHNOLOGY BOMBER			
067	0604261F	PERSONNEL RECOVERY SYSTEMS			
068	0604270F	ELECTRONIC WARFARE DEVELOPMENT	97,275		97,275
069	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	88,444		88,444
070	0604287F	PHYSICAL SECURITY EQUIPMENT	50		50
071	0604329F	SMALL DIAMETER BOMB (SDB)	153,815		153,815
072	0604421F	COUNTERSPACE SYSTEMS	64,248		64,248
073	0604425F	SPACE SITUATION AWARENESS SYSTEMS	308,134		308,134
074	0604429F	AIRBORNE ELECTRONIC ATTACK	11,107		11,107
075	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	512,642	15,000	527,642
		HEO ground and data exploitation		[15,000]	
076	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS).	143,169		143,169
077	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	18,671		18,671
078	0604604F	SUBMUNITIONS	1,784		1,784
079	0604617F	AGILE COMBAT SUPPORT	11,261		11,261
080	0604706F	LIFE SUPPORT SYSTEMS	10,711		10,711
081	0604735F	COMBAT TRAINING RANGES	29,718		29,718
082	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A).	10		10
083	0604750F	INTELLIGENCE EQUIPMENT	1,495		1,495
084	0604800F	JOINT STRIKE FIGHTER (JSF)	1,858,055	141,450	1,999,505
		F136 development		[219,450]	
		Excess management reserves		[–78,000]	
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	60,010		60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE).	26,545	12,000	38,545
		EELV metric tracking		[12,000]	
087	0605011F	RDT&E FOR AGING AIRCRAFT			
088	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	439,615		439,615
089	0605277F	CSAR–X RDT&E	89,975	–89,975	
		Use available prior year funds		[–89,975]	
090	0605278F	HC/MC–130 RECAP RDT&E	20,582		20,582
091	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE	34,877		34,877
092	0207434F	LINK–16 SUPPORT AND SUSTAINMENT			
093	0207450F	E–10 SQUADRONS			
094	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP)	13,466		13,466
095	0207701F	FULL COMBAT MISSION TRAINING	99,807		99,807
096	0305176F	COMBAT SURVIVOR EVADER LOCATOR			
097	0401138F	JOINT CARGO AIRCRAFT (JCA)	9,353		9,353
098	0401318F	CV–22	19,640		19,640
099	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	20,056		20,056
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE.	**4,219,726**	**80,475**	**4,300,201**
		RDT&E MANAGEMENT SUPPORT			

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
100	0604256F	THREAT SIMULATOR DEVELOPMENT	27,789		27,789
101	0604759F	MAJOR T&E INVESTMENT	60,824	5,000	65,824
		Holloman High Speed Test Track		[5,000]	
102	0605101F	RAND PROJECT AIR FORCE	27,501		27,501
103	0605502F	SMALL BUSINESS INNOVATION RESEARCH			
104	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	25,833		25,833
105	0605807F	TEST AND EVALUATION SUPPORT	736,488	20,000	756,488
		Program increase		[20,000]	
106	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	14,637		14,637
107	0605864F	SPACE TEST PROGRAM (STP)	47,215		47,215
108	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	52,409		52,409
109	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	29,683		29,683
110	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	18,947		18,947
111	0804731F	GENERAL SKILL TRAINING	1,450		1,450
112	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
113	1001004F	INTERNATIONAL ACTIVITIES	3,748		3,748
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE.	**1,046,524**	**25,000**	**1,071,524**
		OPERATIONAL SYSTEMS DEVELOPMENT			
114	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	9,513		9,513
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	47,276		47,276
116	0605798F	ANALYSIS SUPPORT GROUP	[ ]		[ ]
117	0101113F	B–52 SQUADRONS	93,930		93,930
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,652		3,652
119	0101126F	B–1B SQUADRONS	148,025		148,025
120	0101127F	B–2 SQUADRONS	415,414		415,414
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	33,836		33,836
122	0101314F	NIGHT FIST—USSTRATCOM	5,328		5,328
123	0101815F	ADVANCED STRATEGIC PROGRAMS	[ ]		[ ]
124	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	9,832		9,832
125	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	25,734		25,734
126	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES.	18		18
127	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	11,996		11,996
128	0205219F	MQ–9 UAV	39,245		39,245
129	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT.	14,747		14,747
130	0207131F	A–10 SQUADRONS	9,697		9,697
131	0207133F	F–16 SQUADRONS	141,020		141,020
132	0207134F	F–15E SQUADRONS	311,167		311,167
133	0207136F	MANNED DESTRUCTIVE SUPPRESSION	10,748		10,748
134	0207138F	F–22A SQUADRONS	569,345		569,345
135	0207161F	TACTICAL AIM MISSILES	5,915		5,915
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	49,971		49,971
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,529		2,529
138	0207227F	COMBAT RESCUE—PARARESCUE	2,950		2,950
139	0207247F	AF TENCAP	11,643		11,643
140	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	2,950		2,950
141	0207253F	COMPASS CALL	13,019		13,019
142	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	166,563		166,563
143	0207277F	CSAF INNOVATION PROGRAM	4,621		4,621
144	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	29,494		29,494
145	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	99,405		99,405
146	0207412F	CONTROL AND REPORTING CENTER (CRC)	52,508		52,508
147	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	176,040		176,040

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
148	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS			
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	63,782		63,782
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[ ]		[ ]
151	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	1,475		1,475
152	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	19,067		19,067
153	0207445F	FIGHTER TACTICAL DATA LINK	72,106		72,106
154	0207446F	BOMBER TACTICAL DATA LINK			
155	0207448F	C2ISR TACTICAL DATA LINK	1,667		1,667
156	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	26,792		26,792
157	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS).	140,670	92,000	232,670
		MP-RTIP integration & test on JSTARS aircraft		[92,000]	
158	0207590F	SEEK EAGLE	22,071		22,071
159	0207601F	USAF MODELING AND SIMULATION	27,245		27,245
160	0207605F	WARGAMING AND SIMULATION CENTERS	7,018		7,018
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	6,740		6,740
162	0208006F	MISSION PLANNING SYSTEMS	91,995		91,995
163	0208021F	INFORMATION WARFARE SUPPORT	12,271		12,271
164	0208161F	SPECIAL EVALUATION SYSTEM	[ ]		[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[ ]		[ ]
166	0301314F	COBRA BALL	[ ]		[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]		[ ]
168	0301324F	FOREST GREEN	[ ]		[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT	[ ]		[ ]
170	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).	26,107		26,107
171	0303112F	AIR FORCE COMMUNICATIONS (AIRCOM)			
172	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	72,694		72,694
173	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	196,621		196,621
174	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	3,375		3,375
175	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,149		3,149
176	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2)	3,087		3,087
177	0303601F	MILSATCOM TERMINALS	257,693		257,693
179	0304260F	AIRBORNE SIGINT ENTERPRISE	176,989		176,989
180	0304311F	SELECTED ACTIVITIES	[ ]		[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[ ]		[ ]
182	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	6,028		6,028
183	0305103F	CYBER SECURITY INITIATIVE	2,065		2,065
184	0305110F	SATELLITE CONTROL NETWORK (SPACE)	20,991		20,991
185	0305111F	WEATHER SERVICE	33,531		33,531
186	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	9,006		9,006
187	0305116F	AERIAL TARGETS	54,807		54,807
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[ ]		[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
190	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	742		742
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[ ]		[ ]
192	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39		39
194	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	137,692		137,692
195	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	52,039		52,039
196	0305172F	COMBINED ADVANCED APPLICATIONS	[ ]		[ ]
197	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,599		3,599
198	0305174F	SPACE WARFARE CENTER	3,009		3,009
199	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,957		9,957
200	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	1,240		1,240
201	0305202F	DRAGON U–2			
202	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,736	–35,000	38,736
		ISIS		[–35,000]	
203	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	143,892	–46,000	97,892
		GORGON STARE		[–46,000]	
204	0305207F	MANNED RECONNAISSANCE SYSTEMS	12,846		12,846

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
205	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	82,765		82,765
206	0305219F	MQ–1 PREDATOR A UAV	18,101	4,000	22,101
		Sense and avoid		[4,000]	
207	0305220F	RQ–4 UAV	317,316		317,316
208	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	8,160		8,160
209	0305265F	GPS III SPACE SEGMENT	815,095		815,095
210	0305614F	JSPOC MISSION SYSTEM	131,271	6,000	137,271
		Karnac		[6,000]	
211	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE.	5,267		5,267
212	0305906F	NCMC—TW/AA SYSTEM			
213	0305913F	NUDET DETECTION SYSTEM (SPACE)	84,021		84,021
214	0305924F	NATIONAL SECURITY SPACE OFFICE	10,634		10,634
215	0305940F	SPACE SITUATION AWARENESS OPERATIONS	54,648		54,648
216	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT.	30,076		30,076
217	0308699F	SHARED EARLY WARNING (SEW)	3,082		3,082
218	0401115F	C–130 AIRLIFT SQUADRON	201,250		201,250
219	0401119F	C–5 AIRLIFT SQUADRONS (IF)	95,266		95,266
220	0401130F	C–17 AIRCRAFT (IF)	161,855		161,855
221	0401132F	C–130J PROGRAM	30,019		30,019
222	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	31,784		31,784
223	0401218F	KC–135S	10,297		10,297
224	0401219F	KC–10S	35,586		35,586
225	0401221F	KC–135 TANKER REPLACEMENT			
226	0401314F	OPERATIONAL SUPPORT AIRLIFT	4,916		4,916
227	0401839F	AIR MOBILITY TACTICAL DATA LINK			
228	0408011F	SPECIAL TACTICS/COMBAT CONTROL	8,222		8,222
229	0702207F	DEPOT MAINTENANCE (NON–IF)	1,508		1,508
230	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS			
231	0708011F	INDUSTRIAL PREPAREDNESS			
232	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	246,483		246,483
233	0708611F	SUPPORT SYSTEMS DEVELOPMENT	6,288		6,288
234	0804743F	OTHER FLIGHT TRAINING	805		805
235	0804757F	JOINT NATIONAL TRAINING CENTER	3,220		3,220
236	0804772F	TRAINING DEVELOPMENTS	1,769		1,769
237	0808716F	OTHER PERSONNEL ACTIVITIES	116		116
238	0901202F	JOINT PERSONNEL RECOVERY AGENCY	6,376	5,000	11,376
		Biometric signature and passive physiological monitoring.		[5,000]	
239	0901212F	SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)			
240	0901218F	CIVILIAN COMPENSATION PROGRAM	8,174		8,174
241	0901220F	PERSONNEL ADMINISTRATION	10,492		10,492
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	55,991		55,991
999	9999999	OTHER PROGRAMS	11,955,084	140,000	12,095,084
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE.	**18,751,901**	**166,000**	**18,917,901**
		TOTAL, RDT&E AIR FORCE	**27,992,827**	**701,125**	**28,693,952**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE			
		BASIC RESEARCH			
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	48,544		48,544
002	0601101E	DEFENSE RESEARCH SCIENCES	226,125		226,125
003	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH			
004	0601114D8Z	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.		8,000	8,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Program Increase		[8,000]	
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	89,980		89,980
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	58,974	2,000	60,974
		In-vitro models for bio-defense vaccines		[2,000]	
		SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE	**423,623**	**10,000**	**433,623**
		APPLIED RESEARCH			
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	22,669		22,669
008	0602227D8Z	MEDICAL FREE ELECTRON LASER			
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE.	15,164		15,164
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	34,034		34,034
011	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	282,749	–12,000	270,749
		Content distribution		[–4,500]	
		CORONET		[–7,500]	
012	0602304E	COGNITIVE COMPUTING SYSTEMS	142,840	–25,000	117,840
		Cognitive networking		[–25,000]	
013	0602383E	BIOLOGICAL WARFARE DEFENSE	40,587		40,587
014	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	209,072	13,878	222,950
		Chemical and biological infrared detector		[3,000]	
		Biological decontamination research		[1,000]	
		Funding for meritorious unfunded TMTI projects		[9,878]	
015	0602663D8Z	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT.	4,940		4,940
016	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	9,446		9,446
017	0602702E	TACTICAL TECHNOLOGY	276,075	–13,000	263,075
		EXACTO		[–10,000]	
		Submersible aircraft		[–3,000]	
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	268,859		268,859
019	0602716E	ELECTRONICS TECHNOLOGY	223,841		223,841
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.	219,130	2,000	221,130
		Blast mitigation and protection		[2,000]	
021	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	27,384		27,384
022	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT			
		SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE	**1,776,790**	**–34,122**	**1,742,668**
		ADVANCED TECHNOLOGY DEVELOPMENT			
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,538		23,538
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	43,808		43,808
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	81,868	6,000	87,868
		Impact and blast loading laboratory testing program		[2,500]	
		Reconnaissance and data exploitation systems		[3,500]	
026	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	233,203		233,203
027	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	109,760		109,760
028	0603200D8Z	JOINT ADVANCED CONCEPTS	7,817	3,000	10,817
		Joint Future Theater Lift joint advanced concepts		[3,000]	
029	0603225D8Z	JOINT DOD–DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	23,276		23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS	338,360	–106,000	232,360
		Disc-rotor compound helicopter		[–5,000]	
		Endurance UAS programs		[–90,000]	
		Heliplane		[–4,000]	
		Triple target terminator		[–7,000]	
031	0603287E	SPACE PROGRAMS AND TECHNOLOGY	200,612		200,612
032	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	282,235		282,235
033	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	10,838		10,838
034	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	198,352	–25,000	173,352
		JCTD new starts		[–25,000]	
035	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	28,212		28,212

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
036	0603663D8Z	JOINT DATA MANAGEMENT RESEARCH	4,935		4,935
037	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,993		10,993
038	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	11,480		11,480
039	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	14,638	10,000	24,638
		High performance defense manufacturing technology		[10,000]	
040	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,110	2,000	11,110
		Robotics training systems		[2,000]	
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	19,043	41,250	60,293
		Alternative energy research		[20,000]	
		Biofuels program		[4,000]	
		Biomass conversion research		[2,500]	
		Fuel cell manufacturing research		[3,750]	
		Renewable power for forward operating bases		[3,000]	
		Vehicle fuel cell and hydrogen logistics program		[8,000]	
042	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	29,356		29,356
043	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	69,175		69,175
044	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	26,310		26,310
045	0603727D8Z	JOINT WARFIGHTING PROGRAM	11,135		11,135
046	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	205,912		205,912
047	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD).	4,864		4,864
048	0603750D8Z	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS			
049	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	221,286	3,000	224,286
		Computational design of novel materials		[3,000]	
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	293,476	–10,000	283,476
		Deep Green		[–10,000]	
051	0603764E	LAND WARFARE TECHNOLOGY			
052	0603765E	CLASSIFIED DARPA PROGRAMS	186,526		186,526
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	135,941		135,941
054	0603767E	SENSOR TECHNOLOGY	243,056	–7,500	235,556
		SUDS		[–7,500]	
055	0603768E	GUIDANCE TECHNOLOGY	37,040		37,040
056	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	13,822		13,822
057	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	31,298		31,298
058	0603805S	DUAL USE TECHNOLOGY			
059	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,984	–13,200	94,784
		Quick Reaction Fund		[–15,000]	
		Special warfare domain awareness		[1,800]	
060	0603828D8Z	JOINT EXPERIMENTATION	124,480	–5,000	119,480
		Space control and GPS experimentation		[–5,000]	
061	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE.	38,505		38,505
062	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	95,734		95,734
063	0603942D8Z	TECHNOLOGY TRANSFER	2,219		2,219
064	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
065	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	31,675	1,600	33,275
		Lithium ion battery safety research		[1,600]	
066	1160422BB	AVIATION ENGINEERING ANALYSIS	3,544		3,544
067	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,988		4,988
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE.	**3,570,404**	**–99,850**	**3,470,554**

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	36,019		36,019
069	0603228D8Z	PHYSICAL SECURITY EQUIPMENT			
070	0603527D8Z	RETRACT LARCH	21,718		21,718
071	0603709D8Z	JOINT ROBOTICS PROGRAM	11,803		11,803
072	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	17,771		17,771
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	31,613		31,613
074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	719,465		719,465
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	982,922		982,922
076	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT.	186,697		186,697
077	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	205,952	2,000	207,952
		Real-time non-specific viral agent detector		[2,000]	
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	636,856	5,000	641,856
		Airborne infrared surveillance technology		[5,000]	
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR			
080	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	966,752		966,752
081	0603890C	BMD ENABLING PROGRAMS	369,145		369,145
082	0603891C	SPECIAL PROGRAMS—MDA	301,566		301,566
083	0603892C	AEGIS BMD	1,690,758	–30,000	1,660,758
		Excess to execution		[–30,000]	
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	180,000		180,000
085	0603894C	MULTIPLE KILL VEHICLE			
086	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	12,549		12,549
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATION.	340,014		340,014
088	0603897C	BALLISTIC MISSILE DEFENSE HERCULES	48,186		48,186
089	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	60,921		60,921
090	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	86,949		86,949
091	0603906C	REGARDING TRENCH	6,164		6,164
092	0603907C	SEA BASED X-BAND RADAR (SBX)	174,576		174,576
093	0603908C	BMD EUROPEAN INTERCEPTOR SITE			
094	0603909C	BMD EUROPEAN MIDCOURSE RADAR			
095	0603911C	BMD EUROPEAN CAPABILITY	50,504		50,504
096	0603912C	BMD EUROPEAN COMMUNICATIONS SUPPORT			
097	0603913C	ISRAELI COOPERATIVE PROGRAMS	119,634	25,000	144,634
		Short-range ballistic missile defense		[25,000]	
098	0603920D8Z	HUMANITARIAN DEMINING	14,687		14,687
099	0603923D8Z	COALITION WARFARE	13,885		13,885
100	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	4,887	3,500	8,387
		Corrosion control research		[3,500]	
101	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	55,289		55,289
102	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	18,577		18,577
103	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	7,006		7,006
104	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,744	50,000	69,744
		Systems engineering and prototyping program		[50,000]	
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM.	16,972		16,972
106	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	24,647		24,647
107	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	3,949		3,949
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DEFENSE-WIDE.	**7,438,177**	**55,500**	**7,493,677**

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		SYSTEM DEVELOPMENT & DEMONSTRATION			
108	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP).	28,862		28,862
109	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	7,628		7,628
110	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.	166,913		166,913
111	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	332,895		332,895
112	0604709D8Z	JOINT ROBOTICS PROGRAM	5,127		5,127
113	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS–JPO).	39,911		39,911
114	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	20,633		20,633
115	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES.	8,735		8,735
116	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,705		11,705
117	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS).	70,000		70,000
118	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES.	197,008		197,008
119	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	395		395
120	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	5,000		5,000
121	0605140D8Z	TRUSTED FOUNDRY	41,223		41,223
122	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM.	4,267		4,267
123	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	18,431		18,431
124	0303158K	JOINT COMMAND AND CONTROL PROGRAM (JC2)	49,047		49,047
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, DEFENSE-WIDE.	**1,007,780**		**1,007,780**
		RDT&E MANAGEMENT SUPPORT			
125	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII–SOC) STAFF OFFICE.	1,609		1,609
126	0603757D8Z	TRAINING TRANSFORMATION (T2)			
127	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	13,121		13,121
128	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	15,247		15,247
129	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	145,052	4,000	149,052
		SAM hardware simulators		[4,000]	
130	0604943D8Z	THERMAL VICAR	9,045		9,045
131	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	9,455		9,455
132	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	44,760		44,760
133	0605110D8Z	USD (A&T)—CRITICAL TECHNOLOGY SUPPORT	4,914		4,914
134	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION.	94,921		94,921
135	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	96,909		96,909
136	0605128D8Z	CLASSIFIED PROGRAM USD(P)			
137	0605130D8Z	FOREIGN COMPARATIVE TESTING	35,054		35,054
138	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	6,474		6,474
139	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	14,916		14,916
140	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	5,888		5,888
141	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	106,477		106,477
142	0605502BR	SMALL BUSINESS INNOVATION RESEARCH			
143	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA			
144	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH			
145	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH			
146	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH			
147	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION.	2,163	3,000	5,163
		Anti-tamper software systems		[3,000]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
148	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	11,005		11,005
149	0605798S	DEFENSE TECHNOLOGY ANALYSIS			
150	0605799D8Z	FORCE TRANSFORMATION DIRECTORATE	19,981		19,981
151	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	54,411		54,411
152	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	19,554		19,554
153	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	23,512		23,512
154	0605897E	DARPA AGENCY RELOCATION	45,000		45,000
155	0605898E	MANAGEMENT HQ—R&D	51,055		51,055
156	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	5,929		5,929
157	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	8,000		8,000
158	0204571J	JOINT STAFF ANALYTICAL SUPPORT	1,250		1,250
159	0301555G	CLASSIFIED PROGRAMS	[ ]		[ ]
160	0301556G	SPECIAL PROGRAM	[ ]		[ ]
161	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	30,604		30,604
162	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,667		4,667
163	0305103E	CYBER SECURITY INITIATIVE	50,000	–19,600	30,400
		Program decrease		[–19,600]	
164	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	20,648		20,648
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	[ ]		[ ]
166	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT.	829		829
167	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	34,306		34,306
168	0901585C	PENTAGON RESERVATION	19,709		19,709
169	0901598C	MANAGEMENT HQ—MDA	57,403		57,403
170	0901598D8W	IT SOFTWARE DEV INITIATIVES	980		980
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE.	**1,064,848**	**–12,600**	**1,052,248**
		OPERATIONAL SYSTEMS DEVELOPMENT			
171	0604130V	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS).	1,384		1,384
172	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	2,001		2,001
173	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	292		292
174	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	6,198		6,198
175	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	46,214		46,214
176	0204571J	JOINT STAFF ANALYTICAL SUPPORT			
177	0208043J	CLASSIFIED PROGRAMS	2,179		2,179
178	0208045K	C4I INTEROPERABILITY	74,786		74,786
180	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	10,767		10,767
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]		[ ]
182	0301318BB	HUMINT (CONTROLLED)	[ ]		[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[ ]		[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[ ]		[ ]
185	0301555BZ	CLASSIFIED PROGRAMS	[ ]		[ ]
186	0301556BZ	SPECIAL PROGRAM	[ ]		[ ]
187	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.	548		548
188	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	17,655		17,655
189	0303126K	LONG-HAUL COMMUNICATIONS—DCS	9,406		9,406
190	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	9,830		9,830
191	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	8,116		8,116
192	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	41,002		41,002
193	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	13,477		13,477
194	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	408,316	1,800	410,116

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Software assurance courseware		[1,800]	
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM			
196	0303148K	DISA MISSION SUPPORT OPERATIONS	1,205		1,205
197	0303149J	C4I FOR THE WARRIOR	4,098		4,098
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	23,761		23,761
199	0303153K	JOINT SPECTRUM CENTER	18,944		18,944
200	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,782		1,782
201	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	942		942
202	0303610K	TELEPORT PROGRAM	5,239		5,239
203	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	16,381		16,381
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP).	[ ]		[ ]
206	0305103D8Z	CYBER SECURITY INITIATIVE	993		993
207	0305103G	CYBER SECURITY INITIATIVE	[ ]		[ ]
208	0305103K	CYBER SECURITY INITIATIVE	10,080		10,080
209	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	12,725		12,725
210	0305127BZ	FOREIGN COUNTERINTELLIGENCE ACTIVITIES			
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES.	[ ]		[ ]
215	0305186D8Z	POLICY R&D PROGRAMS	6,948	–6,000	948
		Program reduction		[–6,000]	
216	0305193L	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)			
217	0305199D8Z	NET CENTRICITY	1,479		1,479
218	0305202G	DRAGON U–2	[ ]		[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]		[ ]
220	0305207G	MANNED RECONNAISSANCE SYSTEMS			
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,407		1,407
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
224	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,158		3,158
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
226	0305219BB	MQ–1 PREDATOR A UAV	2,067		2,067
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[ ]		[ ]
228	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	2,963		2,963
229	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT AND INTEGRATION.	1,389		1,389
230	0305866L	DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVITIES			
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS			
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT.	[ ]		[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]	[4,000]	[ ]
		Technology applications for security enhancement		[4,000]	
235	0305889G	COUNTERDRUG INTELLIGENCE SUPPORT			
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV.	[ ]		[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[ ]		[ ]
238	0708011S	INDUSTRIAL PREPAREDNESS	20,514	40,000	60,514
		Advanced microcircuit emulation		[4,500]	
		Castings for improved defense readiness		[3,000]	
		Industrial Base Innovation Fund		[30,000]	
		Insensitive munitions manufacturing		[2,500]	
239	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,798		2,798
240	0902298J	MANAGEMENT HEADQUARTERS (JCS)	8,303		8,303
241	1001018D8Z	NATO AGS	74,485		74,485
242	1105219BB	MQ–9 UAV	4,380		4,380
243	1130435BB	STORM			
244	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG			

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
245	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT.	82,621		82,621
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT.	6,182		6,182
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT.	21,273	5,000	26,273
		Long endurance unattended ground sensor technologies		[5,000]	
248	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,310		60,310
249	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	12,687		12,687
250	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE	43,412		43,412
251	1160425BB	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS			
252	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT.	1,321		1,321
253	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS).	3,192		3,192
254	1160428BB	UNMANNED VEHICLES (UV)			
255	1160429BB	MC130J SOF TANKER RECAPITALIZATION	5,957		5,957
256	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS.	733		733
257	1160476BB	SOF TACTICAL RADIO SYSTEMS	2,368		2,368
258	1160477BB	SOF WEAPONS SYSTEMS	1,081		1,081
259	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	597		597
260	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS.	3,369		3,369
261	1160480BB	SOF TACTICAL VEHICLES	1,973		1,973
262	1160482BB	SOF ROTARY WING AVIATION	18,863		18,863
263	1160483BB	SOF UNDERWATER SYSTEMS	3,452		3,452
264	1160484BB	SOF SURFACE CRAFT	12,250		12,250
265	1160488BB	SOF PSYOP	9,887		9,887
266	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,944		4,944
267	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,547		11,547
999	9999999	OTHER PROGRAMS	4,273,689	4,000	4,277,689
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE.	**5,459,920**	**44,800**	**5,504,720**
		DARPA execution adjustment		–150,000	–150,000
		Total, RDT&E Defense-Wide	**20,741,542**	**–186,272**	**20,555,270**
		OPERATIONAL TEST & EVALUATION, DEFENSE			
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	58,647		58,647
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,285		12,285
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	119,838		119,838
		Total, Operational Test & Evaluation, Defense	**190,770**		**190,770**
		TOTAL RDT&E	**78,634,289**	**1,266,402**	**79,900,691**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY			

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		SYSTEM DEVELOPMENT & DEMONSTRATION			
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	18,598		18,598
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY.	**18,598**		**18,598**
		OPERATIONAL SYSTEMS DEVELOPMENT			
160	0301359A	SPECIAL ARMY PROGRAM	[ ]		[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,644		7,644
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	2,220		2,220
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	29,500		29,500
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY.	**39,364**		**39,364**
		TOTAL, RDT&E ARMY	**57,962**		**57,962**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
027	0603216N	AVIATION SURVIVABILITY	8,000		8,000
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	9,000		9,000
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY.	**17,000**		**17,000**
		OPERATIONAL SYSTEMS DEVELOPMENT			
188	0301303N	MARITIME INTELLIGENCE	[ ]		[ ]
189	0301323N	COLLECTION MANAGEMENT	[ ]		[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]		[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[ ]		[ ]
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	51,900		51,900
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	6,000		6,000
999	9999999	OTHER PROGRAMS	32,280		32,280
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E.	**90,180**		**90,180**
		TOTAL, RDT&E NAVY	**107,180**		**107,180**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
		BASIC RESEARCH			
004	0301555F	CLASSIFIED PROGRAMS	[ ]		[ ]
005	0301556F	SPECIAL PROGRAM	[ ]		[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE			
		OPERATIONAL SYSTEMS DEVELOPMENT			
116	0605798F	ANALYSIS SUPPORT GROUP	[ ]		[ ]
123	0101815F	ADVANCED STRATEGIC PROGRAMS	[ ]		[ ]
128	0205219F	MQ–9 UAV	1,400		1,400
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	9,375		9,375
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[ ]		[ ]
164	0208161F	SPECIAL EVALUATION SYSTEM	[ ]		[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[ ]		[ ]
166	0301314F	COBRA BALL	[ ]		[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]		[ ]
168	0301324F	FOREST GREEN	[ ]		[ ]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
169	0301386F	GDIP COLLECTION MANAGEMENT	[ ]		[ ]
180	0304311F	SELECTED ACTIVITIES	[ ]		[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[ ]		[ ]
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[ ]		[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[ ]		[ ]
196	0305172F	COMBINED ADVANCED APPLICATIONS	[ ]		[ ]
206	0305219F	MQ–1 PREDATOR A UAV	1,400		1,400
999	9999999	OTHER PROGRAMS	17,111		17,111
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE.	**29,286**		**29,286**
		TOTAL, RDT&E AIR FORCE	**29,286**		**29,286**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE			
		RDT&E MANAGEMENT SUPPORT			
159	0301555G	CLASSIFIED PROGRAMS	[ ]		[ ]
160	0301556G	SPECIAL PROGRAM	[ ]		[ ]
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	[ ]		[ ]
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE			
		OPERATIONAL SYSTEMS DEVELOPMENT			
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]		[ ]
182	0301318BB	HUMINT (CONTROLLED)	[ ]		[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[ ]		[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[ ]		[ ]
185	0301555BZ	CLASSIFIED PROGRAMS	[ ]		[ ]
186	0301556BZ	SPECIAL PROGRAM	[ ]		[ ]
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,750		2,750
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP).	[ ]		[ ]
207	0305103G	CYBER SECURITY INITIATIVE	[ ]		[ ]
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[ ]		[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES.	[ ]		[ ]
218	0305202G	DRAGON U–2	[ ]		[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]		[ ]
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]		[ ]
226	0305219BB	MQ–1 PREDATOR A UAV	[ ]		[ ]
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[ ]		[ ]
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS	[ ]		[ ]
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT.	[ ]		[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]		[ ]
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV.	[ ]		[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[ ]		[ ]
999	9999999	OTHER PROGRAMS	113,076		113,076
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE.	**115,826**		**115,826**
		Total, RDT&E Defense-Wide	**115,826**		**115,826**

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		TOTAL RDT&E	**310,254**		**310,254**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Army			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2020	010	MANEUVER UNITS	1,020,490		1,020,490
2020	020	MODULAR SUPPORT BRIGADES	105,178		105,178
2020	030	ECHELONS ABOVE BRIGADE	708,038		708,038
2020	040	THEATER LEVEL ASSETS	718,233		718,233
2020	050	LAND FORCES OPERATIONS SUPPORT	1,379,529		1,379,529
2020	060	AVIATION ASSETS	850,750		850,750
		LAND FORCES READINESS			
2020	070	FORCE READINESS OPERATIONS SUPPORT	2,088,233	8,000	2,096,233
		Generation III extended cold weather clothing system		[8,000]	
2020	080	LAND FORCES SYSTEMS READINESS	633,704		633,704
2020	090	LAND FORCES DEPOT MAINTENANCE	692,601		692,601
		LAND FORCES READINESS SUPPORT			
2020	100	BASE OPERATIONS SUPPORT	7,586,455		7,586,455
2020	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION.	2,221,446		2,221,446
2020	120	MANAGEMENT AND OPERATIONAL HQ	333,119		333,119
2020	130	COMBATANT COMMANDERS CORE OPERATIONS	123,163		123,163
2020	170	COMBATANT COMMANDERS ANCILLARY MISSIONS	460,159		460,159
		TOTAL, BA 01: OPERATING FORCES	**18,921,098**	**8,000**	**18,929,098**
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
2020	180	STRATEGIC MOBILITY	228,376		228,376
2020	190	ARMY PREPOSITIONING STOCKS	98,129		98,129
2020	200	INDUSTRIAL PREPAREDNESS	5,705		5,705
		TOTAL, BA 02: MOBILIZATION	**332,210**		**332,210**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
2020	210	OFFICER ACQUISITION	125,615		125,615
2020	220	RECRUIT TRAINING	87,488		87,488
2020	230	ONE STATION UNIT TRAINING	59,302		59,302
2020	240	SENIOR RESERVE OFFICERS TRAINING CORPS	449,397		449,397

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		BASIC SKILL/ADVANCE TRAINING			
2020	250	SPECIALIZED SKILL TRAINING	970,777		970,777
		Rule of law increase		[500]	
2020	260	FLIGHT TRAINING	843,893		843,893
2020	270	PROFESSIONAL DEVELOPMENT EDUCATION	166,812		166,812
2020	280	TRAINING SUPPORT	702,031		702,031
		RECRUITING/OTHER TRAINING			
2020	290	RECRUITING AND ADVERTISING	541,852		541,852
2020	300	EXAMINING	147,915		147,915
2020	310	OFF-DUTY AND VOLUNTARY EDUCATION	238,353		238,353
2020	320	CIVILIAN EDUCATION AND TRAINING	217,386		217,386
2020	330	JUNIOR ROTC	156,904		156,904
		TOTAL, BA 03: TRAINING AND RECRUITING	**4,707,725**		**4,707,725**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SECURITY PROGRAMS			
2020	340	SECURITY PROGRAMS	1,017,055		1,017,055
		LOGISTICS OPERATIONS			
2020	350	SERVICEWIDE TRANSPORTATION	540,249		540,249
2020	360	CENTRAL SUPPLY ACTIVITIES	614,093		614,093
2020	370	LOGISTIC SUPPORT ACTIVITIES	481,318		481,318
2020	380	AMMUNITION MANAGEMENT	434,661		434,661
		SERVICEWIDE SUPPORT			
2020	390	ADMINISTRATION	776,866		776,866
2020	400	SERVICEWIDE COMMUNICATIONS	1,166,491		1,166,491
2020	410	MANPOWER MANAGEMENT	289,383		289,383
2020	420	OTHER PERSONNEL SUPPORT	221,779		221,779
2020	430	OTHER SERVICE SUPPORT	993,852		993,852
2020	440	ARMY CLAIMS ACTIVITIES	215,168		215,168
2020	450	REAL ESTATE MANAGEMENT	118,785		118,785
		SUPPORT OF OTHER NATIONS			
2020	460	SUPPORT OF NATO OPERATIONS	430,449		430,449
2020	470	MISC. SUPPORT OF OTHER NATIONS	13,700		13,700
		Unobligated balances		[–350,000]	–350,000
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**7,313,849**	**–350,000**	**6,963,849**
2020		**Total Operation and Maintenance, Army**	**31,274,882**	**–342,000**	**30,932,882**
		Operation and Maintenance, Navy			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1804	010	MISSION AND OTHER FLIGHT OPERATIONS	3,814,000		3,814,000
1804	020	FLEET AIR TRAINING	120,868		120,868
1804	030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,259		52,259
1804	040	AIR OPERATIONS AND SAFETY SUPPORT	121,649		121,649
1804	050	AIR SYSTEMS SUPPORT	485,321		485,321
1804	060	AIRCRAFT DEPOT MAINTENANCE	1,057,747	195,000	1,252,747
		Aviation depot maintenance increase		[195,000]	
1804	070	AIRCRAFT DEPOT OPERATIONS SUPPORT	32,083		32,083
		SHIP OPERATIONS			
1804	080	MISSION AND OTHER SHIP OPERATIONS	3,320,222		3,320,222

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1804	090	SHIP OPERATIONS SUPPORT & TRAINING	699,581		699,581
1804	100	SHIP DEPOT MAINTENANCE	4,296,544	768,850	5,065,394
		Ship depot maintenance increase		[200,000]	
		Transfer to Base		[568,850]	
1804	110	SHIP DEPOT OPERATIONS SUPPORT	1,170,785		1,170,785
		COMBAT OPERATIONS/SUPPORT			
1804	120	COMBAT COMMUNICATIONS	601,595		601,595
1804	130	ELECTRONIC WARFARE	86,019		86,019
1804	140	SPACE SYSTEMS AND SURVEILLANCE	167,050		167,050
1804	150	WARFARE TACTICS	407,674		407,674
1804	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	315,228		315,228
1804	170	COMBAT SUPPORT FORCES	758,789		758,789
1804	180	EQUIPMENT MAINTENANCE	186,794		186,794
1804	190	DEPOT OPERATIONS SUPPORT	3,305		3,305
1804	200	COMBATANT COMMANDERS CORE OPERATIONS	167,789		167,789
1804	210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	259,188	–7,000	252,188
		Reduction for National Program for Small Unit Excellence		[–7,000]	
		WEAPONS SUPPORT			
1804	220	CRUISE MISSILE	131,895		131,895
1804	230	FLEET BALLISTIC MISSILE	1,145,020		1,145,020
1804	240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	64,731		64,731
1804	250	WEAPONS MAINTENANCE	448,777	12,000	460,777
		Gun depot overhauls		[12,000]	
1804	260	OTHER WEAPON SYSTEMS SUPPORT	326,535		326,535
		BASE SUPPORT			
1804	270	ENTERPRISE INFORMATION	1,095,587		1,095,587
1804	280	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,746,418		1,746,418
1804	290	BASE OPERATING SUPPORT	4,058,046		4,058,046
		TOTAL, BA 01: OPERATING FORCES	**27,141,499**	**968,850**	**28,110,349**
		BUDGET ACTIVITY 02: MOBILIZATION			
		READY RESERVE AND PREPOSITIONING FORCES			
1804	300	SHIP PREPOSITIONING AND SURGE	407,977		407,977
		ACTIVATIONS/INACTIVATIONS			
1804	310	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,491		7,491
1804	320	SHIP ACTIVATIONS/INACTIVATIONS	192,401		192,401
		MOBILIZATION PREPAREDNESS			
1804	330	FLEET HOSPITAL PROGRAM	24,546		24,546
1804	340	INDUSTRIAL READINESS	2,409		2,409
1804	350	COAST GUARD SUPPORT	25,727		25,727
		TOTAL, BA 02: MOBILIZATION	**660,551**		**660,551**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
1804	360	OFFICER ACQUISITION	145,027		145,027
1804	370	RECRUIT TRAINING	11,011		11,011
1804	380	RESERVE OFFICERS TRAINING CORPS	127,490		127,490
		BASIC SKILLS AND ADVANCED TRAINING			
1804	390	SPECIALIZED SKILL TRAINING	477,383	850	478,233
		Naval strike air warfare center training		[850]	
1804	400	FLIGHT TRAINING	1,268,846		1,268,846
1804	410	PROFESSIONAL DEVELOPMENT EDUCATION	161,922		161,922
1804	420	TRAINING SUPPORT	158,685		158,685
		RECRUITING, AND OTHER TRAINING AND EDUCATION			

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1804	430	RECRUITING AND ADVERTISING	276,564		276,564
1804	440	OFF-DUTY AND VOLUNTARY EDUCATION	154,979		154,979
1804	450	CIVILIAN EDUCATION AND TRAINING	101,556		101,556
1804	460	JUNIOR ROTC	49,161		49,161
		TOTAL, BA 03: TRAINING AND RECRUITING	**2,932,624**	**850**	**2,933,474**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1804	470	ADMINISTRATION	768,048		768,048
1804	480	EXTERNAL RELATIONS	6,171		6,171
1804	490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	114,675		114,675
1804	500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	182,115		182,115
1804	510	OTHER PERSONNEL SUPPORT	298,729		298,729
1804	520	SERVICEWIDE COMMUNICATIONS	408,744		408,744
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1804	540	SERVICEWIDE TRANSPORTATION	246,989		246,989
1804	560	PLANNING, ENGINEERING AND DESIGN	244,337		244,337
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	778,501		778,501
1804	580	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,223		60,223
1804	590	COMBAT/WEAPONS SYSTEMS	17,328		17,328
1804	600	SPACE AND ELECTRONIC WARFARE SYSTEMS	79,065		79,065
		INVESTIGATIONS AND SECURITY PROGRAMS			
1804	610	NAVAL INVESTIGATIVE SERVICE	515,989		515,989
		SUPPORT OF OTHER NATIONS			
1804	670	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,918		5,918
		OTHER PROGRAMS			
1804	999	OTHER PROGRAMS	608,840		608,840
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**4,335,672**		**4,335,672**
		Unobligated balances		[–150,000]	**–150,000**
1804		**Total Operation and Maintenance, Navy**	**35,070,346**	**819,700**	**35,890,046**
1804		**Operation and Maintenance, Marine Corps**			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1106	010	OPERATIONAL FORCES	730,931	11,000	741,931
		Advanced load bearing equipment		[3,000]	
		Family of shelter and tents		[3,000]	
		Cold weather layering system		[5,000]	
1106	020	FIELD LOGISTICS	591,020		591,020
1106	030	DEPOT MAINTENANCE	80,971		80,971
		USMC PREPOSITIONING			
1106	050	MARITIME PREPOSITIONING	72,182		72,182
1106	060	NORWAY PREPOSITIONING	5,090		5,090
		BASE SUPPORT			
1106	080	SUSTAINMENT, RESTORATION, & MODERNIZATION	666,330		666,330
1106	090	BASE OPERATING SUPPORT	2,250,191		2,250,191
		TOTAL, BA 01: OPERATING FORCES	**4,396,715**	**11,000**	**4,407,715**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
1106	100	RECRUIT TRAINING	16,129		16,129
1106	110	OFFICER ACQUISITION	418		418
		BASIC SKILLS AND ADVANCED TRAINING			
1106	120	SPECIALIZED SKILL TRAINING	67,336		67,336
1106	130	FLIGHT TRAINING	369		369
1106	140	PROFESSIONAL DEVELOPMENT EDUCATION	28,112		28,112
1106	150	TRAINING SUPPORT	330,885		330,885
		RECRUITING AND OTHER TRAINING EDUCATION			
1106	160	RECRUITING AND ADVERTISING	240,832		240,832
1106	170	OFF-DUTY AND VOLUNTARY EDUCATION	64,254		64,254
1106	180	JUNIOR ROTC	19,305		19,305
		TOTAL, BA 03: TRAINING AND RECRUITING	**767,640**		**767,640**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1106	210	SPECIAL SUPPORT	299,065		299,065
1106	220	SERVICEWIDE TRANSPORTATION	28,924		28,924
1106	230	ADMINISTRATION	43,879		43,879
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**371,868**		**371,868**
1106		**Total Operation and Maintenance, Marine Corps**	**5,536,223**	**11,000**	**5,547,223**
1106					
1106					
		Operation and Maintenance, Air Force			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3400	010	PRIMARY COMBAT FORCES	4,017,156		4,017,156
3400	020	COMBAT ENHANCEMENT FORCES	2,754,563		2,754,563
3400	030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,414,913		1,414,913
3400	050	DEPOT MAINTENANCE	2,389,738		2,389,738
3400	060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION.	1,420,083		1,420,083
3400	070	BASE SUPPORT	2,859,943	3,500	2,863,443
		Mission essential airfield operations equipment		[3,500]	
		COMBAT RELATED OPERATIONS			
3400	080	GLOBAL C3I AND EARLY WARNING	1,411,813		1,411,813
3400	090	OTHER COMBAT OPS SPT PROGRAMS	880,353	3,000	883,353
		National security space institute		[3,000]	
3400	110	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	552,148	–13,000	539,148
		Program decrease for Gorgon Stare		[–13,000]	
		SPACE OPERATIONS			
3400	120	LAUNCH FACILITIES	356,367		356,367
3400	130	SPACE CONTROL SYSTEMS	725,646		725,646
		COCOM			
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	608,796		608,796
3400	150	COMBATANT COMMANDERS CORE OPERATIONS	216,073		216,073
		TOTAL, BA 01: OPERATING FORCES	**19,607,592**	**–6,500**	**19,601,092**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
3400	160	AIRLIFT OPERATIONS	2,932,080		2,932,080
3400	170	MOBILIZATION PREPAREDNESS	211,858		211,858
3400	180	DEPOT MAINTENANCE	332,226		332,226
3400	190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION.	362,954		362,954
3400	200	BASE SUPPORT	657,830		657,830
		TOTAL, BA 02: MOBILIZATION	**4,496,948**		**4,496,948**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
3400	210	OFFICER ACQUISITION	120,870		120,870
3400	220	RECRUIT TRAINING	18,135		18,135
3400	230	RESERVE OFFICERS TRAINING CORPS (ROTC)	88,414		88,414
3400	240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION.	372,788		372,788
3400	250	BASE SUPPORT	685,029		685,029
		BASIC SKILLS AND ADVANCED TRAINING			
3400	260	SPECIALIZED SKILL TRAINING	514,048		514,048
3400	270	FLIGHT TRAINING	833,005		833,005
3400	280	PROFESSIONAL DEVELOPMENT EDUCATION	215,676		215,676
3400	290	TRAINING SUPPORT	118,877		118,877
3400	300	DEPOT MAINTENANCE	576		576
		RECRUITING, AND OTHER TRAINING AND EDUCATION			
3400	320	RECRUITING AND ADVERTISING	152,983		152,983
3400	330	EXAMINING	5,584		5,584
3400	340	OFF-DUTY AND VOLUNTARY EDUCATION	188,198		188,198
3400	350	CIVILIAN EDUCATION AND TRAINING	174,151		174,151
3400	360	JUNIOR ROTC	67,549		67,549
		TOTAL, BA 03: TRAINING AND RECRUITING	**3,555,883**		**3,555,883**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		LOGISTICS OPERATIONS			
3400	370	LOGISTICS OPERATIONS	1,055,672		1,055,672
3400	380	TECHNICAL SUPPORT ACTIVITIES	735,036		735,036
3400	400	DEPOT MAINTENANCE	15,411		15,411
3400	410	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION.	359,562		359,562
3400	420	BASE SUPPORT	1,410,097		1,410,097
		SERVICEWIDE ACTIVITIES			
3400	430	ADMINISTRATION	646,080		646,080
3400	440	SERVICEWIDE COMMUNICATIONS	581,951		581,951
3400	450	OTHER SERVICEWIDE ACTIVITIES	1,062,803		1,062,803
3400	460	CIVIL AIR PATROL	22,433		22,433
		SECURITY PROGRAMS			
3400	470	SECURITY PROGRAMS	1,148,704		1,148,704
		SUPPORT TO OTHER NATIONS			
3400	480	INTERNATIONAL SUPPORT	49,987		49,987
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**7,087,736**		**7,087,736**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		Overstatement of civilian pay		[–538,100]	–538,100
		Unobligated balances		[–150,000]	–150,000
3400		**Total Operation and Maintenance, Air Force**	**34,748,159**	**–694,600**	**34,053,559**
3400		**Operation and Maintenance, Defense-wide**			
		BUDGET ACTIVITY 1: OPERATING FORCES			
		DEFENSEWIDE ACTIVITIES			
0100	010	JOINT CHIEFS OF STAFF	457,169		457,169
0100	020	SPECIAL OPERATIONS COMMAND	3,611,492		3,611,492
		TOTAL, BUDGET ACTIVITY 1:	**4,068,661**		**4,068,661**
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
		DEFENSEWIDE ACTIVITIES			
0100	030	DEFENSE ACQUISITION UNIVERSITY	115,497		115,497
		RECRUITING AND OTHER TRAINING EDUCATION			
0100	040	NATIONAL DEFENSE UNIVERSITY	103,408		103,408
		TOTAL, BUDGET ACTIVITY 3:	**218,905**		**218,905**
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
		DEFENSEWIDE ACTIVITIES			
0100	060	CIVIL MILITARY PROGRAMS	132,231		132,231
0100	090	DEFENSE BUSINESS TRANSFORMATION AGENCY	139,579		139,579
0100	100	DEFENSE CONTRACT AUDIT AGENCY	458,316		458,316
0100	120	DEFENSE HUMAN RESOURCES ACTIVITY	665,743		665,743
0100	130	DEFENSE INFORMATION SYSTEMS AGENCY	1,322,163		1,322,163
0100	150	DEFENSE LEGAL SERVICES	42,532		42,532
0100	160	DEFENSE LOGISTICS AGENCY	405,873		405,873
0100	170	DEFENSE MEDIA ACTIVITY	253,667		253,667
0100	180	DEFENSE POW/MIA OFFICE	20,679		20,679
0100	190	DEFENSE TECHNOLOGY SECURITY AGENCY	34,325		34,325
0100	200	DEFENSE THREAT REDUCTION AGENCY	385,453		385,453
0100	210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	2,302,116	5,000	2,307,116
		Family support for military children with autism		[5,000]	
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY	1,058,721		1,058,721
0100	230	DEFENSE SECURITY COOPERATION AGENCY	721,756		721,756
0100	240	DEFENSE SECURITY SERVICE	497,857		497,857
0100	260	OFFICE OF ECONOMIC ADJUSTMENT	37,166		37,166
0100	270	OFFICE OF THE SECRETARY OF DEFENSE	1,955,985	35,000	1,990,985
		Readiness and environmental protection initiative		[25,000]	
		Director of operational energy plans and programs		[5,000]	
		Acceleration of Defense Readiness Reporting System		[5,000]	
0100	280	WASHINGTON HEADQUARTERS SERVICE	589,309		589,309
		OTHER PROGRAMS			
0100	999	OTHER PROGRAMS	13,046,209		13,046,209
		TOTAL, BUDGET ACTIVITY 4:	**24,069,680**	**40,000**	**24,109,680**
		Impact aid		[30,000]	30,000
		Impact aid for children with severe disabilities		[5,000]	5,000
		Special assistance to local education agencies		[10,000]	10,000
		Undistributed Bulk Fuel Adjustment		[–596,249]	–596,249
		Decrease for software licenses		[–50,000]	–50,000
		Unobligated balances		[–150,000]	–150,000

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
0100		**Total Operation and Maintenance, Defense-Wide**	**28,357,246**	**–711,249**	**27,645,997**
0100					
0100					
0100					
		Operation and Maintenance, Army Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2080	010	MANEUVER UNITS	1,403		1,403
2080	020	MODULAR SUPPORT BRIGADES	12,707		12,707
2080	030	ECHELONS ABOVE BRIGADE	468,288		468,288
2080	040	THEATER LEVEL ASSETS	152,439		152,439
2080	050	LAND FORCES OPERATIONS SUPPORT	520,420		520,420
2080	060	AVIATION ASSETS	61,063		61,063
		LAND FORCES READINESS			
2080	070	FORCE READINESS OPERATIONS SUPPORT	290,443		290,443
2080	080	LAND FORCES SYSTEMS READINESS	106,569	3,600	110,169
		Mobile corrosion protection		[3,600]	
2080	090	LAND FORCES DEPOT MAINTENANCE	94,499		94,499
		LAND FORCES READINESS SUPPORT			
2080	100	BASE OPERATIONS SUPPORT	522,310		522,310
2080	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION.	234,748		234,748
		TOTAL, BA 01: OPERATING FORCES	**2,464,889**	**3,600**	**2,468,489**
		LOGISTICS OPERATIONS			
2080	130	SERVICEWIDE TRANSPORTATION	9,291		9,291
		SERVICEWIDE SUPPORT			
2080	140	ADMINISTRATION	72,075		72,075
2080	150	SERVICEWIDE COMMUNICATIONS	3,635		3,635
2080	160	MANPOWER MANAGEMENT	9,104		9,104
2080	170	RECRUITING AND ADVERTISING	61,202		61,202
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**155,307**		**155,307**
2080		**Total Operation and Maintenance, Army Reserve**	**2,620,196**	**3,600**	**2,623,796**
2080					
2080					
		Operation and Maintenance, Navy Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1806	010	MISSION AND OTHER FLIGHT OPERATIONS	570,319		570,319
1806	020	INTERMEDIATE MAINTENANCE	16,596		16,596
1806	030	AIR OPERATIONS AND SAFETY SUPPORT	3,171		3,171
1806	040	AIRCRAFT DEPOT MAINTENANCE	125,004		125,004
1806	050	AIRCRAFT DEPOT OPERATIONS SUPPORT	397		397
		SHIP OPERATIONS			
1806	060	MISSION AND OTHER SHIP OPERATIONS	55,873		55,873
1806	070	SHIP OPERATIONS SUPPORT & TRAINING	592		592
1806	080	SHIP DEPOT MAINTENANCE	41,899		41,899
		COMBAT OPERATIONS SUPPORT			
1806	090	COMBAT COMMUNICATIONS	15,241		15,241
1806	100	COMBAT SUPPORT FORCES	142,924		142,924

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		WEAPONS SUPPORT			
1806	110	WEAPONS MAINTENANCE	5,494		5,494
		BASE SUPPORT			
1806	120	ENTERPRISE INFORMATION	83,611		83,611
1806	130	SUSTAINMENT, RESTORATION AND MODERNIZATION	69,853		69,853
1806	140	BASE OPERATING SUPPORT	124,757		124,757
		TOTAL, BA 01: OPERATING FORCES	**1,255,731**		**1,255,731**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1806	150	ADMINISTRATION	3,323		3,323
1806	160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,897		13,897
1806	170	SERVICEWIDE COMMUNICATIONS	1,957		1,957
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1806	190	ACQUISITION AND PROGRAM MANAGEMENT	3,593		3,593
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**22,770**		**22,770**
1806		**Total Operation and Maintenance, Navy Reserve**	**1,278,501**		**1,278,501**
1806					
1806					
		Operation and Maintenance, Marine Corps Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1107	010	OPERATING FORCES	61,117		61,117
1107	020	DEPOT MAINTENANCE	13,217		13,217
1107	030	TRAINING SUPPORT	29,373		29,373
		BASE SUPPORT			
1107	040	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,466		25,466
1107	050	BASE OPERATING SUPPORT	73,899		73,899
		TOTAL, BA 01: OPERATING FORCES	**203,072**		**203,072**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
1107	060	SPECIAL SUPPORT	5,639		5,639
1107	070	SERVICEWIDE TRANSPORTATION	818		818
1107	080	ADMINISTRATION	10,642		10,642
1107	090	RECRUITING AND ADVERTISING	8,754		8,754
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**25,853**		**25,853**
1107		**Total Operation and Maintenance, Marine Corps Reserve**	**228,925**		**228,925**
1107					
1107					
		Operation and Maintenance, Air Force Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
3740	010	PRIMARY COMBAT FORCES	2,049,303		2,049,303
3740	020	MISSION SUPPORT OPERATIONS	121,417		121,417
3740	030	DEPOT MAINTENANCE	441,958		441,958
3740	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION.	78,763		78,763
3740	050	BASE SUPPORT	258,091		258,091
		TOTAL, BA 01: OPERATING FORCES	**2,949,532**		**2,949,532**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
3740	060	ADMINISTRATION	77,476		77,476
3740	070	RECRUITING AND ADVERTISING	24,553		24,553
3740	080	MILITARY MANPOWER AND PERS MGMT (ARPC)	20,838		20,838
3740	090	OTHER PERS SUPPORT (DISABILITY COMP)	6,121		6,121
3740	100	AUDIOVISUAL	708		708
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**129,696**		**129,696**
3740		**Total Operation and Maintenance, Air Force Reserve**	**3,079,228**		**3,079,228**
3740					
3740					
		Operation and Maintenance, Army National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2065	010	MANEUVER UNITS	876,269		876,269
2065	020	MODULAR SUPPORT BRIGADES	173,843		173,843
2065	030	ECHELONS ABOVE BRIGADE	615,160		615,160
2065	040	THEATER LEVEL ASSETS	253,997		253,997
2065	050	LAND FORCES OPERATIONS SUPPORT	34,441		34,441
2065	060	AVIATION ASSETS	819,031		819,031
		LAND FORCES READINESS			
2065	070	FORCE READINESS OPERATIONS SUPPORT	436,799		436,799
2065	080	LAND FORCES SYSTEMS READINESS	99,757	3,600	103,357
		Mobile corrosion protection		[3,600]	
2065	090	LAND FORCES DEPOT MAINTENANCE	379,646		379,646
		LAND FORCES READINESS SUPPORT			
2065	100	BASE OPERATIONS SUPPORT	798,343		798,343
2065	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION.	580,171		580,171
2065	120	MANAGEMENT AND OPERATIONAL HQ	573,452		573,452
		TOTAL, BA 01: OPERATING FORCES	**5,640,909**	**3,600**	**5,644,509**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
2065	140	ADMINISTRATION	119,186		119,186
2065	150	SERVICEWIDE COMMUNICATIONS	48,020		48,020
2065	160	MANPOWER MANAGEMENT	7,920		7,920
2065	170	RECRUITING AND ADVERTISING	440,999		440,999
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**616,125**		**616,125**
2065		**Total Operation and Maintenance, Army National Guard**	**6,257,034**	**3,600**	**6,260,634**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2065					
2065		**Operation and Maintenance, Air National Guard**			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3840	010	AIRCRAFT OPERATIONS	3,347,685	2,700	3,350,385
		Controlled humidity protection		[2,700]	
3840	020	MISSION SUPPORT OPERATIONS	779,917		779,917
3840	030	DEPOT MAINTENANCE	780,347		780,347
3840	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION.	302,949		302,949
3840	050	BASE SUPPORT	606,916		606,916
		TOTAL, BA 01: OPERATING FORCES	**5,817,814**	**2,700**	**5,820,514**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
3840	060	ADMINISTRATION	35,174		35,174
3840	070	RECRUITING AND ADVERTISING	32,773		32,773
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**67,947**		**67,947**
3840		**Total Operation and Maintenance, Air National Guard**	**5,885,761**	**2,700**	**5,888,461**
3840		**MISCELLANEOUS APPROPRIATIONS**			
0104	010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE.	13,932		13,932
0111	010	ACQUISITION WORKFORCE DEVELOPMENT FUND	100,000		100,000
0819	010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,869		109,869
0134	010	COOPERATIVE THREAT REDUCTION	404,093	20,000	424,093
		Program increase		[20,000]	
0810	020	ENVIRONMENTAL RESTORATION, ARMY	415,864		415,864
0810	030	ENVIRONMENTAL RESTORATION, NAVY	285,869		285,869
0810	040	ENVIRONMENTAL RESTORATION, AIR FORCE	494,276		494,276
0810	050	ENVIRONMENTAL RESTORATION, DEFENSE	11,100		11,100
0811	060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES.	267,700		267,700
0118	070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND.	5,000		5,000
		TOTAL, MISCELLANEOUS APPROPRIATIONS	**2,107,703**	**20,000**	**2,127,703**
		TOTAL TITLE III—OPERATION AND MAINTENANCE	**156,444,204**	**–887,249**	**155,556,955**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Army			
		BUDGET ACTIVITY 01: OPERATING FORCES			
2020	140	ADDITIONAL ACTIVITIES	36,330,899		36,330,899

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2020	150	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,500,000	–100,000	1,400,000
		Program decrease		[–100,000]	
2020	160	RESET	7,867,551		7,867,551
		TOTAL, BA 01: OPERATING FORCES	**45,698,450**	**–100,000**	**45,598,450**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SECURITY PROGRAMS			
2020	340	SECURITY PROGRAMS	1,426,309		1,426,309
		LOGISTICS OPERATIONS			
2020	350	SERVICEWIDE TRANSPORTATION	5,045,902		5,045,902
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**6,472,211**		**6,472,211**
2020		**Total Operation and Maintenance, Army**	**52,170,661**	**–100,000**	**52,070,661**
		Operation and Maintenance, Navy			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1804	010	MISSION AND OTHER FLIGHT OPERATIONS	1,138,398		1,138,398
1804	020	FLEET AIR TRAINING	2,640		2,640
1804	030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,212		1,212
1804	040	AIR OPERATIONS AND SAFETY SUPPORT	26,815		26,815
1804	050	AIR SYSTEMS SUPPORT	44,532		44,532
1804	060	AIRCRAFT DEPOT MAINTENANCE	158,559		158,559
		SHIP OPERATIONS			
1804	080	MISSION AND OTHER SHIP OPERATIONS	651,209		651,209
1804	090	SHIP OPERATIONS SUPPORT & TRAINING	22,489		22,489
1804	100	SHIP DEPOT MAINTENANCE	1,001,037	–568,850	432,187
		Transfer from OCO		[–568,850]	
		COMBAT OPERATIONS/SUPPORT			
1804	120	COMBAT COMMUNICATIONS	20,704		20,704
1804	150	WARFARE TACTICS	15,918		15,918
1804	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	16,889		16,889
1804	170	COMBAT SUPPORT FORCES	1,891,799		1,891,799
1804	180	EQUIPMENT MAINTENANCE	306		306
1804	200	COMBATANT COMMANDERS CORE OPERATIONS	6,929		6,929
1804	210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,344		7,344
		WEAPONS SUPPORT			
1804	240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	68,759		68,759
1804	250	WEAPONS MAINTENANCE	82,496		82,496
1804	260	OTHER WEAPON SYSTEMS SUPPORT	16,902		16,902
		BASE SUPPORT			
1804	280	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,629		7,629
1804	290	BASE OPERATING SUPPORT	338,604		338,604
		TOTAL, BA 01: OPERATING FORCES	**5,521,170**	**–568,850**	**4,952,320**
		BUDGET ACTIVITY 02: MOBILIZATION			
		READY RESERVE AND PREPOSITIONING FORCES			
1804	300	SHIP PREPOSITIONING AND SURGE	27,290		27,290
		MOBILIZATION PREPAREDNESS			

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1804	330	FLEET HOSPITAL PROGRAM	4,336		4,336
1804	350	COAST GUARD SUPPORT	245,039		245,039
		TOTAL, BA 02: MOBILIZATION	**276,665**		**276,665**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		BASIC SKILLS AND ADVANCED TRAINING			
1804	390	SPECIALIZED SKILL TRAINING	97,995		97,995
1804	420	TRAINING SUPPORT	5,463		5,463
		TOTAL, BA 03: TRAINING AND RECRUITING	**103,458**		**103,458**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1804	470	ADMINISTRATION	3,899		3,899
1804	480	EXTERNAL RELATIONS	463		463
1804	500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	563		563
1804	510	OTHER PERSONNEL SUPPORT	2,525		2,525
1804	520	SERVICEWIDE COMMUNICATIONS	23,557		23,557
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1804	540	SERVICEWIDE TRANSPORTATION	223,890		223,890
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	642		642
		INVESTIGATIONS AND SECURITY PROGRAMS			
1804	610	NAVAL INVESTIGATIVE SERVICE	37,452		37,452
		OTHER PROGRAMS			
1804	999	OTHER PROGRAMS	25,299		25,299
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**318,290**		**318,290**
1804		**Total Operation and Maintenance, Navy**	**6,219,583**	**–568,850**	**5,650,733**
1804		**Operation and Maintenance, Marine Corps**			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1106	010	OPERATIONAL FORCES	2,048,844		2,048,844
1106	020	FIELD LOGISTICS	486,014		486,014
1106	030	DEPOT MAINTENANCE	554,000		554,000
		USMC PREPOSITIONING			
1106	060	NORWAY PREPOSITIONING	950		950
		BASE SUPPORT			
1106	090	BASE OPERATING SUPPORT	121,700		121,700
		TOTAL, BA 01: OPERATING FORCES	**3,211,508**		**3,211,508**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		BASIC SKILLS AND ADVANCED TRAINING			
1106	120	SPECIALIZED SKILL TRAINING	6,303		6,303
1106	140	PROFESSIONAL DEVELOPMENT EDUCATION	923		923
1106	150	TRAINING SUPPORT	205,625		205,625
		TOTAL, BA 03: TRAINING AND RECRUITING	**212,851**		**212,851**

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1106	210	SPECIAL SUPPORT	2,576		2,576
1106	220	SERVICEWIDE TRANSPORTATION	269,415		269,415
1106	230	ADMINISTRATION	5,250		5,250
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**277,241**		**277,241**
1106		**Total Operation and Maintenance, Marine Corps**	**3,701,600**		**3,701,600**
1106					
1106					
		Operation and Maintenance, Air Force			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3400	010	PRIMARY COMBAT FORCES	1,582,431		1,582,431
3400	020	COMBAT ENHANCEMENT FORCES	1,460,018		1,460,018
3400	030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	109,255		109,255
3400	050	DEPOT MAINTENANCE	304,540		304,540
3400	060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION.	121,881		121,881
3400	070	BASE SUPPORT	1,394,809		1,394,809
		COMBAT RELATED OPERATIONS			
3400	080	GLOBAL C3I AND EARLY WARNING	130,885		130,885
3400	090	OTHER COMBAT OPS SPT PROGRAMS	407,554		407,554
		SPACE OPERATIONS			
3400	130	SPACE CONTROL SYSTEMS	38,677		38,677
		COCOM			
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	157,000		157,000
		TOTAL, BA 01: OPERATING FORCES	**5,707,050**		**5,707,050**
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
3400	160	AIRLIFT OPERATIONS	3,171,148		3,171,148
3400	170	MOBILIZATION PREPAREDNESS	169,659		169,659
3400	180	DEPOT MAINTENANCE	167,070		167,070
3400	190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION.	942		942
3400	200	BASE SUPPORT	45,998		45,998
		TOTAL, BA 02: MOBILIZATION	**3,554,817**		**3,554,817**
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
3400	240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION.	1,019		1,019
3400	250	BASE SUPPORT	19,361		19,361
		BASIC SKILLS AND ADVANCED TRAINING			
3400	260	SPECIALIZED SKILL TRAINING	48,442		48,442
3400	270	FLIGHT TRAINING	291		291
3400	280	PROFESSIONAL DEVELOPMENT EDUCATION	1,500		1,500
3400	290	TRAINING SUPPORT	1,427		1,427

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		TOTAL, BA 03: TRAINING AND RECRUITING	**72,040**		**72,040**
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		LOGISTICS OPERATIONS			
3400	370	LOGISTICS OPERATIONS	328,009		328,009
3400	420	BASE SUPPORT	35,322		35,322
		SERVICEWIDE ACTIVITIES			
3400	430	ADMINISTRATION	9,000		9,000
3400	440	SERVICEWIDE COMMUNICATIONS	178,470		178,470
		SECURITY PROGRAMS			
3400	470	SECURITY PROGRAMS	142,160		142,160
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES.	**692,961**		**692,961**
3400		**Total Operation and Maintenance, Air Force**	**10,026,868**		**10,026,868**
3400					
		Operation and Maintenance, Defense-wide			
		BUDGET ACTIVITY 1: OPERATING FORCES			
		DEFENSEWIDE ACTIVITIES			
0100	010	JOINT CHIEFS OF STAFF	25,000		25,000
0100	020	SPECIAL OPERATIONS COMMAND	2,519,935		2,519,935
		TOTAL, BUDGET ACTIVITY 1:	**2,544,935**		**2,544,935**
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
		DEFENSEWIDE ACTIVITIES			
0100	100	DEFENSE CONTRACT AUDIT AGENCY	13,908		13,908
0100	130	DEFENSE INFORMATION SYSTEMS AGENCY	245,117		245,117
0100	150	DEFENSE LEGAL SERVICES	115,000		115,000
0100	170	DEFENSE MEDIA ACTIVITY	13,364		13,364
0100	200	DEFENSE THREAT REDUCTION AGENCY	2,018		2,018
0100	210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	553,600		553,600
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY	63,130		63,130
0100	230	DEFENSE SECURITY COOPERATION AGENCY	1,950,000		1,950,000
0100	270	OFFICE OF THE SECRETARY OF DEFENSE	79,047		79,047
		OTHER PROGRAMS			
0100	999	OTHER PROGRAMS	1,998,181		1,998,181
		TOTAL, BUDGET ACTIVITY 4:	**5,033,365**		**5,033,365**
0100		**Total Operation and Maintenance, Defense-Wide**	**7,578,300**		**7,578,300**
0100					
0100					
0100					
		Operation and Maintenance, Army Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2080	030	ECHELONS ABOVE BRIGADE	86,881		86,881
2080	050	LAND FORCES OPERATIONS SUPPORT	40,675		40,675
		LAND FORCES READINESS			

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2080	070	FORCE READINESS OPERATIONS SUPPORT	21,270		21,270
2080	080	LAND FORCES SYSTEMS READINESS	17,500		17,500
		LAND FORCES READINESS SUPPORT			
2080	100	BASE OPERATIONS SUPPORT	38,000		38,000
		TOTAL, BA 01: OPERATING FORCES	**204,326**		**204,326**
2080		**Total Operation and Maintenance, Army Reserve**	**204,326**		**204,326**
2080					
2080					
		Operation and Maintenance, Navy Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1806	010	MISSION AND OTHER FLIGHT OPERATIONS	26,673		26,673
1806	020	INTERMEDIATE MAINTENANCE	400		400
1806	040	AIRCRAFT DEPOT MAINTENANCE	3,600		3,600
		SHIP OPERATIONS			
1806	060	MISSION AND OTHER SHIP OPERATIONS	7,416		7,416
1806	080	SHIP DEPOT MAINTENANCE	8,917		8,917
		COMBAT OPERATIONS SUPPORT			
1806	090	COMBAT COMMUNICATIONS	3,147		3,147
1806	100	COMBAT SUPPORT FORCES	13,428		13,428
		BASE SUPPORT			
1806	140	BASE OPERATING SUPPORT	4,478		4,478
		TOTAL, BA 01: OPERATING FORCES	**68,059**		**68,059**
1806		**Total Operation and Maintenance, Navy Reserve**	**68,059**		**68,059**
1806					
1806					
		Operation and Maintenance, Marine Corps Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1107	010	OPERATING FORCES	77,849		77,849
		BASE SUPPORT			
1107	050	BASE OPERATING SUPPORT	8,818		8,818
		TOTAL, BA 01: OPERATING FORCES	**86,667**		**86,667**
1107		**Total Operation and Maintenance, Marine Corps Reserve**	**86,667**		**86,667**
1107					
1107					
		Operation and Maintenance, Air Force Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3740	010	PRIMARY COMBAT FORCES	3,618		3,618
3740	020	MISSION SUPPORT OPERATIONS	7,276		7,276
3740	030	DEPOT MAINTENANCE	114,531		114,531
3740	050	BASE SUPPORT	500		500
		TOTAL, BA 01: OPERATING FORCES	**125,925**		**125,925**

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
3740		**Total Operation and Maintenance, Air Force Reserve**	**125,925**		**125,925**
3740					
3740					
		Operation and Maintenance, Army National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2065	010	MANEUVER UNITS	89,666		89,666
2065	020	MODULAR SUPPORT BRIGADES	1,196		1,196
2065	030	ECHELONS ABOVE BRIGADE	18,360		18,360
2065	040	THEATER LEVEL ASSETS	380		380
2065	060	AVIATION ASSETS	59,357		59,357
		LAND FORCES READINESS			
2065	070	FORCE READINESS OPERATIONS SUPPORT	94,458		94,458
		LAND FORCES READINESS SUPPORT			
2065	100	BASE OPERATIONS SUPPORT	22,536		22,536
2065	120	MANAGEMENT AND OPERATIONAL HQ	35,693		35,693
2065	130	ADDITIONAL ACTIVITIES			
		TOTAL, BA 01: OPERATING FORCES	**321,646**		**321,646**
2065		**Total Operation and Maintenance, Army National Guard**	**321,646**		**321,646**
2065					
2065					
		Operation and Maintenance, Air National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3840	010	AIRCRAFT OPERATIONS	103,259		103,259
3840	020	MISSION SUPPORT OPERATIONS	51,300		51,300
3840	030	DEPOT MAINTENANCE	135,303		135,303
		TOTAL, BA 01: OPERATING FORCES	**289,862**		**289,862**
3840		**Total Operation and Maintenance, Air National Guard**	**289,862**		**289,862**
3840					
3840					
		Afghanistan Security Forces Fund			
2091	010	INFRASTRUCTURE	868,320		868,320
2091	020	EQUIPMENT AND TRANSPORTATION	1,615,192		1,615,192
2091	030	TRAINING AND OPERATIONS	272,998		272,998
2091	040	SUSTAINMENT	1,945,887		1,945,887
2091	060	INFRASTRUCTURE	605,584		605,584
2091	070	EQUIPMENT AND TRANSPORTATION	279,186		279,186
2091	080	TRAINING AND OPERATIONS	648,217		648,217
2091	090	SUSTAINMENT	1,219,966		1,219,966
2091	120	SUSTAINMENT	5,919		5,919
2091	130	TRAINING AND OPERATIONS	1,500		1,500
2091		**TOTAL, Afghanistan Security Forces Fund**	**7,462,769**		**7,462,769**
		Pakistan Counterinsurgency Capability Fund			
2095		INFRASTRUCTURE	41,970	[–41,970]	

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2095		EQUIPMENT/TRANSPORTATION	397,907	[–397,907]	
2095		TRAINING AND OPERATIONS	67,953	[–67,953]	
2095		INFRASTRUCTURE	73,000	[–73,000]	
2095		EQUIPMENT/TRANSPORTATION	107,000	[–107,000]	
2095		TRAINING AND OPERATIONS	8,170	[–8,170]	
2095		HUMANITARIAN ASSISTANCE	4,000	[–4,000]	
2095		**TOTAL, Pakistan Counterinsurgency Capability Fund**	**700,000**	**–700,000**	
		MISCELLANEOUS APPROPRIATIONS			
0141	080	IRAQ FREEDOM FUND	115,300		115,300
		TOTAL, MISCELLANEOUS APPROPRIATIONS	**115,300**		**115,300**
		TOTAL TITLE III—OPERATION AND MAINTENANCE	**89,071,566**	**–1,368,850**	**87,702,716**

TITLE XLIV—OTHER AUTHORIZATIONS

SEC. 4401. OTHER AUTHORIZATIONS.

OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2010 Request	Senate Change	Senate Authorized
REVOLVING AND MANAGEMENT FUNDS			
DEFENSE WORKING CAPITAL FUNDS			
Defense Working Capital Funds	141,388		141,388
Defense Commissary Agency	1,313,616		1,313,616
NATIONAL DEFENSE SEALIFT FUND			
National Defense Sealift Fund	1,642,758	–400,000	1,242,758
T–AKE Program Reduction		[–400,000]	
DEFENSE COALITION SUPPORT FUND			
Defense Coalition Support Fund	22,000	–22,000	
Total Revolving and Management Funds	**3,119,762**	**–422,000**	**2,697,762**
MILITARY PROGRAMS			
DEFENSE HEALTH PROGRAM			
DEFENSE HEALTH PROGRAM—O&M	26,967,919	26,000	26,993,919
TRICARE Continuation Pending MEDICARE Eligibility		[4,000]	
Reimbursement for exceptional travel under TRICARE		[10,000]	
TRICARE eligibility for Retired Reservists under the age of 60		[10,000]	
Expansion of survivor eligibility for the TRICARE dental program		[2,000]	
DEFENSE HEALTH PROGRAM—R&D	613,102	–15,300	597,802
Program Reduction (PE 67100HP)		[–10,000]	
Cancer Center of Excellence (PE 63115HP)		[–5,300]	
DEFENSE HEALTH PROGRAM—PROCUREMENT	322,142		322,142
Total Defense Health Program	**27,903,163**	**10,700**	**27,913,863**
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION			
CHEM DEMILITARIZATION—O&M	1,146,802		1,146,802
CHEM DEMILITARIZATION—RDT&E	401,269		401,269
CHEM DEMILITARIZATION—PROC	12,689		12,689
Total Chemical Agents and Munitions Destruction	**1,560,760**		**1,560,760**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES			
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,058,984	18,800	1,077,784

OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Item	FY 2010 Request	Senate Change	Senate Authorized
High Priority National Guard Counterdrug Programs		[30,000]	
Mobile Sensor Barrier		[5,000]	
United States European Command (EUCOM) Counternarcotics Support (Project Code (PC) 9205)		[–8,000]	
EUCOM Headquarters Support (PC2346)		[–800]	
EUCOM Interagency Fusion Centers (PC2365)		[–1,000]	
Relocatable Over-the Horizon-Radar (PC3217)		[–5,000]	
U.S. Special Operations Command Support to Combatant Commanders (PC6505)		[–200]	
EUCOM Counternarcotics Reserve Support (PC9215)		[–1,200]	
Total Drug Interdiction and Counter-Drug Activities	**1,058,984**	**18,800**	**1,077,784**
OFFICE OF THE INSPECTOR GENERAL			
OFFICE OF THE INSPECTOR GENERAL—O&M	271,444	15,000	286,444
Second year growth plan		[15,000]	
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	1,000	1,000	2,000
Second year growth plan		[1,000]	
Total Office of the Inspector General	**272,444**	**16,000**	**288,444**
TOTAL OTHER AUTHORIZATIONS	**33,915,113**	**–376,500**	**33,538,613**
Memorandum: Civil Program (non-defense)			
Armed Forces Retirement Home (Budget Function 600)	134,000		134,000

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2010 Request	Senate Change	Senate Authorized
REVOLVING AND MANAGEMENT FUNDS			
DEFENSE WORKING CAPITAL FUNDS			
Defense Working Capital Funds	396,915		396,915
Total Revolving and Management Funds	**396,915**		**396,915**
MILITARY PROGRAMS			
DEFENSE HEALTH PROGRAM			
DEFENSE HEALTH PROGRAM—O&M	1,155,235		1,155,235
Total Defense Health Program	**1,155,235**		**1,155,235**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES			
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	324,603		324,603
Total Drug Interdiction and Counter-Drug Activities	**324,603**		**324,603**
OFFICE OF THE INSPECTOR GENERAL			
OFFICE OF THE INSPECTOR GENERAL—O&M	8,876		8,876
Total Office of the Inspector General	**8,876**		**8,876**
TOTAL OTHER AUTHORIZATIONS	**1,885,629**		**1,885,629**

TITLE XLV—MILITARY CONSTRUCTION

SEC. 4501. MILITARY CONSTRUCTION.

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Air Force	AK	CLEAR AFS	POWER PLANT FACILITY	24,300		24,300
Air Force	AK	EIELSON AFB	ARCTIC UTILIDORS—PHASE 11		9,900	9,900
Air Force	AK	EIELSON AFB	TAXIWAY LIGHTING		3,450	3,450
Air Force	AK	ELMENDORF AFB	RED FLAG ALASKA ADD/ALTER OPERATIONS CENTER.	3,100		3,100
Air Force	AK	ELMENDORF AFB	F–22 WEAPONS LOAD TRAINING FACILITY.	12,600		12,600
Def-Wide	AK	ELMENDORF AFB	AEROMEDICAL SERVICES/MENTAL HEALTH CLINIC.	25,017		25,017
Army	AK	FORT RICHARDSON	AIRBORNE SUSTAINMENT TRAINING COMPLEX.	6,100		6,100
Army	AK	FORT RICHARDSON	TRAINING AIDS CENTER	2,050		2,050
Army	AK	FORT RICHARDSON	WARRIOR IN TRANSITION COMPLEX.	43,000		43,000
Army	AK	FORT RICHARDSON	COMBAT PISTOL RANGE		4,900	4,900
Def-Wide	AK	FORT RICHARDSON	HEALTH CLINIC	3,518		3,518
Army	AK	FORT WAINWRIGHT	RAILHEAD COMPLEX	26,000		26,000
Army	AK	FORT WAINWRIGHT	AVIATION UNIT OPERATIONS COMPLEX.	19,000		19,000
Army	AK	FORT WAINWRIGHT	AVIATION TASK FORCE COMPLEX, PH 1.	125,000		125,000
Army	AK	FORT WAINWRIGHT	WARRIOR IN TRANSITION COMPLEX.	28,000		28,000
ARNG	AL	FORT MC CLELLAN	URBAN ASSAULT COURSE	3,000		3,000
Army	AL	REDSTONE ARSENAL	GATE 7 ACCESS CONTROL POINT		3,550	3,550
Def-Wide	AL	REDSTONE ARSENAL	MISSILE AND SPACE INTEL CENTER EOE COMPLEX.		12,000	12,000
Air Force	AR	LITTLE ROCK AFB	C–130 FLIGHT SIMULATOR ADDITION.	5,800		5,800
Air Force	AR	LITTLE ROCK AFB	SECURITY FORCES OPERATIONS FACILITY.		10,400	10,400
Army	AR	PINE BLUFF ARSENAL	FUSE & DETONATOR MAGAZINE, DEPOT LEVEL.	25,000		25,000
ARNG	AZ	CAMP NAVAJO	COMBAT PISTOL QUALIFICATION COURSE.	3,000		3,000
Air Guard	AZ	DAVIS-MONTHAN AFB	TFI–PREDATOR BEDDOWN–FOC	5,600		5,600
Air Force	AZ	DAVIS-MONTHAN AFB	DORMITORY (144 RM)	20,000		20,000
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC–130J SIMULATOR FACILITY.	8,400		8,400
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC–130J RQS OPERATIONS FACILITY.	8,700		8,700
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC–130J INFRASTRUCTURE	4,800		4,800
Army	AZ	FORT HUACHUCA	UAV ER/MPER/MP	15,000		15,000
Army	AZ	FORT HUACHUCA	BATTALION HEADQUARTERS UAV	6,000		6,000
Naval Res	AZ	PHOENIX	RESERVE CENTER MOVE TO LUKE AFB, NOSC PHOENIX.	10,986		10,986
Navy	AZ	YUMA	AIRCRAFT MAINTENANCE HANGAR (PHASE 1).	27,050		27,050
Navy	AZ	YUMA	AIRFIELD ELEC. DIST. AND CONTOL.	1,720		1,720
Naval Res	CA	ALAMEDA	RESERVE TRAINING CENTER—ALAMEDA, CA.	5,960		5,960

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Navy	CA	BRIDGEPORT	FIRE STATION—RENOVATION—MWTC.	4,460		4,460
Navy	CA	CAMP PENDLETON	ANGLICO OPERATIONS COMPLEX	25,190		25,190
Navy	CA	CAMP PENDLETON	RECON BN OPERATIONS COMPLEX.	77,660		77,660
Navy	CA	CAMP PENDLETON	COMM/ELEC MAINTENANCE FACILITY.	13,170		13,170
Navy	CA	CAMP PENDLETON	EXPANSION OF SRTTP TO 7.5 MGD	55,180		55,180
Navy	CA	CAMP PENDLETON	NORTH REGION TERTIARY TREATMENT PLANT (PH 1).	142,330		142,330
Navy	CA	CAMP PENDLETON	GAS/ELECTRICAL UPGRADES	51,040		51,040
Navy	CA	CAMP PENDLETON	RECRUIT BARRACKS—SCHOOL OF INFANTRY.	53,320		53,320
Navy	CA	CAMP PENDLETON	ENLISTED DINING FACILITY	32,300		32,300
Navy	CA	CAMP PENDLETON	RECRUIT BARRACKS—FIELD/K–SPAN.	23,200		23,200
Navy	CA	CAMP PENDLETON	COMMUNICATIONS UPGRADES	79,492		79,492
Navy	CA	CAMP PENDLETON	ELECTRICAL DISTRIBUTION SYSTEM.	76,950		76,950
Navy	CA	CAMP PENDLETON	OPERATIONS ACCESS POINTS	12,740		12,740
Navy	CA	CAMP PENDLETON	ENLISTED DINING FACILITY—EDSON RANGE.	37,670		37,670
Navy	CA	CAMP PENDLETON	BEQ	39,610		39,610
Navy	CA	CAMP PENDLETON	RECRUIT MARKSMANSHIP TRAINING FACILITY.	13,730		13,730
Navy	CA	CAMP PENDLETON	EXPAND COMBAT AIRCRAFT LOADING APRON.	12,240		12,240
Navy	CA	CAMP PENDLETON	AVIATION TRANSMITTER/RECEIVER SITE.	13,560		13,560
Navy	CA	CAMP PENDLETON	WFTBN SUPPORT FACILITIES	15,780		15,780
USAR	CA	CAMP PENDLETON	ARMY RESERVE CENTER	19,500		19,500
Def-Wide	CA	CORONADO	SOF CLOSE QUARTERS COMBAT TRAINING FACILITY.	15,722		15,722
Navy	CA	EDWARDS AIR FORCE BASE	EDWARDS RAMP EXTENSION	3,007		3,007
Def-Wide	CA	EL CENTRO	AIRCRAFT DIRECT FUELING STATION.	11,000		11,000
Army	CA	FORT IRWIN	MOUT ASSAULT COURSE, PH 4	9,500		9,500
ARNG	CA	FRESNO YOSEMITE IAP	144th SQUADRON OPERATIONS FACILITY.		9,900	9,900
ARNG	CA	LOS ALAMITOS	READINESS CENTER PH1	31,000		31,000
USAR	CA	LOS ANGELES	ARMY RESERVE CENTER	29,000		29,000
Navy	CA	MIRAMAR	AIRCRAFT PARKING APRON MODIFICATION.	9,280		9,280
Def-Wide	CA	POINT LOMA ANNEX	REPLACE FUEL STORAGE FAC INCR 2.	92,300		92,300
Navy	CA	POINT LOMA ANNEX	PUBLIC WORKS SHOPS CONSOLIDATION.	8,730		8,730
Navy	CA	SAN DIEGO	MESSHALL EXPANSION	23,590		23,590
Air Guard	CA	SOCAL LOGISTICS AIRPORT	TFI–PREDATOR BEDDOWN–FTU/LRE SITE.	8,400		8,400
Air Force	CA	TRAVIS AFB	CONSTRUCT KC–10 CARGO LOAD TRAINING FACILITY.	6,900		6,900
Def-Wide	CA	TRAVIS AFB	REPLACE FUEL DISTRIBUTION SYSTEM.	15,357		15,357

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Navy	CA	TWENTYNINE PALMS	STATION COMM FACILITY AND INFRASTRUCTURE.	49,040		49,040
Navy	CA	TWENTYNINE PALMS	SUB-STATION AND ELECTRICAL UPGRADES.	31,310		31,310
Navy	CA	TWENTYNINE PALMS	ELEC. INFRA. UPGRADE—34.5KV TO 115KV.	46,220		46,220
Navy	CA	TWENTYNINE PALMS	ELEC. POWER PLANT/CO-GEN/GAS TURBINE—N.	53,260		53,260
Navy	CA	TWENTYNINE PALMS	WATER IMPROVEMENTS AND STORAGE TANK.	30,610		30,610
Navy	CA	TWENTYNINE PALMS	SEWAGE SYSTEM IMP. AND LIFT STATION.	5,800		5,800
Navy	CA	TWENTYNINE PALMS	HTHW/CHILLED WATER SYSTEM ..	25,790		25,790
Navy	CA	TWENTYNINE PALMS	NATURAL GAS SYSTEM EXTENSION.	19,990		19,990
Navy	CA	TWENTYNINE PALMS	INDUSTRIAL WASTE WATER PRETREATMENT SYS..	3,330		3,330
Navy	CA	TWENTYNINE PALMS	LAYDOWN SITE WORK—NORTH MAINSIDE.	21,740		21,740
Navy	CA	TWENTYNINE PALMS	SECONDARY ELEC. DIST.—NORTH MAINSIDE.	31,720		31,720
Navy	CA	TWENTYNINE PALMS	CONSTRUCT ROADS—NORTH MAINSIDE.	29,360		29,360
Navy	CA	TWENTYNINE PALMS	MAINT. SHOP—WHEELED	16,040		16,040
Navy	CA	TWENTYNINE PALMS	MAINT. SUNSHADES—WHEELED ...	12,580		12,580
Navy	CA	TWENTYNINE PALMS	COMM/ELECT MAINT/STORAGE	12,660		12,660
Navy	CA	TWENTYNINE PALMS	DINING FACILITY—NORTH MAINSIDE.	17,200		17,200
Navy	CA	TWENTYNINE PALMS	BEQ	37,290		37,290
Navy	CA	TWENTYNINE PALMS	MAINT. SHOP—TRACKED	19,780		19,780
Navy	CA	TWENTYNINE PALMS	BEQ	37,290		37,290
Navy	CA	TWENTYNINE PALMS	CONSOLIDATED ARMORY—TANKS	12,670		12,670
Air Force	CA	VANDENBERG AFB	CHILD DEVELOPMENT CENTER	13,000		13,000
Air Guard	CO	BUCKLEY ANG BASE	ADD/ALTER WEAPONS RELEASE ...		4,500	4,500
USAR	CO	COLORADO SPRINGS	ARMY RESERVE CENTER/LAND	13,000		13,000
Army	CO	FORT CARSON	TRAINING AIDS CENTER	18,500		18,500
Army	CO	FORT CARSON	BRIGADE COMPLEX	69,000		69,000
Army	CO	FORT CARSON	BRIGADE COMPLEX, PH 1	102,000	–102,000	
Army	CO	FORT CARSON	RAILROAD TRACKS	14,000		14,000
Army	CO	FORT CARSON	WARRIOR IN TRANSITION (WT) COMPLEX.	56,000		56,000
Army	CO	FORT CARSON	AUTOMATED QUALIFICATION TRAINING RANGE.	11,000		11,000
Army	CO	FORT CARSON	MODIFIED RECORD FIRE RANGE	4,450	–4,450	
Army	CO	FORT CARSON	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.	7,400		7,400
Army	CO	FORT CARSON	SCOUT/RECCE GUNNERY COMPLEX.	16,000		16,000
Army	CO	FORT CARSON	URBAN ASSAULT COURSE	3,100	–3,100	
Army	CO	FORT CARSON	CONVOY LIVE FIRE RANGE	6,500		6,500
Army	CO	FORT CARSON	COMMISSARY	35,000		35,000
Army	CO	FORT CARSON	BARRACKS & DINING, INCREMENT 2.	60,000		60,000
Def-Wide	CO	FORT CARSON	HEALTH AND DENTAL CLINIC	52,773	–20,873	31,900

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Def-Wide	CO	FORT CARSON	SOF BATTALION OPS COMPLEX ...	45,200		45,200
Def-Wide	CO	FORT CARSON	SOF MILITARY WORKING DOG FACILITY.	3,046		3,046
Air Force	CO	PETERSON AFB	C–130 SQUAD OPS/AMU (TFI)	5,200		5,200
Air Force	CO	PETERSON AFB	NATIONAL SECURITY SPACE INSTITUTE.	19,900		19,900
Chem Demil	CO	PUEBLO DEPOT	AMMUNITION DEMILITARIZATION FACILITY, PH XI.	92,500		92,500
AF Reserve	CO	SCHRIEVER AFB	WING HEADQUARTERS	10,200		10,200
Air Force	CO	U.S. AIR FORCE ACADEMY	ADD TO CADET FITNESS CENTER	17,500		17,500
Air Guard	CT	BRADLEY NATL AP	CNAF BEDDOWN UPGRADE FACILITIES.		9,100	9,100
USAR	CT	BRIDGEPORT	ARMY RESERVE CENTER/LAND	18,500		18,500
Air Force	DE	DOVER AFB	C–5 CARGO AIRCRAFT MAINT TRAINING FACILITY P1.	5,300		5,300
Air Force	DE	DOVER AFB	CONSOL COMM FAC	12,100		12,100
Air Force	DE	DOVER AFB	CHAPEL CENTER		7,500	7,500
Navy	FL	BLOUNT ISLAND	PORT OPERATIONS FACILITY	3,760		3,760
Air Force	FL	EGLIN AFB	F–35 DUKE CONTROL TOWER	3,420		3,420
Air Force	FL	EGLIN AFB	CONSTRUCT DORMITORY (96 RM)	11,000		11,000
Air Force	FL	EGLIN AFB	F–35 POL OPS FACILITY	3,180		3,180
Air Force	FL	EGLIN AFB	F–35 HYDRANT REFUELING SYSTEM PHASE 1.	8,100		8,100
Air Force	FL	EGLIN AFB	F–35 PARALLEL TAXIWAY LADDER.	1,440		1,440
Air Force	FL	EGLIN AFB	F–35 JPS FLIGHTLINE FILLSTANDS	5,400		5,400
Air Force	FL	EGLIN AFB	F–35 JP–8 WEST SIDE BULK FUEL TANK UPGRADES.	960		960
Air Force	FL	EGLIN AFB	F–35 LIVE ORDINANCE LOAD FACILITY.	9,900		9,900
Air Force	FL	EGLIN AFB	F–35 A/C PARKING APRON	16,400		16,400
Army	FL	EGLIN AFB	OPERATIONS COMPLEX, PH 3	80,000		80,000
Army	FL	EGLIN AFB	INDOOR FIRING RANGE	8,900		8,900
Army	FL	EGLIN AFB	LIVE FIRE EXERCISE SHOOTHOUSE.	8,000		8,000
Army	FL	EGLIN AFB	LIVE FIRE EXERCISE BREACH FACILITY.	4,950		4,950
Army	FL	EGLIN AFB	NON-STANDARD SMALL ARMS RANGE.	3,400		3,400
Army	FL	EGLIN AFB	GRENADE LAUNCHER RANGE	1,600		1,600
Army	FL	EGLIN AFB	HAND GRENADE QUALIFICATION COURSE.	1,400		1,400
Army	FL	EGLIN AFB	URBAN ASSAULT COURSE	2,700		2,700
Army	FL	EGLIN AFB	ANTI-ARMOR, TRACKING & LIVE FIRE RANGE.	3,400		3,400
Army	FL	EGLIN AFB	AUTOMATED QUALIFICATION/ TRAINING RANGE.	12,000		12,000
Army	FL	EGLIN AFB	LIGHT DEMOLITION RANGE	2,200		2,200
Army	FL	EGLIN AFB	BASIC 10M–25M FIRING RANGE (ZERO).	3,050		3,050
Def-Wide	FL	EGLIN AFB	SOF MILITARY WORKING DOG FACILITY.	3,046		3,046
Navy	FL	EGLIN AFB	F–35 HYDRANT REFUELING SYS, PH 1.	6,208		6,208
Navy	FL	EGLIN AFB	F–35 PARALLEL TAXIWAY LADDER.	931		931
Navy	FL	EGLIN AFB	F–35 A/C PARKING APRON	11,252		11,252
Navy	FL	EGLIN AFB	BACHELOR ENLISTED QUARTERS, EOD SCHOOL, PHASE.	26,287		26,287
Navy	FL	EGLIN AFB	F–35 JP8 WEST SIDE BULK TANK UPGRADES.	621		621
Navy	FL	EGLIN AFB	F–35 POL OPERATIONS FACILITY (EGLIN).	2,056		2,056

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Navy	FL	EGLIN AFB	F–35 JP8 FLIGHTLINE FILLSTANDS (EGLIN).	3,492		3,492
Army	FL	EGLIN AFB (CAMP RUDDER)	ELEVATED WATER STORAGE TANK.		1,200	1,200
Air Force	FL	HURLBURT FIELD	REFUELING VEHICLE MAINTENANCE FACILITY.	2,200		2,200
Air Force	FL	HURLBURT FIELD	ELECTRICAL DISTRIBUTION SUBSTATION.	8,300		8,300
Def-Wide	FL	HURLBURT FIELD	SOF SIMULATOR FACILITY FOR MC–130 (RECAP).	8,156		8,156
Navy	FL	JACKSONVILLE	P–8/MMA FACILITIES MODIFICATION.	5,917		5,917
Def-Wide	FL	JACKSONVILLE IAP	REPLACE JET FUEL STORAGE COMPLEX.	11,500		11,500
Air Force	FL	MACDILL AFB	DORMITORY (120 ROOM)	16,000		16,000
Air Force	FL	MACDILL AFB	CHILD DEVELOPMENT CENTER	7,000		7,000
Air Force	FL	MACDILL AFB	CENTCOM COMMANDANT FACILITY.	15,300		15,300
Navy	FL	MAYPORT	WHARF CHARLIE REPAIR	29,682		29,682
Navy	FL	MAYPORT	CHANNEL DREDGING	46,303		46,303
Army	FL	MIAMI DORAL	SOUTHCOM HEADQUARTERS, INCR 3.	55,400		55,400
USAR	FL	PANAMA CITY	ARMY RESERVE CENTER/LAND	7,300		7,300
Air Force	FL	PATRICK AFB	COMBAT WEAPONS TRAINING FACILITY.		8,400	8,400
Navy	FL	PENSACOLA	CORRY ''A'' SCHOOL BACHELOR ENLISTED QUARTERS R.	22,950		22,950
Navy	FL	PENSACOLA	SIMULATOR ADDITION FOR UMFO PROGRAM.	3,211		3,211
USAR	FL	WEST PALM BEACH	ARMY RESERVE CENTER/LAND	26,000		26,000
Navy	FL	WHITING FIELD	T–6B JPATS TRNG. OPS PARALOFT FACIILITY.	4,120		4,120
USAR	GA	ATLANTA	ARMY RESERVE CENTER/LAND	14,000		14,000
Army	GA	FORT BENNING	COMBINED ARMS COLLECTIVE TRAINING FACILITY.	10,800		10,800
Army	GA	FORT BENNING	FIRE AND MOVEMENT RANGE	2,800		2,800
Army	GA	FORT BENNING	BATTLE LAB	30,000		30,000
Army	GA	FORT BENNING	TRAINING AREA TANK TRAILS	9,700		9,700
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX	38,000		38,000
Army	GA	FORT BENNING	DINING FACILITY	15,000		15,000
Army	GA	FORT BENNING	WARRIOR IN TRANSITION (WT) COMPLEX.	53,000		53,000
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1.	31,000		31,000
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1.	31,000		31,000
Army	GA	FORT BENNING	TRAINEE BARRACKS COMPLEX, PH 1.	74,000		74,000
ARNG	GA	FORT BENNING	READINESS CENTER	15,500		15,500
Def-Wide	GA	FORT BENNING	BLOOD DONOR CENTER REPLACEMENT.	12,313		12,313
Def-Wide	GA	FORT BENNING	DENTAL CLINIC	4,887		4,887
Def-Wide	GA	FORT BENNING	SOF EXPAND BATTALION HEADQUARTERS.	3,046		3,046
Def-Wide	GA	FORT BENNING	WILSON ES CONSTRUCT GYMNASIUM.	2,330		2,330
Army	GA	FORT GILLEM	FORENSIC LAB	10,800		10,800
Army	GA	FORT STEWART	BRIGADE COMPLEX	93,000	–45,000	48,000
Army	GA	FORT STEWART	AUTOMATED SNIPER FIELD FIRE RANGE.	3,400	–3,400	
Army	GA	FORT STEWART	WARRIOR IN TRANSITION (WT) COMPLEX.	49,000		49,000

MILITARY CONSTRUCTION
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Army	GA	FORT STEWART	BARRACKS & DINING, INCREMENT 2.	80,000		80,000
Def-Wide	GA	FORT STEWART	HEALTH AND DENTAL CLINIC	26,386	–4,186	22,200
Def-Wide	GA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,502	–22,502	
Def-Wide	GA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,501		22,501
Army	GA	HUNTER ARMY AIRFIELD	AVIATION READINESS CENTER		8,967	8,967
Air Force	GA	MOODY AFB	RESCUE OPNS/MAINT HQ FAC		8,900	8,900
Def-Wide	HI	FORD ISLAND	PACIFIC OPERATIONS FACILITY UPGRADE.	9,633		9,633
Air Guard	HI	HICKAM AFB	TFI—F–22 LO/COMPOSITE REPAIR FACILITY.	26,000		26,000
Air Guard	HI	HICKAM AFB	TFI—F–22 PARKING APRON AND TAXIWAYS.	7,000		7,000
Navy	HI	NAVSTA PEARL HARBOR	PRODUCTION SERVICES SUPPORT FACILITY.		30,360	30,360
Navy	HI	OAHU	RANGE, 1000—PUULOA	5,380		5,380
Navy	HI	PEARL HARBOR	PACFLT SUB DRIVE-IN MAG SILENCING FAC (INCR3).	8,645		8,645
Navy	HI	PEARL HARBOR	APCSS CONF & TECH LEARNING CENTER.	12,775		12,775
Navy	HI	PEARL HARBOR	MISSILE MAGAZINES (5), WEST LOCH.	22,407		22,407
Army	HI	SCHOFIELD BARRACKS	VEHICLE MAINTENANCE SHOP	63,000		63,000
Army	HI	SCHOFIELD BARRACKS	VEHICLE MAINTENANCE SHOP	36,000		36,000
Army	HI	SCHOFIELD BARRACKS	WARRIOR IN TRANSITION (WT) BARRACKS.	55,000		55,000
Army	HI	SCHOFIELD BARRACKS	WARRIOR IN TRANSITION COMPLEX.	30,000		30,000
Air Force	HI	WHEELER AFB	CONSTRUCT ASOC COMPLEX	15,000		15,000
Army	HI	WHEELER AFB	REGIONAL SATCOM INFORMATION CENTER.	7,500		7,500
Air Guard	IA	DES MOINES	DES MOINES ALT SECURITY FORCES FAC.		4,600	4,600
ARNG	IA	JOHNSTON	US PROPERTY AND FISCAL OFFICE.		4,000	4,000
ARNG	ID	GOWEN FIELD	COMBINED ARMS COLLECTIVE TRAINING FACILITY.	16,100		16,100
Air Force	ID	MOUNTAIN HOME AFB	LOGISTICS READINESS CENTER	20,000		20,000
USAR	IL	CHICAGO	ARMY RESERVE CENTER	23,000		23,000
Naval Res	IL	JOLIET ARMY AMMO PLANT	RESERVE TRAINING CENTER—JOLIET, IL.	7,957		7,957
ARNG	IL	MILAN	READINESS CENTER		5,600	5,600
Air Force	IL	SCOTT AIR FORCE BASE	AEROMEDICAL EVAC FACILITY ...		7,400	7,400
ARNG	IN	MUSCATATUCK	COMBINED ARMS COLLECTIVE TRAINING FACILITY PH.	10,100		10,100
Navy	IN	NAVAL SUP ACT CRANE	STRATEGIC WEAPONS SYSTEMS ENG FACILITY.		13,710	13,710
Army	KS	FORT RILEY	TRAINING AIDS CENTER	15,500		15,500
Army	KS	FORT RILEY	ADVANCED WASTE WATER TREATMENT PLANT.	28,000		28,000
Army	KS	FORT RILEY	IGLOO STORAGE, INSTALLATION	7,200		7,200
Army	KS	FORT RILEY	BRIGADE COMPLEX	49,000		49,000
Army	KS	FORT RILEY	BATTALION COMPLEX	59,000		59,000
Army	KS	FORT RILEY	LAND VEHICLE FUELING FACILITY.	3,700		3,700
Army	KS	FORT RILEY	ESTES ROAD ACCESS CONTROL POINT.		6,100	6,100
ARNG	KS	SALINA ARNG AV FAC	TAXIWAY ALTERATIONS		2,227	2,227

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(In Thousands of Dollars)

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Chem Demil	KY	BLUE GRASS ARMY DEPOT	AMMUNITION DEMILITARIZATION PH X.	54,041	5,000	59,041
Army	KY	FORT CAMPBELL	INSTALLATION CHAPEL CENTER ..		14,400	14,400
Army	KY	FORT CAMPBELL	5TH SFG LANGUAGE SUSTAINMENT TRNG FAC.		5,800	5,800
Def-Wide	KY	FORT CAMPBELL	HEALTH CLINIC	8,600		8,600
Def-Wide	KY	FORT CAMPBELL	SOF BATTALION OPERATIONS COMPLEX.	29,289		29,289
Def-Wide	KY	FORT CAMPBELL	SOF MILITARY WORKING DOG FACILITY.	3,046		3,046
Army	KY	FORT KNOX	WARRIOR IN TRANSITION (WT) COMPLEX.	70,000		70,000
Air Force	LA	BARKSDALE AFB	PHASE FIVE RAMP REPLACEMENT—AIRCRAFT APRON.		12,800	12,800
Army	LA	FORT POLK	WARRIOR IN TRANSITION (WT) COMPLEX.	32,000		32,000
Army	LA	FORT POLK	LAND PURCHASES AND CONDEMNATION.	17,000		17,000
ARNG	MA	HANSCOM AFB	ARMED FORCES RESERVE CENTER (JFHQ).	29,000		29,000
Air Guard	MA	OTIS ANGB	COMPOSITE OPERATIONS AND TRAINING FACILITY.		12,800	12,800
Army	MD	ABERDEEN PG	ANALYTICAL CHEM WING—ADVANCED CHEM LAB.		15,500	15,500
Def-Wide	MD	ABERDEEN PG	USAMRICD REPLACEMENT, INC II	111,400		111,400
Air Force	MD	ANDREWS AFB	REPLACE MUNITIONS STORAGE AREA.	9,300		9,300
Air Guard	MD	ANDREWS AFB	RPL MUNITIONS MAINTENANCE AND STORAGE COMPLEX.	14,000		14,000
Army	MD	FORT DETRICK	SATELLITE COMMUNICATIONS CENTER.	18,000		18,000
Army	MD	FORT DETRICK	SATELLITE COMMUNICATIONS FACILITY.	21,000		21,000
Def-Wide	MD	FORT DETRICK	BOUNDARY GATE AT NALIN POND	10,750		10,750
Def-Wide	MD	FORT DETRICK	EMERGENCY SERVICE CENTER	16,125		16,125
Def-Wide	MD	FORT DETRICK	USAMRIID STAGE I, INC IV	108,000		108,000
Def-Wide	MD	FORT DETRICK	NIBC TRUCK INSPECTION STATION & ROAD.	2,932		2,932
Def-Wide	MD	FORT MEADE	SOUTH CAMPUS UTILITY PLANT PH 2.	175,900		175,900
Def-Wide	MD	FORT MEADE	NSAW CAMPUS CHILLED WATER BACKUP.	19,100		19,100
Def-Wide	MD	FORT MEADE	MISSION SUPPORT—PSAT	8,800		8,800
Air Guard	ME	BANGOR IAP	REPLACE AIRCRAFT MAINT HANGAR/SHOPS.	28,000		28,000
Navy	ME	PORTSMOUTH NAV SHP	GATE 2 SECURITY IMPROVEMENTS.		7,100	7,100
Air Guard	MI	ALPENA CRTC	REPLACE TROOP QUARTERS		8,900	8,900
Air Guard	MI	BATTLE CREEK ANG BASE	CNAF BED DOWN FACILITIES		14,000	14,000
Air Guard	MI	SELFRIDGE ANG BASE	A–10 SQUAD OPERATIONS FACILITY.		7,100	7,100
ARNG	MN	ARDEN HILLS	READINESS CENTER PH2	6,700		6,700
ARNG	MN	CAMP RIPLEY	URBAN ASSAULT COURSE	1,710		1,710
Def-Wide	MN	DULUTH IAP	JET FUEL STOARGE COMPLEX	15,000		15,000
USAR	MN	FORT SNELLING	ARMY RESERVE CENTER	12,000		12,000
Air Guard	MN	MINN/ST. PAUL IAP 133RD AW BASE	MINNESOTA STARBASE FACILITY ALTERATION.		1,900	1,900
ARNG	MO	BOONVILLE	READINESS CENTER ADD/ALT	1,800		1,800
Army	MO	FORT LEONARD WOOD	AUTOMATED-AIDED INSTRUCTION FACILITY.	27,000		27,000

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Army	MO	FORT LEONARD WOOD	WHEELED VEHICLE DRIVERS COURSE.	17,500		17,500
Army	MO	FORT LEONARD WOOD	WARRIOR IN TRANSITION COMPLEX.	19,500		19,500
Army	MO	FORT LEONARD WOOD	TRANSIENT ADVANCED TRAINEE BARRACKS, PH 1.	99,000		99,000
Def-Wide	MO	FORT LEONARD WOOD	DENTAL CLINIC ADDITION	5,570		5,570
Air Guard	MO	ROSECRANS MEM AP	REPLACE FIRE/CRASH RESCUE STATION PHASE II.		9,300	9,300
ARNG	MS	CAMP SHELBY	COMBINED ARMS COLLECTIVE TNG FAC ADD/ALT.	16,100		16,100
Air Guard	MS	COLUMBUS AFB	AIRCRAFT MAINTENANCE ADMINISTRATION FACILITY.		10,000	10,000
AF Reserve	MS	KEESLER AFB	AERIAL PORT SQUADRON FACILITY.	9,800		9,800
ARNG	MS	MONTICELLO	MONTICELLO NATIONAL GUARD READINESS CENTER.		14,350	14,350
Air Guard	MT	MALMSTROM AFB	UPGRADE WEAPONS STORAGE AREA.		9,600	9,600
Def-Wide	NC	CAMP LEJEUNE	SOF ACADEMIC INSTRUCTION FACILITY EXPANSION.	11,791		11,791
Navy	NC	CAMP LEJEUNE	MAINTENANCE/OPS COMPLEX	52,390		52,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	34,160		34,160
Navy	NC	CAMP LEJUNE	UTILITY EXPANSION—COURTHOUSE BAY.	56,280		56,280
Navy	NC	CAMP LEJUNE	SOI—EAST FACILITIES—CAMP GEIGER.	56,940		56,940
Navy	NC	CAMP LEJUNE	FIELD TRAINING FAC.—DEVIL DOG—SOI.	37,170		37,170
Navy	NC	CAMP LEJUNE	ROAD NETWORK—WALLACE CREEK.	15,130		15,130
Navy	NC	CAMP LEJUNE	MP WORKING DOG KENNEL—RELOCATION.	8,370		8,370
Navy	NC	CAMP LEJUNE	CONSOLIDATED INFO TECH/ TELECOM COMPLEX.	46,120		46,120
Navy	NC	CAMP LEJUNE	NEW BASE ENTRY POINT AND ROAD (PHASE 1).	79,150		79,150
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	43,480		43,480
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390		44,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390		44,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	42,110		42,110
Navy	NC	CAMP LEJUNE	PRE-TRIAL DETAINEE FACILITY ..	18,580		18,580
Navy	NC	CAMP LEJUNE	PHYSICAL FITNESS CENTER	39,760		39,760
Navy	NC	CAMP LEJUNE	4TH INFANTRY BATTALION OPS COMPLEX.	55,150		55,150
Navy	NC	CHERRY POINT MCAS	ORDNANCE MAGAZINES	12,360		12,360
Navy	NC	CHERRY POINT MCAS	EMS/FIRE VEHICLE FACILITY	10,600		10,600
Army	NC	FORT BRAGG	VEHICLE MAINTENANCE SHOP	19,500		19,500
Army	NC	FORT BRAGG	SIMULATIONS CENTER	50,000		50,000
Army	NC	FORT BRAGG	VEHICLE MAINTENANCE SHOP	17,500		17,500
Army	NC	FORT BRAGG	COMPANY OPERATIONS FACILITY	3,300		3,300
Army	NC	FORT BRAGG	TRANSIENT TRAINING BARRACKS COMPLEX.	16,500		16,500
Army	NC	FORT BRAGG	AUTOMATED SNIPER FIELD FIRE RANGE.		2,500	2,500
Army	NC	FORT BRAGG	AUTOMATED MULTIPURPOSE MACHINE GUN.	4,350		4,350
Def-Wide	NC	FORT BRAGG	CONSOLIDATED HEALTH CLINIC ..	26,386		26,386
Def-Wide	NC	FORT BRAGG	HEALTH CLINIC	31,272		31,272
Def-Wide	NC	FORT BRAGG	SPECIAL OPS PREP & CONDITIONING COURSE.	24,600		24,600
Def-Wide	NC	FORT BRAGG	SOF BATTALION & COMPANY HQ	15,500		15,500

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Def-Wide	NC	FORT BRAGG	SOF OPERATIONS SUPPORT ADDITION.	13,756		13,756
Def-Wide	NC	FORT BRAGG	SOF MILITARY WORKING DOG FACILITY.	1,125		1,125
Def-Wide	NC	FORT BRAGG	SOF BATTALION HEADQUARTERS FACILITY.	13,000		13,000
Def-Wide	NC	FORT BRAGG	SOF OPERATIONS ADDITION NORTH.	27,513		27,513
Def-Wide	NC	FORT BRAGG	SOF TUAV HANGAR	2,948		2,948
Def-Wide	NC	FORT BRAGG	SOF MILITARY WORKING DOG FACILITY.	3,046		3,046
Def-Wide	NC	FORT BRAGG	ALBRITTON JHS ADDITION	3,439		3,439
Navy	NC	NEW RIVER	APRON EXPANSION (PHASE 2)	35,600		35,600
Navy	NC	NEW RIVER	VMMT–204 MAINTENANCE HANGAR—PHASE 3.	28,210		28,210
Navy	NC	NEW RIVER	PARALLEL TAXIWAY	17,870		17,870
Navy	NC	NEW RIVER	TACTICAL SUPPORT VAN PAD ADDITION.	5,490		5,490
Navy	NC	NEW RIVER	GYMNASIUM/OUTDOOR POOL	19,920		19,920
Air Force	NC	POPE AFB	POPE AFB AIR TRAFFIC CONTROL TOWER.		7,700	7,700
Army	NC	SUNNY POINT MOT	TOWERS	3,900		3,900
Army	NC	SUNNY POINT MOT	LIGHTNING PROTECTION SYSTEM	25,000		25,000
Air Force	ND	GRAND FORKS AFB	CONSOLIDATED SECURITY FORCES FACILITY.		12,000	12,000
Air Force	ND	MINOT AFB	MUNITIONS TRAILER STORAGE FACILITY.	1,500		1,500
Air Force	ND	MINOT AFB	MISSILE PROCEDURES TRNG OPERATIONS.	10,000		10,000
ARNG	NE	LINCOLN	ARMED FORCES RESERVE CENTER (JFHQ).	23,000		23,000
Air Guard	NE	LINCOLN MAP	JOINT FORCES OPERATIONS CENTER—ANG SHARE.	1,500		1,500
Air Force	NE	OFFUTT AIR FORCE BASE	STRATCOM GATE		10,400	10,400
Air Guard	NH	PEASE ANGB	REPLACE SQUADRON OPERATIONS FACILITIES.		10,000	10,000
Air Guard	NJ	108TH AIR REFUEL WNG, MCGUIRE AFB	BASE CIVIL ENGINEERING COMPLEX.		9,700	9,700
Air Force	NM	CANNON AFB	WB—CONSOLIDATED COMMUNICATION FAC.	15,000		15,000
Def-Wide	NM	CANNON AFB	SOF FUEL CELL HANGAR (MC–130)	41,269		41,269
Def-Wide	NM	CANNON AFB	SOF AMU ADDITION (CV–22)	11,595		11,595
Air Force	NM	HOLLOMAN AFB	F–22A CONSOLIDATED MUNITIONS MAINT (TFI).	5,500		5,500
Air Force	NM	HOLLOMAN AFB	FIRE-CRASH RESCUE STATION		10,400	10,400
Air Force	NM	KIRTLAND AFB	MC–130J SIMULATOR FACILITY	8,000		8,000
Air Force	NM	KIRTLAND AFB	HC–130J SIMULATOR FACILITY	8,700		8,700
ARNG	NM	SANTA FE	ARMY AVIATION SUPPORT FACILITY.	39,000		39,000
ARNG	NV	CARSON CITY	NATIONAL GUARD ENERGY SUSTAINABLE PROJECTS.		2,000	2,000
Air Force	NV	CREECH AFB	UAS AT/FP SECURITY UPDATES	2,700		2,700
Navy	NV	NAV AIR STA FALLON	WARRIOR PHYSICAL TRAINING FACILITY.		11,450	11,450
ARNG	NV	NORTH LAS VEGAS	READINESS CENTER	26,000		26,000
Air Guard	NV	RENO, NV	NV ANG FIRE STATION REPLACEMENT.		10,800	10,800
Army	NY	FORT DRUM	WATER SYSTEM EXPANSION	6,500		6,500
Army	NY	FORT DRUM	BARRACKS	57,000		57,000

MILITARY CONSTRUCTION
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Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Army	NY	FORT DRUM	WARRIOR IN TRANSITION COMPLEX.	21,000		21,000
AF Reserve	NY	NIAGRA FALLS ARB	INDOOR SMALL ARMS RANGE		5,700	5,700
USAR	NY	ROCHESTER	ARMY RESERVE CENTER/LAND	13,600		13,600
USAR	OH	CINCINNATI	ARMY RESERVE CENTER/LAND	13,000		13,000
Air Guard	OH	MANSFIELD LAHM AIRPORT	TFI—RED HORSE SQUADRON BEDDOWN.	11,400		11,400
Air Force	OH	WRIGHT-PATTERSON AFB	INFO TECH COMPLEX PH 1	27,000		27,000
Air Force	OH	WRIGHT-PATTERSON AFB	CONVERSION FOR ADVANCED POWER RESEARCH LAB.	21,000		21,000
Air Force	OH	WRIGHT-PATTERSON AFB	REPLACE WEST RAMP, PHASE II ..		10,600	10,600
Air Force	OK	ALTUS AFB	REPAIR TAXIWAYS	20,300		20,300
Def-Wide	OK	ALTUS AFB	REPLACE UPLOAD FACILITY	2,700		2,700
Army	OK	FORT SILL	AUTOMATED INFANTRY SQUAD BATTLE COURSE.	3,500		3,500
Army	OK	FORT SILL	BARRACKS	65,000		65,000
Army	OK	FORT SILL	WARRIOR IN TRANSITION COMPLEX.	22,000		22,000
Def-Wide	OK	FORT SILL	DENTAL CLINIC	10,554		10,554
Army	OK	MCALESTER	HIGH EXPLOSIVE MAGAZINE, DEPOT LEVEL.	1,300		1,300
Army	OK	MCALESTER	GENERAL PURPOSE STORAGE BUILDING.	11,200		11,200
Air Force	OK	TINKER AFB	BUILDING 3001 HANGER DOOR	13,037		13,037
Air Force	OK	VANCE, AIR FORCE BASE	CONTROL TOWER		10,700	10,700
Air Guard	OK	WILL ROGERS AP	TFI—AIR SUPT OPERS SQDN (ASOS) BEDDN.	7,300		7,300
ARNG	OR	CLATSOP CTNY, WARRENTON	CAMP RILEA INFRASTRUCTURE (WATER SUPPLY).		3,369	3,369
USAR	PA	ASHLEY	ARMY RESERVE CENTER	9,800		9,800
FH Con DW	PA	DEF DISTRO DEPOT	DEF DISTRIBUTION DEPOT NEW CUMBERLAND.	2,859		2,859
USAR	PA	HARRISBURG	ARMY RESERVE CENTER	7,600		7,600
USAR	PA	NEWTON SQUARE	ARMY RESERVE CENTER/LAND	20,000		20,000
AF Reserve	PA	PITTSBURGH AIR RES BASE	VISITING QUARTERS PHASE 1		12,400	12,400
USAR	PA	UNIONTOWN	ARMY RESERVE CENTER/LAND	11,800		11,800
Navy	RI	NEWPORT	OFFICER TRAINING COMMAND QUARTERS.	45,803		45,803
Navy	RI	NEWPORT	VISITING QUARTERS PHASE 1		10,550	10,550
Air Guard	SC	AIR NATIONAL GUARD	JOINT FORCE HQ BUILDING MCENTIRE.		1,300	1,300
Navy	SC	BEAUFORT	WIDEBODY AIRCRAFT FUEL LANE	1,280		1,280
Naval Res	SC	CHARLESTON	RESERVE VEHICLE MAINTENANCE FACILITY.	4,240		4,240
Army	SC	CHARLESTON NWS	STAGING AREA	4,100		4,100
Army	SC	CHARLESTON NWS	RAILROAD TRACKS	12,000		12,000
Army	SC	CHARLESTON NWS	PIER AND LOADING/UNLOADING RAMPS.	5,700		5,700
ARNG	SC	EASTOVER	ARMY AVIATION SUPPORT FACILITY ADD/ALT.	26,000		26,000
Army	SC	FORT JACKSON	ADVANCED SKILLS TRAINEE BARRACKS.	32,000		32,000
Army	SC	FORT JACKSON	MODIFIED RECORD FIRE RANGE	3,600		3,600
Army	SC	FORT JACKSON	TRAINING BATTALION COMPLEX	66,000		66,000
Army	SC	FORT JACKSON	INFILTRATION COURSE	1,900		1,900

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ARNG	SC	GREENVILLE	ARMY AVIATION SUPPORT FACILITY.	40,000		40,000
Navy	SC	PARRIS ISLAND	ELECTRICAL SUBSTATION AND IMPROVEMENTS.	6,972		6,972
ARNG	SD	CAMP RAPID	JOINT FORCE HQ READINESS CENTER SUPPLEMENT.		7,890	7,890
ARNG	SD	CAMP RAPID	TROOP MEDICAL CLINIC ADDITION AND ALTERATION.		1,950	1,950
Air Force	SD	ELLSWORTH AFB	ADD/ALTER DEPLOYMENT CENTER.		14,500	14,500
Air Guard	SD	JOE FOSS FIELD	ADD AND ALTER MUNITIONS MAINTENANCE COMPLEX.		1,300	1,300
Air Guard	SD	JOE FOSS FIELD	ABOVE GROUND MULTI-CUBICLE MAGAZINE STORAGE.		1,300	1,300
Air Guard	TN	164 AIRLIFT WING, MEM	164TH AIRLIFT WING ANG ENG MAINT TRNG FAC.		9,800	9,800
ARNG	TX	AUSTIN	ARMED FORCES RESERVE CENTER.	16,500		16,500
ARNG	TX	AUSTIN	FIELD MAINTENANCE SHOP, JOINT.	5,700		5,700
USAR	TX	AUSTIN	ARMED FORCES RESERVE CENTER/AMSA.	20,000		20,000
Navy	TX	CORPUS CHRISTI	OPERATIONAL FACILITIES FOR T–6.	19,764		19,764
Air Force	TX	DYESS AFB	C–130J ALTER HANGAR	4,500		4,500
Army	TX	FORT BLISS	VEHICLE MAINTENANCE SHOP	16,000		16,000
Army	TX	FORT BLISS	BRIGADE STAGING AREA COMPLEX.	14,800		14,800
Army	TX	FORT BLISS	DIGITAL MULTIPURPOSE RANGE COMPLEX.	45,000		45,000
Army	TX	FORT BLISS	FIRE AND MILITARY POLICE STATIONS.	16,500		16,500
Army	TX	FORT BLISS	AIRCRAFT FUEL STORAGE	10,800		10,800
Army	TX	FORT BLISS	VEHICLE MAINTENANCE SHOP	20,000		20,000
Army	TX	FORT BLISS	AUTOMATED SNIPER FIELD FIRE RANGE.	4,250		4,250
Army	TX	FORT BLISS	KNOWN DISTANCE RANGE	4,750		4,750
Army	TX	FORT BLISS	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.	6,900		6,900
Army	TX	FORT BLISS	SCOUT/RECCE GUNNERY COMPLEX.	17,000		17,000
Army	TX	FORT BLISS	LIGHT DEMOLITION RANGE	2,400		2,400
Army	TX	FORT BLISS	AUTOMATED INFANTRY PLATOON BATTLE COURSE.	7,000		7,000
Army	TX	FORT BLISS	SIMULATION CENTER	23,000		23,000
Army	TX	FORT BLISS	VEHICLE MAINTENANCE & COMPANY OPS FAC.	31,000		31,000
Def-Wide	TX	FORT BLISS	HEALTH AND DENTAL CLINIC	30,295	–5,695	24,600
Def-Wide	TX	FORT BLISS	HOSPITAL REPLACEMENT PHASE 1 (INCR 1).	86,975	–24,000	62,975
USAR	TX	FORT BLISS	ARMY RESERVE CENTER	9,500		9,500
Army	TX	FORT HOOD	VEHICLE MAINTENANCE SHOP	23,000		23,000
Army	TX	FORT HOOD	URBAN ASSAULT COURSE	2,400		2,400
Army	TX	FORT HOOD	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE.	6,700		6,700
Def-Wide	TX	FORT HOOD	ALTER FUEL PUMP HOUSE AND FILL STAND.	3,000		3,000
Army	TX	FORT SAM HOUSTON	ACCESS CONTROL POINT AND ROAD IMPROVEMENTS.	10,800		10,800
Army	TX	FORT SAM HOUSTON	GENERAL INSTRUCTION BUILDING.	9,000		9,000
Air Force	TX	GOODFELLOW AFB	JOINT INTEL TECH TRNG FAC, PH 1 (TFI).	18,400		18,400
Air Force	TX	GOODFELLOW AFB	STUDENT DORMITORY (100 RM)	14,000		14,000

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Air Force	TX	GOODFELLOW AFB	CONSOLIDATED LEARNING CENTER.		12,000	12,000
USAR	TX	HOUSTON	ARMY RESERVE CENTER/LAND	24,000		24,000
AF Reserve	TX	LACKLAND AFB	C–5 GROUND TRAINING SCHOOLHOUSE ADDITION.	1,500		1,500
Air Force	TX	LACKLAND AFB	EVASION, CONDUCT AFTER CAPTURE TRNG.	4,879		4,879
Air Force	TX	LACKLAND AFB	RECRUIT DORMITORY 2, PHASE 2	77,000		77,000
Air Force	TX	LACKLAND AFB	BMT SATELLITE CLASSROOM/DINING FAC.	32,000		32,000
Def-Wide	TX	LACKLAND AFB	DENTAL CLINIC REPLACEMENT ...	29,318		29,318
Def-Wide	TX	LACKLAND AFB	AMBULATORY CARE CENTER, PHASE 1 (INCR 1).	72,610		72,610
Naval Res	TX	SAN ANTONIO	RESERVE TRAINING CENTER	2,210		2,210
USAR	TX	SAN ANTONIO	ARMY RESERVE CENTER	20,000		20,000
Air Force	TX	SHEPPARD AFB	ENJJPT OPERATIONS COMPLEX, PHASE 1.		11,600	11,600
Def-Wide	UT	CAMP WILLIAMS	IC CNCI DATA CENTER 1 (INCR 2) ..	800,000	–200,000	600,000
Army	UT	DUGWAY PROVING GROUND	WATER TREATMENT SYSTEMS	25,000		25,000
AF Reserve	UT	HILL AFB	RESERVE SQUAD OPS/AMU FACILITY.	3,200		3,200
Air Force	UT	HILL AFB	F–22A RADAR CROSS SECTION TESTING FAC.	21,053		21,053
Air Guard	UT	HILL AFB	PCC APRON NORTHWEST END TAXIWAY.		5,100	5,100
Def-Wide	VA	DAHLGREN	AEGIS BMD FACILITY EXPANSION	24,500		24,500
Navy	VA	DAHLGREN	ELECTROMAGNETIC RESEARCH AND ENG FACILITY.		3,660	3,660
Def-Wide	VA	DAM NECK	SOF OPERATIONS FACILITY INC III.	15,967		15,967
Army	VA	FORT A.P. HILL	AUTOMATED INFANTRY PLATOON BATTLE COURSE.	4,900		4,900
Army	VA	FORT A.P. HILL	FIELD TRAINING AREA	9,000		9,000
Army	VA	FORT A.P. HILL	TRAINING AIDS CENTER	9,100		9,100
Army	VA	FORT BELVOIR	FLIGHT CONTROL TOWER	8,400		8,400
Army	VA	FORT BELVOIR	ROAD AND ACCESS CONTROL POINT.	9,500		9,500
Army	VA	FORT BELVOIR	ROAD AND INFRASTRUCTURE IMPROVEMENTS.	20,000	–20,000	
ARNG	VA	FORT PICKETT	REGIONAL TRAINING INSTITUTE PH2.	32,000		32,000
Army	VA	FT. EUSTIS	UPGRADE MARSHALLING AREA ...		8,900	8,900
Air Force	VA	LANGLEY AFB	WEST & LASALLE GATES FORCE PROTECTION/ACCESS.	10,000		10,000
Def-Wide	VA	LITTLE CREEK	SOF SUPPORT ACTIVITY OPERATION FACILITY.	18,669		18,669
Navy	VA	LITTLE CREEK	NAVAL CONSTRUCTION DIVISION OPERATIONS FAC.	13,095		13,095
Navy	VA	NORFOLK	E–2D TRAINER FACILITY	11,737		11,737
Navy	VA	NORFOLK	FACILITY UPGRADES FOR E–2D PROGRAM.	6,402		6,402
Naval Res	VA	OCEANA	C–40 HANGAR	30,400		30,400
Def-Wide	VA	PENTAGON	PENTAGON ELECTRICAL UPGRADE.	19,272		19,272
Def-Wide	VA	PENTAGON	SECONDARY UNINTERRUPTIBLE POWER RAVEN ROCK.	8,400		8,400
Navy	VA	PORTSMOUTH	SHIP REPAIR PIER REPLACEMENT (INCR 1).	226,969	–100,000	126,969
Navy	VA	QUANTICO	STUDENT QUARTERS—TBS (PHASE 4).	32,060		32,060
Navy	VA	QUANTICO	BATTALION TRAINING FACILITY—MSGBN.	10,340		10,340
Navy	VA	QUANTICO	MC INFORMATION OPERATIONS CENTER—MCIOC.	29,620		29,620

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Navy	VA	QUANTICO	AIRCRAFT TRAINER	3,170		3,170
Navy	VA	QUANTICO	DINING FACILITY—TBS	14,780		14,780
Navy	VA	QUANTICO	SOUTH MAINSIDE ELECTRICAL SUBSTATION.	15,270		15,270
Air Guard	VT	BURLINGTON IAP	FIRE CRASH AND RESCUE STATION ADDITION.		6,000	6,000
ARNG	VT	ETHAN ALLEN RANGE	BOQ ADDITIONS AND IMPROVEMENTS.		1,996	1,996
Navy	WA	BANGOR	LIMITED AREA PRODUCTION/ STRG CMPLX (INC 6).	87,292		87,292
Navy	WA	BREMERTON	ENCLAVE FENCING/PARKING, SILVERDALE WA (INCR 2).	67,419		67,419
Navy	WA	BREMERTON	CVN MAINTENANCE PIER REPLACEMENT (INC 2).	69,064		69,064
Air Force	WA	FAIRCHILD AFB	SERE FORCE SUPPORT COMPLEX, PHASE I.		11,000	11,000
Def-Wide	WA	FAIRCHILD AFB	REPLACE FUEL DISTRIBUTION SYSTEM.	7,500		7,500
Army	WA	FORT LEWIS	LIVE FIRE EXERCISE SHOOTHOUSE.	2,550		2,550
Army	WA	FORT LEWIS	ANIMAL BUILDING	3,050		3,050
Army	WA	FORT LEWIS	BRIGADE COMPLEX, INC 4	102,000		102,000
Army	WA	FORT LEWIS	MODIFIED RECORD FIRE RANGE	4,100		4,100
Def-Wide	WA	FORT LEWIS	HEALTH AND DENTAL CLINIC	15,636		15,636
Def-Wide	WA	FORT LEWIS	SOF SUPPORT COMPANY FACILITY.	14,500		14,500
Navy	WA	SPOKANE	JNT PERS RECOVERY AGENCY SPECIALIZED SERE TRA.	12,707		12,707
USAR	WI	FORT MCCOY	COMBINED ARMS COLLECTIVE TRAINING FACILITY.	25,000		25,000
USAR	WI	FORT MCCOY	RANGE UTILITY UPGRADE		3,850	3,850
Air Guard	WI	GENERAL MITCHELL IAP	UPGRADE CORROSION CONTROL HANGAR.		5,000	5,000
Navy	WV	NAVAL SECTY GRP ACT, SUGAR GROVE	EMERGENCY SERVICES CENTER		9,560	9,560
Air Guard	WV	SHEPHERD AB, MARTINSBURG	C–5 TAXIWAY UPGRADES		19,500	19,500
ARNG	WV	ST. ALBANS ARMORY	LIFE SAFETY UPGRADE		2,000	2,000
Air Guard	WY	CHEYENNE AIRPORT	SQUADRON OPERATIONS		1,500	1,500
Air Force	WY	F. E. WARREN AFB	ADAL MISSILE SERVICE COMPLEX.	9,100		9,100
BRAC 05	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE 2005.	7,479,498		7,479,498
BRAC IV	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE IV.	396,768		396,768
Air Force	AF	BAGRAM AIR BASE	PASSENGER TERMINAL	22,000		22,000
Army	AF	BAGRAM AIR BASE	FUEL SYSTEM PH 6	12,000		12,000
Army	AF	BAGRAM AIR BASE	FUEL SYSTEM PH 7	5,000		5,000
Army	AF	BAGRAM AIR BASE	COALITION OPERATION CENTER	49,000		49,000
Army	AF	BAGRAM AIR BASE	APS COMPOUND	38,000		38,000
Army	AF	BAGRAM AIR BASE	AVIATION SUPPORT FACILITY	2,600		2,600
Army	AF	BAGRAM AIR BASE	BARRACKS	18,500	–18,500	
Army	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY.	38,000	–38,000	

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Army	AF	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS.	7,000	–7,000	
Def-Wide	BE	BRUSSELS	REPLACE ELEMENTARY SCHOOL (SHAPE) PHASE 1.	38,124		38,124
Navy	BI	SW ASIA	WATERFRONT DEVELOPMENT PHASE 2.	41,526		41,526
Air Force	CM	PALANQUERO AB	PALANQUERO AB DEVELOPMENT	46,000		46,000
Navy	DJ	CAMP LEMONIER	INTERIOR PAVED ROADS PHASE A	7,275		7,275
Navy	DJ	CAMP LEMONIER	AMMO SUPPLY POINT	21,689		21,689
Navy	DJ	CAMP LEMONIER	SECURITY FENCING I	8,109		8,109
Navy	DJ	CAMP LEMONIER	FIRE STATION	4,772		4,772
Def-Wide	GB	GUANTANAMO BAY	REPLACE FUEL STORAGE TANKS	12,500		12,500
Def-Wide	GE	BOEBLINGEN	NEW ELEMENTARY SCHOOL		50,000	50,000
Def-Wide	GR	SOUDA BAY	FUEL STORAGE TANKS & PIPELINE RPL.	24,000		24,000
Def-Wide	GU	AGANA NAVAL AIR STATION	REPLACE GAS CYLINDER STORAGE FACILITY.	4,900		4,900
Air Force	GU	ANDERSEN AFB	STRIKE FOL ELECTRICAL INFRASTRUCTURE.	33,750		33,750
Air Force	GU	ANDERSEN AFB	NW FIELD ATFP PERIMETER FENCE AND ROAD.	4,752		4,752
Air Force	GU	ANDERSEN AFB	COMMANDO WARRIOR OPERATIONS FAC.	4,200		4,200
Air Force	GU	ANDERSEN AFB	NW FIELD COMBAT SPT VEHICLE MAINT FAC.	15,500		15,500
ARNG	GU	BARRIGADA	READINESS CENTER	30,000		30,000
Army	GY	ANSBACH	BARRACKS	17,500		17,500
Army	GY	ANSBACH	BARRACKS	14,200		14,200
FH Con Army	GY	BAUMHOLDER	FAMILY HOUSING REPLACEMENT CONSTRU (138 UNITS).	18,000		18,000
Def-Wide	GY	KAISERLAUTERN AB	KAISERSLAUTERN COMPLEX—PHASE 1.	19,380		19,380
Def-Wide	GY	KAISERLAUTERN AB	KAISERSLAUTERN HS REPLACE SCHOOL.	74,165		74,165
Army	GY	KLEBER KASERNE	BARRACKS	20,000		20,000
Army	GY	LANDSTUHL	WARRIOR IN TRANSITION (WT) COMPLEX.	25,000	–25,000	
Air Force	GY	RAMSTEIN AB	CONSTRUCT AGE MAINT COMPLEX.	11,500		11,500
Air Force	GY	RAMSTEIN AB	CONTINGENCY RESPONSE GROUP COMMAND.	23,200		23,200
Air Force	GY	SPANGDAHLEM AB	FITNESS CTR	23,500		23,500
Def-Wide	GY	WEISBADEN	WIESBADEN HS NEW CAFETERIA AND KITCHEN.	5,379		5,379
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2.	10,000		10,000
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2.	11,000		11,000
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2.	11,000		11,000
Air Force	IT	SIGONELLA	GLOBAL HAWK AIRCRAFT MAINT AND OPS COMPLEX.	31,300	–31,300	
Army	IT	VICENZA	BDE COMPLEX—OPERATIONS SPT FAC, INCR 3.	23,500		23,500
Army	IT	VICENZA	BDE COMPLEX—BARRACKS/COMMUNITY, INCR 3.	22,500		22,500
Army	JA	OKINAWA	TRAINING AIDS CENTER	6,000		6,000

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Army	JA	SAGAMIHARA	TRAINING AIDS CENTER	6,000		6,000
Army	KR	CAMP HUMPHREYS	VEHICLE MAINTENANCE SHOP	19,000		19,000
Army	KR	CAMP HUMPHREYS	VEHICLE MAINTENANCE SHOP	18,000		18,000
Army	KR	CAMP HUMPHREYS	FIRE STATIONS	13,200		13,200
Def-Wide	KR	K–16 AIRFIELD	CONVERT WAREHOUSES	5,050		5,050
Def-Wide	KR	OSAN AB	REPLACE HYDRANT FUEL SYSTEM.	28,000		28,000
FH Con Navy	KR	PUSAN	CONSTR CHINHAE WELCOME CTR/WAREHOUSE.	4,376		4,376
Army	KU	CAMP ARIFJAN	APS WAREHOUSES	82,000		82,000
Def-Wide	ML	GUAM	HOSPITAL REPLACEMENT (INCR 1).	259,156	–59,156	200,000
FH Con Navy	ML	GUAM	REPLACE GUAM N. TIPALAO PH III.	20,730		20,730
Navy	ML	GUAM	CONSOLIDATED SLC TRAINING & CSS–15 HQ FAC.	45,309		45,309
Navy	ML	GUAM	MILITARY WORKING DOG RELOCATION, APRA HARBOR.	27,070	–17,070	10,000
Navy	ML	GUAM	DEFENSE ACCESS ROAD IMPROVEMENTS.	48,860		48,860
Navy	ML	GUAM	AAFB NORTH RAMP UTILITIES (PHASE 1).	21,500	–21,500	
Navy	ML	GUAM	AAFB NORTH RAMP PARKING (PHASE 1).	88,797	–88,797	
Navy	ML	GUAM	APRA HARBOR WHARVES IMP. (INCR 1).	167,033	–83,516	83,517
Navy	ML	GUAM	TORPEDO EXERCISE SUPPORT BUILDING.	15,627		15,627
Air Force	OM	AL MUSANNAH AB	WAR RESERVE MATERIAL COMPOUND.	47,000	–47,000	
Air Force	OM	AL MUSANNAH AB	AIRLIFT RAMP AND FUEL FACILITIES.	69,000	–69,000	
USAR	PR	CAGUAS	ARMY RESERVE CENTER/LAND	12,400		12,400
Air Force	QA	AL UDEID, QATAR	BLATCHFORD-PRESTON COMPLEX PH II.	60,000		60,000
Navy	SP	ROTA	RECEPTION AIRFIELD FACILITIES	26,278		26,278
Air Force	TK	INCIRLIK AB	CONSTRUCT CONSOLIDATED COMMUNITY CTR.	9,200		9,200
Def-Wide	UK	MENWITH HILL STATION	MHS PSC CONSTRUCTION	37,588		37,588
Def-Wide	UK	RAF MILDENHALL	CONNECT FUEL TANK DISTRIBUTION PIPE LN.	4,700		4,700
Def-Wide	UK	RAF ALCONBURY	MEDICAL/DENTAL CLINIC REPLACEMENT.	14,227		14,227
Def-Wide	UK	RAF LAKENHEATH	LIBERTY IS—GYMNASIUM	4,509		4,509
ARNG	VI	ST. CROIX	REGIONAL TRAINING INSTITUTE PH1.	20,000		20,000
Air Force	ZC	CLASSIFIED LOCATION	CLASSIFIED PLANNING & DESIGN	3,000		3,000
NSIP	ZU	NSIP	NATO SECURITY INVESTMENT PROGRAM.	276,314		276,314
AF Reserve	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	1,976		1,976
Air Force	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION.	18,000		18,000
Air Force	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	79,363		79,363
Air Guard	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	9,000		9,000
Air Guard	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	10,061		10,061

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Army	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION FY10	23,000		23,000
Army	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN FY10	153,029		153,029
Army	ZU	UNSPECIFIED WORLDWIDE	HOST NATION SUPPORT FY10	25,000		25,000
ARNG	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION.	10,300		10,300
ARNG	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	23,981		23,981
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	3,575		3,575
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	4,525		4,525
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION.	6,800		6,800
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	3,717		3,717
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,000		2,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	10,534		10,534
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	JEP EXERCISE RELATED CONSTRUCTION.	7,861		7,861
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	ENERGY CONSERVATION IMPROVEMENT PROGRAM.	90,000	33,013	123,013
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	CONTINGENCY CONSTRUCTION	10,000		10,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION.	3,000		3,000
Def-Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	35,579		35,579
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVMENTS	61,737		61,737
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT	50		50
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	4,314		4,314
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS (2428 UNITS).	219,300		219,300
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	FAMILY HOUSING P&D	3,936		3,936
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	IMPROVEMENTS	118,692		118,692
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	DESIGN	2,771		2,771
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	81,686		81,686
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	1,557		1,557
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	51,334		51,334
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	20,183		20,183
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	39,182		39,182
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,543		1,543
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	LEASING ACCOUNT	548		548
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	LEASING	102,858		102,858
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE ACCOUNT	1,911		1,911

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE (RPMA & RPMC)	148,318		148,318
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	HOUSING PRIVATIZATION	53,816		53,816
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	81,650		81,650
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	OPERATIONS	87,263		87,263
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,177		1,177
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	LEASING	205,685		205,685
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY.	115,854		115,854
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	31,789		31,789
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	RECISSION (PUBLIC LAW 110–5)			
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	OPERATIONS	35		35
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	LEASING	10,108		10,108
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY.	69		69
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	4,426		4,426
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	LEASING	33,579		33,579
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	274		274
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	19		19
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	29		29
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	309		309
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY.	366		366
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	53,956		53,956
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	14,624		14,624
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	60,278		60,278
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	457		457
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	16,462		16,462
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	LEASING	101,432		101,432
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY.	94,184		94,184
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	27,147		27,147
FHIF	ZU	UNSPECIFIED WORLDWIDE	FAMILY HOUSING IMPROVEMENT FUND.	2,600		2,600
HOAP	ZU	UNSPECIFIED WORLDWIDE	HOMEOWNERS ASSISTANCE PROGRAM.	23,225	350,000	373,225
Naval Res	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,371		2,371
Navy	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTR	12,483		12,483
Navy	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	166,896		166,896

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
USAR	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION.	3,600		3,600
USAR	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	22,262		22,262
AF Reserve	ZU	VARIOUS WORLDWIDE	MINOR CONSTRUCTION	800		800
Def-Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	72,974		72,974
Def-Wide	ZU	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONST	6,022		6,022
Def-Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	4,425		4,425
Def-Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	8,855		8,855
Def-Wide	ZU	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION.	4,100		4,100
			TOTAL FY2010 AUTHORIZATIONS	**22,946,036**	**–22,843**	**22,923,193**
			Prior Year Savings		**–112,500**	
			GRAND TOTAL	**22,946,036**	**–135,343**	**22,810,693**

SEC. 4502. 2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING.

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Army	11	Anniston (Pelham Range)	AL	Armed Forces Reserve Center	8,000	8,000
Army	11	Birmingham	AL	Armed Forces Reserve Center	10,000	10,000
Army	11	Mobile	AL	Armed Forces Reserve Center	20,430	20,430
Defense Wide	134	Redstone Arsenal	AL	Von Braun Complex		27,800
Army	11	Tuscaloosa	AL	Armed Forces Reserve Center	18,000	18,000
Army	13	Camden	AR	Armed Forces Reserve Center	9,800	9,800
Army	13	El Dorado	AR	Armed Forces Reserve Center	14,000	14,000
Army	13	Hot Springs	AR	Armed Forces Reserve Center	14,600	14,600
Army	13	Pine Bluff	AR	Armed Forces Reserve Center	15,500	15,500
Army	12	Marana	AZ	Armed Forces Reserve Center	31,000	31,000
Navy	57	Barstow	CA	Industrial Machine Shop Facility.	14,131	14,130
Navy	184	China Lake	CA	Shipboard Shock Test Facility.	3,160	3,160
Navy	184	China Lake	CA	Weapons Dynamics RDT&E Center.	5,970	5,970
Army	15	Middletown	CT	Armed Forces Reserve Center, Incr 2.	37,000	37,000
Navy	149	Washington	DC	Navy Systems Management Activity Relocation (INCR II of II).	71,929	71,929
Navy	149	Washington	DC	Renovate 3rd Floor Buildging 176, Washington Navy Yard.	750	750
Army	04	Eglin AFB	FL	Special Forces Complex, Incr 2.	8,000	8,000
Air Force	125	Eglin AFB	FL	BRAC F–35 Live Ordnance Load Area (LOLA).	6,624	6,624
Air Force	4B, 125	Eglin AFB	FL	CE Facility	2,000	2,000
Air Force	125	Eglin AFB	FL	F–35 (JSF) Duke Field Control Tower.	2,280	2,280

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	4B, 125	Eglin AFB	FL	Fitness Facility	2,750	2,750
Air Force	125	Eglin AFB	FL	STOVL Simulated Carrier Practice Landing Deck.	27,690	27,690
Air Force	125	Eglin AFB	FL	School Age Facility	2,600	2,600
Air Force	125	Eglin AFB	FL	Security Forces Facility	890	890
Air Force	125	Eglin AFB	FL	Taxiway Extension	13,000	13,000
Air Force	125	Eglin AFB	FL	Traffic Management Cargo Processing Facility.	900	900
Army	9	Benning	GA	AAFES Troop Store	1,950	1,950
Army	17	Benning	GA	Armed Forces Reserve Center	18,000	18,000
Army	2	Benning	GA	Equipment Concentration Site.	43,000	43,000
Army	9	Benning	GA	General Instruction Complex 2, Incr 2.	58,000	58,000
Army	9	Benning	GA	Maneuver Ctr HQ & CDI Bldg Expansion.	42,000	42,000
Army	9	Benning	GA	Medical Facility, Incr 2	77,000	77,000
Army	21	Cedar Rapids	IA	Armed Forces Reserve Center	42,000	42,000
Army	21	Iowa AAP	IA	Armed Forces Reserve Center	27,000	27,000
Army	21	Muscatine	IA	Armed Forces Reserve Center	8,800	8,800
Army	2	Rock Island	IL	Army Headquarters Building Renovation.	20,000	20,000
Army	43	Campbell	KY	Armed Forces Reserve Center	5,900	5,900
Army	2	Campbell	KY	Headquarters Building, Group.	14,800	14,800
Army	55	Knox	KY	Armed Forces Reserve Center	2,300	2,300
Army	5	Aberdeen PG	MD	C4ISR, Phase 2, Incr 2	156,000	156,000
Defense Wide	169	Bethesda (WRNMMC)	MD	Medical Center Addition—Increment 3.	108,850	108,850
Defense Wide	169	Bethesda (WRNMMC)	MD	Traffic Mitigation Increment 1.	18,400	18,400
Defense Wide	169	Bethesda (WRNMMC)	MD	Site Utility Infrastructure Upgrade for NICoE.		6,500
Army	174	Detrick	MD	Joint Bio-Med RDA Management Center.	8,300	8,300
Army	169	Forest Glenn	MD	Museum	12,200	12,200
Defense Wide	140	Fort Meade	MD	Construct DISA Building	131,662	131,662
Army	141	Fort Meade	MD	Defense Media Activity, Incr 2.	17,000	17,000
Navy	65	Brunswick	ME	Marine Corps Reserve Center	12,960	12,960
Army	176	Detroit Arsenal	MI	Administrative Office Buildings, Incr 2.		21,384
Army	176	Detroit Arsenal	MI	Weapons Systems Support and Training.	8,300	8,300
Army	26	Ft. Custer (Augusta)	MI	Armed Forces Reserve Center	18,500	18,500
Air Force	95	Selfridge ANGB	MI	A10 Arm/Disarm Apron	1,350	1,350
Air Force	95	Selfridge ANGB	MI	Repair Munitions Admin Building 891.	3,100	3,100
Air Force	95	Selfridge ANGB	MI	Upgrade Munitions Maintenance Shop.	1,650	1,650
Air Force	95	Selfridge ANGB	MI	Upgrade Munitions Missile Maintenance Bays.	2,350	2,350
Army	28	Kirksville	MO	Armed Forces Reserve Center	6,600	6,600
Army	29	Great Falls	MT	Armed Forces Reserve Center	7,600	7,600
Army	3	Bragg	NC	Band Training Facility	4,200	4,200
Army	3	Bragg	NC	Headquarters Bldg, FORSCOM/USARC, Incr 3.	124,000	124,000
Army	35	Wilmington	NC	Armed Forces Reserve Center	17,500	17,500
Army	36	Fargo	ND	Armed Forces Reserve Center	11,200	11,200
Army	30	Columbus	NE	Armed Forces Reserve Center	9,300	9,300
Army	30	McCook	NE	Armed Forces Reserve Center	7,900	7,900
Army	32	Camden	NJ	Armed Forces Reserve Center	21,000	21,000
Army	05	West Point	NY	US Military Academy Prep School, Incr 2.		98,000

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Army	37	Columbus	OH	Armed Forces Reserve Center, Incr 2.		30,218
Navy	73	Akron	OH	Armed Forces Reserve Center	13,840	13,840
Army	126	Sill	OK	Joint Fires & Effects Simulator Building.	28,000	28,000
Air Force	92	Will Rogers World APT	OK	Relocate Global Air Traffic Operation Program Office.	1,200	1,200
Army	40	Allentown	PA	Armed Forces Reserve Center	15,000	15,000
Army	150	Tobyhanna	PA	Electronics Maintenance Shop, Depot Level.	3,200	3,200
Air Force	68	Willow Grove ARS	PA	Establish Enclave	4,000	4,000
Army	42	Bristol	RI	Armed Forces Reserve Center	17,500	17,500
Navy	181	Charleston	SC	SPAWAR Data Center	9,670	9,670
Navy	138	Goose Creek	SC	Consolidated Brig Addition ..	9,790	9,790
Army	3	Shaw AFB	SC	Headquarters Building, Third US Army, Incr 2.	55,000	55,000
Army	43	Chattanooga	TN	Armed Forces Reserve Center	8,900	8,900
Army	10	Bliss	TX	Brigade Combat Team Complex #3, Incr 3.	110,000	110,000
Army	10	Bliss	TX	Combat Aviation Brigade Complex, Incr 3.	94,000	94,000
Army	10	Bliss	TX	Hospital Add/Alt, WBAMC ..	24,000	24,000
Army	10	Bliss	TX	Hospital Replacement	89,000	89,000
Army	10	Bliss	TX	Tactical Equipment Maintenance Facility 2.	104,000	104,000
Army	44	Brownsville	TX	Armed Forces Reserve Center	15,000	15,000
Army	44	Huntsville	TX	Armed Forces Reserve Center	16,000	16,000
Army	44	Kingsville	TX	Armed Forces Reserve Center	17,500	17,500
Air Force	146	Lackland AFB	TX	Joint Base San Antonio Headquarters Facility.	8,500	8,500
Army	44	Lufkin	TX	Armed Forces Reserve Center	15,500	15,500
Air Force	128	Randolph AFB	TX	Renovate Building 38	2,050	2,050
Army	44	Red River	TX	Armed Forces Reserve Center	14,200	14,200
Defense Wide	172	Fort Sam Houston	TX	San Antonio Military Medical Center (North) Incr 3.		163,750
Army	148	Sam Houston	TX	Add/Alt Building 2270	18,000	18,000
Army	148	Sam Houston	TX	Housing, Enlisted Permanent Party.	10,800	10,800
Army	148	Sam Houston	TX	IMCOM Campus Area Infrastructure.	11,000	11,000
Army	148	Sam Houston	TX	Headquarters Bldg, IMCOM	48,000	48,000
Army	132	Belvoir	VA	Infrastructure Support, Incr 3.	13,000	13,000
Army	168	Belvoir	VA	Infrastructure Support, Incr 3.	39,400	39,400
Army	169	Belvoir	VA	NARMC HQ Building	17,500	17,500
Defense Wide	168	Fort Belvoir	VA	NGA Headquarters Facility ..		168,749
Defense Wide	169	Fort Belvoir	VA	Hospital Replacement—Increment 4.	140,750	140,750
Defense Wide	169	Fort Belvoir	VA	Dental Clinic	12,600	12,600
Defense Wide	133	Fort Belvoir	VA	Office Complex Increment 3 ..		360,533
Army	8	Eustis	VA	Bldg 705 Renv (AAA & 902d MI).	1,600	1,600
Army	8	Eustis	VA	Headquarters Bldg, IMCOM Eastern Region.	5,700	5,700
Army	8	Eustis	VA	Headquarters Building, TRADOC, Incr 2.	34,300	34,300
Army	8	Eustis	VA	Joint Task Force—Civil Support.	19,000	19,000
Army	3	Eustis	VA	Renovation for ACA and NETCOM.	4,800	4,800
Army	121	Lee	VA	AAFES Troop Store	1,850	1,850

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Army	133	Lee	VA	Administrative Building (DCMA).	28,000	28,000
Army	121	Lee	VA	Combat Service Support School, Ph 1, Incr 4.		30,000
Army	121	Lee	VA	Combat Service Support School, Ph 2, Incr 3.	137,000	137,000
Army	121	Lee	VA	Combat Service Support School, Ph 3, Incr 2.	145,000	145,000
Army	121	Lee	VA	Consolidated Troop Med/Dntl Clinic.	20,000	20,000
Army	122	Lee	VA	HQs, Transportation Management Detachment.	1,200	1,200
Army	121	Lee	VA	USMC Training Facilities	25,000	25,000
Navy	149	Arlington	VA	Crystal Park 5 to Arlington Service Center.	33,660	33,660
Navy	138	Chesapeake	VA	Joint Regional Correctional Facility (INCR II of II).		47,560
Navy	181	Norfolk	VA	Building 1558 Renovations for SPAWAR.	2,510	2,510
Army	47	Elkins	WV	Armed Forces Reserve Center	22,000	22,000
Army	47	Fairmont	WV	Armed Forces Reserve Center	21,000	21,000
Army	47	Spencer-Ripley	WV	Armed Forces Reserve Center	19,540	19,540
Army	PM	Various	WW	Planning and Design	26,100	26,100
Army		Various	Various	Environmental	147,693	147,693
Navy		Various	Various	Environmental	16,529	16,529
Air Force		Various	Various	Environmental	19,454	19,454
Army		Various	Various	Operation and Maintenance	1,169,334	1,169,334
Navy		Various	Various	Operation and Maintenance	322,495	322,495
Air Force		Various	Various	Operation and Maintenance	288,459	288,459
Defense Wide		Various	Various	Operation and Maintenance	836,715	836,715
Navy		Various	Various	MilPers PCS	6,504	6,504
Air Force		Various	Various	MilPers PCS	3,970	3,970
Army		Various	Various	Other	311,138	311,138
Navy		Various	Various	Other	20,115	20,115
Air Force		Various	Various	Other	23,443	23,443
Defense Wide		Various	Various	Other	412,320	412,320
				Subtotal BRAC 2005 FY 2010, Army.		4,081,037
				Subtotal BRAC 2005 FY 2010, Navy.		591,572
				Subtotal BRAC 2005 FY 2010, Air Force.		418,260
				Subtotal BRAC 2005 FY 2010, Defense Wide.		2,388,629
				Total BRAC 2005 FY 2010 All Categories.	**5,934,740**	**7,479,498**
Army		Various	Various	Base Realignment and Closure IV, Army.		98,723
Navy		Various	Various	Base Realignment and Closure IV, Navy.		168,000
Air Force		Various	Various	Base Realignment and Closure IV, Air Force.		127,364
Defense Wide		Various	Various	Base Realignment and Closure IV, Defense Wide.		2,681
				Total BRAC IV for FY 2010		**396,768**

SEC. 4503. AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION.

AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION
(In Thousands of Dollars)

State	Account	Installation	Project Title	Senate Authorized
AK	Air Force	Eielson AFB	Replace Military Family Housing—Phase 4 (Current Mission) (76 units).	53,900
AL	Air Force	Birmingham	Mobility Processing	2,300
AR	Air Force	Fort Smith	Replace Civil Engineering Complex	7,800
CA	Defense Wide	Camp Pendleton	Hospital Replacement	563,100
CA	ARNG	Fort Hunter-Liggett	Family Housing New Construction (1 Unit)	620
CA	ARNG	Fort Hunter-Liggett	Family Housing Replacement Construction (4 units)	1,750
CA	Navy	Marine Corps Base Camp Pendleton	Child Development Center	15,420
CA	Navy	Marine Corps Base Camp Pendleton	Photovoltaic System	10,731
CA	Navy	Marine Corps Base Camp Pendleton	Repair Bachelor Enlisted Quarters	8,901
CA	ARNG	Mather Air Field	Resurface Airfield Pavement	1,500
CA	Navy	Naval Air Station Lemoore	Expand Child Development Center	7,793
CA	Navy	Naval Base Coronado	Child Care Center 24/7	2,301
CA	Navy	Naval Base Coronado	Bachelor Enlisted Quarters	86,275
CA	Navy	Naval Base Point Loma	Child Development Center	11,844
CA	ARNG	Sierra AD	Family Housing Replacement Construction (1 unit)	707
CO	Army	Fort Carson	Child Development Center	12,500
CO	Air Force	Peterson AFB	Construct Child Development Center	11,200
FL	Air Force	Hurlburt Field	Child Development Center	11,000
FL	Defense Wide	Naval Airt Station Jacksonville	Hospital Alteration	27,210
FL	Navy	Naval Station Mayport	Child Development Center	10,220
GA	Army	Fort Stewart (Hunter AAF)	Child Youth Services Center	8,600
GA	Air Force	Moody AFB	Child Development Center	11,400
HI	Navy	Marine Corps Base Hawaii	Child Development Center	19,360
IA	Air Force	Des Moines	Replace Communication Facility	6,000
IL	ARNG	Rock Island	Family Housing New Construction (2 Units)	930
KS	Air Force	Forbes	Add/Alter Fire Station	4,100
KY	Army	Fort Campbell	Warrior in Transition (WT) Complex	43,000
MD	Air Force	Andrews AFB	ANGRC Operations Center	8,000
MD	Navy	Naval Support Activity Annapolis	Replace Steam Generation Plant	1,994
MD	Navy	Naval Surface Warfare Center Carderock	Replace Underground Steam Lines	1,253
MS	Air Force	Keesler AFB	Dormitory (144 Rm)	20,800
MT	Air Force	Malmstrom AFB	Repair Structural Foundations In Minuteman Village (179 units).	26,200
NC	Army	Fort Bragg	Child Development Center	11,300
NC	Navy	Marine Corps Air Station New River	Repair Bachelor Enlisted Quarters	3,039
NC	Navy	Marine Corps Base Camp Lejeune	Facility and Photovoltaic Energy Upgrades	13,779
NC	ARNG	Raleigh	AFRC Raleigh (JFHQ–NC)	39,500
ND	Air Force	Minot AFB	Dormitory (168 Rm)	28,300
NE	ARNG	Camp Ashland	Dining Facility Add/Alt	2,900
NJ	Air Force	Atlantic City	Construct N&S Arm/Disarm Aprons	4,300
NM	Air Force	Cannon AFB	Child Development Center	12,000
NV	ARNG	Hawthorne AD	Family Housing Improvement (new water main)	950
NV	Air Force	Nellis AFB	Child Development Center	13,400
NY	ARNG	Brooklyn (Ft. Hamilton)	Ready Building (WMD CST)	1,500
NY	Army	Fort Drum	Child Development Center	10,700
OK	ARNG	McAlester AD	Family Housing Replacement Construction (6 units)	2,200
OR	ARNG	Camp Withycombe	Storm Sewer	1,300
PA	Air Force	Fort Indian Town Gap	Replace Troop Training Qtrs	7,000
PA	ARNG	Letterkenny AD	Family Housing New Construction (3 units)	1,050
PA	ARNG	Tobyhanna	Family Housing Replacement Construction (2 units)	1,000
SC	Air Force	Shaw AFB	Dormitory (144 Rm)	22,500
TN	Navy	Naval Support Activity Mid-South	Child Development Center	11,960
TX	Army	Fort Bliss	Warrior in Transition (WT) Complex	57,000
TX	Army	Fort Hood	Child Development Center	12,700
TX	Defense Wide	Fort Hood	Hospital Replacement Phase 1	621,000
TX	Air Force	Goodfellow AFB	Student Dormitory (200 Rm)	28,400

AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION
(In Thousands of Dollars)

State	Account	Installation	Project Title	Senate Authorized
TX	Air Force	Lackland AFB	Add/Alter Child Development Center	6,000
UT	ARNG	Dugway Proving Grounds	Family Housing Replacement Construction (20 units)	10,000
UT	Air Force	Hill AFB	Child Development Center	15,000
UT	Air Force	Salt Lake City	Fire Station, Phase 2	5,100
VA	Army	Fort Belvoir	Child Development Center	14,600
VA	Army	Fort Eustis	Child Development Center	9,600
VA	Navy	Hampton Roads	Install Photovoltaic Systems	26,098
VA	Navy	Naval Station Norfolk	Repair Steam Lines	1,054
VA	Navy	Naval Station Norfolk	Steam Plant Area Decentralization	23,593
VA	ARNG	Radford AAP	Family Housing Replacement Construction (4 units)	1,300
WA	Navy	Naval Air Station Whidbey Island	Replace Water Distribution System	20,054
WI	ARNG	Fort McCoy	Family Housing New Construction (23 units)	14,000
WI	Air Force	General Mitchell	Security Forces CATM/CATS	1,100
WV	Air Force	Eastern West Virginia Regional Airport	C–5 Avionics Shop	4,300
WV	ARNG	Gassaway	Readiness Center Add/Alt	3,300
	Defense Wide	Various Locations	Planning and Design (P&D)	118,690
	Navy	Various Locations	P&D—DoN Child Development Center Projects	1,102
	Navy	Various Locations	P&D—DoN Energy Projects	1,444
	Navy	Various Locations	P&D—DoN Bachelor Enlisted Quarter Projects	1,785

SEC. 4504. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country	Location	Project	Authorization	Authorized for Appropriation
AF	AF	WOLVERINE	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	WOLVERINE	DINING FACILITY	2,200	2,200
ARMY	AF	WOLVERINE	FUEL SYSTEM, PH 1	5,800	5,800
ARMY	AF	WOLVERINE	WASTE MANAGEMENT COMPLEX	6,900	6,900
AF	AF	TOMBSTONE/BASTION	STRATEGIC AIRLIFT APRON EXPANSION.	32,000	32,000
AF	AF	TOMBSTONE/BASTION	CAS APRON EXPANSION	40,000	40,000
AF	AF	TOMBSTONE/BASTION	ISR APRON	41,000	41,000
AF	AF	TOMBSTONE/BASTION	SECURE RSOI FACILITY	10,000	10,000
AF	AF	TOMBSTONE/BASTION	CARGO HANDLING AREA	18,000	18,000
AF	AF	TOMBSTONE/BASTION	AVIATION OPERATIONS & MAINTENANCE FACS.	8,900	8,900
AF	AF	TOMBSTONE/BASTION	EXPEDITIONARY FIGHTER SHELTER	6,300	6,300
ARMY	AF	TOMBSTONE/BASTION	BASIC LOAD AMMUNITION HOLDING AREA.	7,500	7,500
ARMY	AF	TOMBSTONE/BASTION	DINING FACILITY	8,900	8,900
ARMY	AF	TOMBSTONE/BASTION	ENTRY CONTROL POINT AND ACCESS ROADS.	14,200	14,200
ARMY	AF	TOMBSTONE/BASTION	FUEL SYSTEM, PH 2	14,200	14,200
ARMY	AF	TOMBSTONE/BASTION	ROADS	4,300	4,300
ARMY	AF	TOMBSTONE/BASTION	LEVEL 3 MEDICAL FACILITY	16,500	16,500
ARMY	AF	TOMBSTONE/BASTION	WATER SUPPLY AND DISTRIBUTION SYSTEM.	6,200	6,200
AF	AF	TARIN KOWT	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	TARIN KOWT	DINING FACILITY	4,350	4,350
ARMY	AF	TARIN KOWT	FUEL SYSTEM PHASE 2	11,800	11,800
ARMY	AF	TARIN KOWT	WASTE MANAGEMENT AREA	6,800	6,800
ARMY	AF	TARIN KOWT	AMMUNITION SUPPLY POINT	35,000	35,000
ARMY	AF	SHARANA	ROTARY WING PARKING	32,000	32,000
ARMY	AF	SHARANA	AMMUNITION SUPPLY POINT	14,000	14,000
ARMY	AF	SHARANA	AIRCRAFT MAINTENANCE FACILITIES.	12,200	12,200

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country	Location	Project	Authorization	Authorized for Appropriation
ARMY	AF	SHARANA	ELECTRICAL DISTRIBUTION GRID	2,600	2,600
AF	AF	SHANK	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	SHANK	DINING FACILITY	4,350	4,350
ARMY	AF	SHANK	ELECTRICAL DISTRIBUTION GRID	4,600	4,600
ARMY	AF	SHANK	WASTE MANAGEMENT COMPLEX	8,100	8,100
ARMY	AF	SHANK	WATER DISTRIBUTION SYSTEM	2,650	2,650
ARMY	AF	SHANK	TROOP HOUSING PHASE 2		
ARMY	AF	SALERNO	WASTE MANAGEMENT COMPLEX	5,500	5,500
ARMY	AF	SALERNO	ELECTRICAL DISTRIBUTION GRID	2,600	2,600
ARMY	AF	SALERNO	FUEL SYSTEM, PH 1	12,800	12,800
ARMY	AF	SALERNO	DINING FACILITY	4,300	4,300
ARMY	AF	SALERNO	RUNWAY UPGRADE	25,000	25,000
ARMY	AF	METHAR-LAM	WASTE MANAGEMENT AREA	4,150	4,150
ARMY	AF	MAYWAND	DINING FACILITY	6,600	6,600
ARMY	AF	MAYWAND	WASTE MANAGEMENT AREA	5,600	5,600
AF	AF	KANDAHAR	SECURE RSOI FACILITY	9,700	9,700
AF	AF	KANDAHAR	TACTICAL AIRLFIT APRON	29,000	29,000
AF	AF	KANDAHAR	REFUELER APRON/RELOCATE HCP	66,000	66,000
AF	AF	KANDAHAR	CAS APRON EXPANSION	25,000	25,000
AF	AF	KANDAHAR	ISR APRON EXPANSION	40,000	40,000
AF	AF	KANDAHAR	AVIATION OPERATIONS & MAINTENANCE FACILITIES.	10,500	10,500
AF	AF	KANDAHAR	EXPEDITIONARY FIGHTER SHELTER	6,400	6,400
AF	AF	KANDAHAR	CARGO HELICOPTER APRON	32,000	32,000
AF	AF	KANDAHAR	RELOCATE NORTH AIRFIELD ROAD	16,000	16,000
ARMY	AF	KANDAHAR	TROOP HOUSING PHASE 2		
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	TANKER TRUCK OFFLOAD FACILITY	23,000	23,000
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	SOUTHPARK ROADS	11,000	11,000
ARMY	AF	KANDAHAR	WASTE MANAGEMENT COMPLEX	10,000	10,000
ARMY	AF	KANDAHAR	WAREHOUSE	20,000	20,000
ARMY	AF	KANDAHAR	THEATER VEHICLE MAINTENANCE FACILITY.	55,000	55,000
ARMY	AF	KABUL	USFOR–A HEADQUARTERS & HOUSING.	98,000	98,000
ARMY	AF	KABUL	CAMP PHOENIX WEST EXPANSION	39,000	39,000
ARMY	AF	JOYCE	DINING FACILITY	2,100	2,100
ARMY	AF	JOYCE	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	AF	JALALABAD	DINING FACILITY	4,350	4,350
ARMY	AF	JALALABAD	AMMUNITION SUPPLY POINT	35,000	35,000
ARMY	AF	JALALABAD	CONTINGENCY HOUSING		
ARMY	AF	JALALABAD	PERIMETER FENCING	2,050	2,050
ARMY	AF	GHAZNI	WASTE MANAGEMENT COMPLEX	5,500	5,500
ARMY	AF	GARDEZ	TACTICAL RUNWAY	28,000	28,000
ARMY	AF	GARDEZ	DINING FACILITY	2,200	2,200
ARMY	AF	GARDEZ	CONTINGENCY HOUSING		
ARMY	AF	GARDEZ	FUEL SYSTEM, PH 1	6,000	6,000
ARMY	AF	FRONTENAC	DINING FACILITY	2,200	2,200
ARMY	AF	FRONTENAC	CONTINGENCY HOUSING		
AF	AF	DWYER	CONTINGENCY HOUSING PHASE 1		
AF	AF	DWYER	CONTINGENCY HOUSING PHASE 2		
AF	AF	DWYER	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	DWYER	FUEL SYSTEM, PH 1	5,800	5,800
ARMY	AF	DWYER	WASTE MANAGEMENT COMPLEX	6,900	6,900
ARMY	AF	DWYER	DINING FACILITY	2,200	2,200
ARMY	AF	BOSTICK	WASTE MANAGEMENT AREA	5,500	5,500
ARMY	AF	BLESSING	WASTE MANAGEMENT AREA	5,600	5,600
AF	AF	BAGRAM AIR BASE	CARGO TERMINAL	13,800	13,800
AF	AF	BAGRAM AIR BASE	AVIATION OPERATIONS & MAINTENANCE FACILITIES.	8,900	8,900
AF	AF	BAGRAM AIR BASE	EXPEDITIONARY FIGHTER SHELTER	6,400	6,400
ARMY	AF	BAGRAM AIR BASE	TROOP HOUSING PHASE 3		
ARMY	AF	BAGRAM AIR BASE	DRAINAGE SYSTEM, PH 2	21,000	21,000

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country	Location	Project	Authorization	Authorized for Appropriation
ARMY	AF	BAGRAM AIR BASE	BARRACKS	18,500	18,500
ARMY	AF	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS.	7,000	7,000
ARMY	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	38,000	38,000
ARMY	AF	BAGRAM AIR BASE	ACCESS ROADS	21,000	21,000
ARMY	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	BAGRAM AIR BASE	MEDLOG WAREHOUSE	3,350	3,350
ARMY	AF	ASADABAD	WASTE MANAGEMENT AREA	5,500	5,500
ARMY	AF	ALTIMUR	DINING FACILITY	2,150	2,150
ARMY	AF	ALTIMUR	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	AF	AIRBORNE	DINING FACILITY	2,200	2,200
ARMY	AF	AIRBORNE	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	BE	MONS	NATO SOF OPERATIONAL SUPPORT, TRAINING.	20,000	20,000
AF	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN		35,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	20,000	20,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN		75,884
NSA	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT		
NSA	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN		
			Grand Total Military Construction	**1,294,100**	**1,404,984**

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Electricity Delivery & Energy Reliability			
Electricity Delivery & Energy Reliability			
Infrastructure security & energy restoration	6,188	–6,188	
Weapons Activities			
Directed stockpile work			
Life extension programs			
W76 Life extension program	209,196		209,196
Total, Life extension programs	**209,196**		**209,196**
Stockpile systems			
B61 Stockpile systems	124,456		124,456
W76 Stockpile systems	65,497		65,497
W78 Stockpile systems	50,741		50,741
W80 Stockpile systems	19,064		19,064
B83 Stockpile systems	35,682		35,682
W87 Stockpile systems	51,817		51,817
W88 Stockpile systems	43,043		43,043
Total, Stockpile systems	**390,300**		**390,300**
Weapons dismantlement and disposition			
Operation and maintenance	84,100	15,000	99,100
Total, Weapons dismantlement and disposition	**84,100**	**15,000**	**99,100**
Stockpile services			
Production support	301,484		301,484

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Research and development support	37,071		37,071
R&D certification and safety	143,076	30,000	173,076
Management, technology, and production	200,223		200,223
Plutonium infrastructure sustainment	149,201		149,201
Total, Stockpile services	**831,055**	**30,000**	**861,055**
Total, Directed stockpile work	**1,514,651**	**45,000**	**1,559,651**
Campaigns:			
Science campaign			
Advanced certification	19,400	5,000	24,400
Primary assessment technologies	80,181		80,181
Dynamic materials properties	86,617		86,617
Academic alliances	30,251		30,251
Advanced radiography	22,328		22,328
Secondary assessment technologies	77,913		77,913
Total, Science campaign	**316,690**	**5,000**	**321,690**
Engineering campaign			
Enhanced surety	42,000	5,000	47,000
Weapon systems engineering assessment technology	18,000		18,000
Nuclear survivability	21,000		21,000
Enhanced surveillance	69,000	10,000	79,000
Total, Engineering campaign	**150,000**	**15,000**	**165,000**
Inertial confinement fusion ignition and high yeild campaign			
Ignition	106,734		106,734
NIF diagnostics, cryogenics and experimental support	72,252		72,252
Pulsed power inertial confinement fusion	5,000		5,000
Joint program in high energy density laboratory plasmas	4,000		4,000
Facility operations and target production	248,929	6,500	255,429
Omega operations		[6,500]	
Total, Inertial confinement fusion and high yield campaign	**436,915**	**6,500**	**443,415**
Advanced simulation and computing campaign			
Operation and maintenance	556,125	9,000	565,125
Readiness Campaign			
Stockpile readiness	5,746		5,746
High explosives and weapon operations	4,608		4,608
Nonnuclear readiness	12,701		12,701
Tritium readiness	68,246	–20,000	48,246
Advanced design and production technologies	8,699		8,699
Total, Readiness campaign	**100,000**	**–20,000**	**80,000**
Total, Campaigns	**1,559,730**	**15,500**	**1,575,230**
Readiness in technical base and facilities (RTBF)			
Operation of facilities			
Operation of facilities	1,342,303		1,342,303
Total, Operation of facilities	**1,342,303**		**1,342,303**
Program readiness	73,021		73,021
Material recycle and recovery	69,542		69,542
Containers	23,392		23,392
Storage	24,708		24,708
Subtotal, Readiness in technical base and facilities (RTBF)	**1,532,966**		**1,532,966**
Construction:			
10–D–501, Nuclear facilities risk reduction Y–12 National Security Complex, Oakridge, TN	12,500		12,500
99–D–141, Pit disassembly and conversion facility, Savannah River Site, Aiken, SC	30,321		30,321
09–D–007, LANSCE-Refurbishment, Los Alamos National Laboratory, NM		30,000	30,000
08–D–801, High pressure fire loop (HPFL), Pantex, TX	31,910		31,910
06–D–140, Project engineering design (PED), various locations	70,678		70,678

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
06–D–402, NTS replace fire stations 1 & 2 Nevada Test Site, NV	1,473		1,473
04–D–125, Chemistry and metallurgy facility replacement, Los Alamos National Laboratory, Los Alamos, NM	55,000	–20,000	35,000
04–D–128, TA–18 Criticality experiments facility (CEF), Los Alamos National Laboratory, Nevada Test Site, NV	1,500		1,500
Total, Construction	**203,382**	**10,000**	**213,382**
Total, Readiness in technical base and facilities	**1,736,348**	**10,000**	**1,746,348**
Secure transportation asset			
Operation and equipment	138,772		138,772
Program direction	96,143		96,143
Total, Secure transportation asset	**234,915**		**234,915**
Nuclear counterterrorism incident response	**221,936**	**5,688**	**227,624**
National technical forensics		[5,688]	
Facilities and infrastructure recapitalization program			
Operation and maintenance	144,959		144,959
Construction:			
07–D–253, TA 1 heating systems modernization (HSM) Sandia National Laboratory, NM	9,963		9,963
Total, Construction	**9,963**		**9,963**
Total, Facilities and infrastructure recapitalization program	**154,922**		**154,922**
Site stewardship			
Environmental projects and operations	41,288		41,288
Nuclear materials integration	20,000		20,000
Stewardship planning	29,086		29,086
Total, Site stewardship	**90,374**		**90,374**
Safeguards and security			
Defense nuclear security			
Operation and maintenance	700,044		700,044
Construction:			
10–D–701, Security improvements project Y–12 National Security Complex, Oak Ridge, TN	49,000		49,000
Total, Construction	**49,000**		**49,000**
Total, Defense nuclear security	**749,044**		**749,044**
Cyber security	122,511		122,511
Total, Safeguards and security	**871,555**		**871,555**
Support to intelligence		**30,000**	**30,000**
Total, Weapons Activities	**6,384,431**	**106,188**	**6,490,619**
Defense Nuclear Nonproliferation			
Nonproliferation and verification research and development			
Operation and maintenance	297,300	50,000	347,300
Nonproliferation and international security	207,202	–14,000	193,202
Nuclear noncompliance verification		[–12,000]	
Global initiatives for proliferation prevention		[–2,000]	
International nuclear materials protection and cooperation	552,300		552,300
Elimination of weapons-grade plutonium production program	24,507		24,507
Fissile materials disposition			
U.S. surplus fissile materials disposition			
Operation and maintenance			
U.S. plutonium disposition	90,896		90,896
U.S. uranium disposition	34,691	–2,000	32,691

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Supporting activities	1,075		1,075
Total, Operation and maintenance	**126,662**	**–2,000**	**124,662**
Construction:			
99–D–143, Mixed oxide fuel fabrication facility, Savannah River Site, SC	504,238		504,238
99–D–141–02, Waste solidification building, Savannah River Site, SC	70,000		70,000
Total, Construction	**574,238**		**574,238**
Total, U.S. surplus fissile materials disposition	**700,900**	**–2,000**	**698,900**
Russian surplus materials disposition	1,000	6,000	7,000
Total, Fissile materials disposition	**701,900**	**4,000**	**705,900**
Global threat reduction initiative	353,500	–40,000	313,500
Gap nuclear material		[–40,000]	
Subtotal, Defense Nuclear Nonproliferation	**2,136,709**		**2,136,709**
Total, Defense Nuclear Nonproliferation	**2,136,709**		**2,136,709**
Naval Reactors			
Naval reactors development			
Operation and maintenance			
Operation and maintenance	935,533		935,533
Total, Operation and maintenance	**935,533**		**935,533**
Construction:			
10–D–903, KAPL Security upgrades, Schnectady, NY	1,500		1,500
10–D–904, NRF infrastructure upgrades, ID	700		700
09–D–190, PED, Infrastructure upgrades, KAPL, Schnectady, NY	1,000		1,000
09–D–902, NRF Production Support Complex, ID	6,400		6,400
08–D–190, NRF Project engineering and design Expended Core Facility M–290 receiving/discharge station, ID	9,500		9,500
07–D–190, Materials research and technology complex, BAPL, Pittsburgh, PA	11,700		11,700
Total, Construction	**30,800**		**30,800**
Total, Naval reactors development	**966,333**		**966,333**
Program direction	36,800		36,800
Total, Naval Reactors	**1,003,133**		**1,003,133**
Office Of The Administrator			
Office of the administrator	431,074		431,074
Use of prior year balances	–10,320		–10,320
Total, Office Of The Administrator	**420,754**		**420,754**
Defense Environmental Cleanup			
Closure sites:			
Closure sites administration	8,225		8,225
Miamisburg	33,243		33,243
Total, Closure sites	**41,468**		**41,468**
Hanford site:			
2012 accelerated completions			
Nuclear facility D&D river corridor closure project	327,955		327,955
Nuclear material stabilization and disposition PFP	118,087		118,087
SNF stabilization and disposition	55,325		55,325
Total, 2012 accelerated completions	**501,367**		**501,367**
2035 accelerated completions			
Nuclear facility D&D—remainder of Hanford	70,250		70,250
Richland community and regulatory support	21,940		21,940
Soil and water remediation—groundwater vadose zone	176,766		176,766
Solid waste stabilization and disposition 200 area	132,757		132,757
Total, 2035 accelerated completions	**401,713**		**401,713**
Total, Hanford site	**903,080**		**903,080**
Idaho National Laboratory:			
SNF stabilization and disposition—2012	14,768		14,768

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Solid waste stabilization and disposition	137,000		137,000
Radioactive liquid tank waste stabilization and disposition	95,800		95,800
Construction:			
06–D–401, Sodium bearing waste treatment project, Idaho	83,700		83,700
Soil and water remediation—2012	71,000		71,000
Idaho community and regulatory support	3,900		3,900
Total, Idaho National Laboratory	**406,168**		**406,168**
NNSA sites			
Lawrence Livermore National Laboratory	910		910
NNSA Service Center/SPRU	17,938		17,938
Nevada	65,674		65,674
California site support	238		238
Sandia National Laboratories	2,864		2,864
Los Alamos National Laboratory	189,000		189,000
Total, NNSA sites and Nevada off-sites	**276,624**		**276,624**
Oak Ridge Reservation:			
Building 3019	38,900		38,900
Nuclear facility D & D ORNL	38,900		38,900
Nuclear facility D & D Y–12	34,000		34,000
Nuclear facility D & D E. Tennessee technology park	100		100
OR reservation community and regulatory support	6,253		6,253
Solid waste stabilization and disposition—2012	35,615		35,615
Total, Oak Ridge Reservation	**153,768**		**153,768**
Office of River Protection:			
Waste treatment and immobilization plant			
Construction:			
01–D–416 Waste treatment and immobilization plant			
01–D–16A Low activity waste facility	100,000		100,000
01–D–16B Analytical laboratory	55,000		55,000
01–D–16C Balance of facilities	50,000		50,000
01–D–16D High level waste facility	160,000		160,000
01–D–16E Pretreatment facility	325,000		325,000
Total, Waste treatment and immobilization plant	**690,000**		**690,000**
Tank farm activities			
Rad liquid tank waste stabilization and disposition	408,000		408,000
Total, Office of River protection	**1,098,000**		**1,098,000**
Savannah River Site:			
Nuclear material stabilization and disposition			
Nuclear material stabilization and disposition	385,310		385,310
Construction:			
08–D–414 Project engineering and design Plutonium Vitrification Facility, VL	6,315		6,315
Total, Nuclear material stabilization and disposition	**391,625**		**391,625**
2035 accelerated completions			
SR community and regulatory support	18,300		18,300
Spent nuclear fuel stabilization and disposition	38,768		38,768
Total, 2035 accelerated completions	**57,068**		**57,068**
Tank farm activities			
Radioactive liquid tank waste stabilization and disposition	527,138		527,138
Construction:			
05–D–405, Salt waste processing facility, Savannah River Site, SC	234,118		234,118
Total, Tank farm activities	**761,256**		**761,256**
Total, Savannah River Site	**1,209,949**		**1,209,949**
Waste Isolation Pilot Plant			
Waste isolation pilot plant	144,902		144,902
Central characterization project	13,730		13,730
Transportation	33,851		33,851

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Community and regulatory support	27,854		27,854
Total, Waste Isolation Pilot Plant	**220,337**		**220,337**
Program direction	355,000		355,000
Program support	34,000		34,000
Safeguards and Security:			
Waste Isolation Pilot Project	4,644		4,644
Oak Ridge Reservation	32,400		32,400
West Valley	1,859		1,859
Paducah	8,190		8,190
Portsmouth	17,509		17,509
Richland/Hanford Site	82,771		82,771
Savannah River Site	132,064		132,064
Total, Safeguards and Security	**279,437**		**279,437**
Technology development	55,000		55,000
Uranium enrichment D&D fund contribution	463,000		463,000
General reduction		–100,000	–100,000
Subtotal, Defense environmental cleanup	**5,495,831**	**–100,000**	**5,395,831**
Total, Defense Environmental Cleanup	**5,495,831**	**–100,000**	**5,395,831**
Other Defense Activities			
Health, safety and security			
Health, safety and security	337,757		337,757
Program direction	112,125		112,125
Total, Health, safety and security	**449,882**		**449,882**
Office of Legacy Management			
Legacy management	177,618		177,618
Program direction	12,184		12,184
Total, Office of Legacy Management	**189,802**		**189,802**
Nuclear energy			
Infrastructure			
Idaho facilities management			
INL infrastructure operation and maintenance	83,358		83,358
Total, Infrastructure	**83,358**		**83,358**
Total, Nuclear energy	**83,358**		**83,358**
Defense related administrative support	122,982		122,982
Office of hearings and appeals	6,444		6,444
Total, Other Defense Activities	**852,468**		**852,468**
Defense Nuclear Waste Disposal			
Defense nuclear waste disposal	98,400		98,400
Total, Department of Energy	**16,397,914**		**16,397,914**

DIVISION E—MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

SEC. 4701. SHORT TITLE.

This division may be cited as the ''Matthew Shepard Hate Crimes Prevention Act''.

SEC. 4702. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. 4703. DEFINITION OF HATE CRIME.

In this division—

(1) the term ''crime of violence'' has the meaning given that term in section 16, title 18, United States Code;

(2) the term ''hate crime'' has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 4704. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2010, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010 and 2011.

SEC. 4705. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

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

SEC. 4706. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 4707 of this division.

SEC. 4707. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

title, or both, and shall be subject to the penalty of death in accordance with chapter 228 (if death results from the offense), if—

''(i) death results from the offense; or

''(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, and shall be subject to the penalty of death in accordance with chapter 228 (if death results from the offense), if—

''(I) death results from the offense; or

''(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a

firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, commits an offense described in paragraph (1) or (2) shall be subject to the same penalties as prescribed in those paragraphs.

''(b) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or his designee, that—

''(A) the State does not have jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

''(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

''(c) DEFINITIONS.—In this section—

''(1) the term ''bodily injury'' has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

''(2) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

''(3) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

''(4) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

SEC. 4708. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by, and crimes directed against, juveniles'' after ''data acquired under this section''.

SEC. 4709. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 4710. RULE OF CONSTRUCTION.

For purposes of construing this division and the amendments made by this division the following shall apply:

(1) RELEVANT EVIDENCE.—Courts may consider relevant evidence of speech, beliefs, or expressive conduct to the extent that such evidence is offered to prove an element of a charged offense or is otherwise admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

(2) VIOLENT ACTS.—This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of a victim.

SEC. 4711. CONSTRUCTION AND APPLICATION.

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes on any rights under the first amendment to the Constitution of the United States, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

(3) FREE EXPRESSION.—Nothing in this division shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

(4) FIRST AMENDMENT.—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(5) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

SEC. 4712. LIMITATION ON PROSECUTIONS.

(a) IN GENERAL.—All prosecutions under section 249 of title 18, United States Code, as added by this Act, shall be undertaken pursuant to guideline, issued by the Attorney General—

(1) to guide the exercise of the discretion of Federal prosecutors and the Attorney General in their decisions whether to seek death sentences under such section when the crime results in a loss of life; and

(2) that identify with particularity the the type facts of such cases that will support the classification of individual cases in term of their culpability and death eligibility as low, medium, and high.

(b) REQUIREMENTS FOR DEATH PENALTY.—If the Government seeks a death sentence in crime under section 249 of title 18, United States Code, as added by this Act, that results in a loss of life—

(1) the Attorney General shall certify with particularity in the information or indictment how the facts of the case support the Government's judgment that the case is properly classified among the cases involving a hate crime that resulted in a victim's death;

(2) the Attorney General shall document in a filing to the court—

(A) the facts of the crime (including date of offense and arrest and location of the offense), charges, convictions, and sentences of all state and Federal hate crimes (committed before or after the effective date of this legislation) that resulted in a loss of life and were known to the Assistant United States Attorney or the Attorney General; and

(B) the actual or perceived race, color, national origin, ethnicity, religion, gender, sexual orientation, gender identity, or disability of the defendant and all victims; and

(3)(A) the court, either at the close of the guilt trial or at the close of the penalty trial, shall conduct a proportionality review in which it shall examine whether the prosecutorial death seeking and death sentencing rates in comparable cases in Federal prosecutions are both greater than 50 percent; and

(B) if the United States fails to satisfy the test under subparagraph (A), by a preponderance of the evidence, the court shall dismiss the Government's action seeking a death sentence in the case.

SEC. 4713. GUIDELINES FOR HATE-CRIMES OFFENSES.

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

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

SEC. 4714. ATTACKS ON UNITED STATES SERVICEMEN.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

''§ 1389. Prohibition on attacks on United States servicemen on account of service

''(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

''(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than $500, be fined under this title in an amount not less than $500 nor more than $10,000 and imprisoned not more than 2 years;

''(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than $500, be fined under this title in an amount not less than $1000 nor more than $100,000 and imprisoned not more than 5 years; and

''(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than $2500 and imprisoned not less than 6 months nor more than 10 years.

''(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

''(c) DEFINITIONS.—In this section—

''(1) the term 'Armed Forces' has the meaning given that term in section 1388;

''(2) the term 'immediate family member' has the meaning given that term in section 115; and

''(3) the term 'United States serviceman'—

''(A) means a member of the Armed Forces; and

''(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

''1389. Prohibition on attacks on United States servicemen on account of service.''.

DIVISION F—SBIR/STTR REAUTHORIZATION

SEC. 5001. SHORT TITLE.

This division may be cited as the ''SBIR/STTR Reauthorization Act of 2009''.

SEC. 5002. DEFINITIONS.

In this division—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 5101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2017''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2017''.

SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

''(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

''(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

''(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.

SEC. 5103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''Each'' and inserting ''Except as provided in paragraph (2)(C), each'';

(B) in subparagraph (B), by striking ''and'' at the end; and

(C) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;

''(D) not less than 2.6 percent of such budget in fiscal year 2011;

''(E) not less than 2.7 percent of such budget in fiscal year 2012;

''(F) not less than 2.8 percent of such budget in fiscal year 2013;

''(G) not less than 2.9 percent of such budget in fiscal year 2014;

''(H) not less than 3.0 percent of such budget in fiscal year 2015;

''(I) not less than 3.1 percent of such budget in fiscal year 2016;

''(J) not less than 3.2 percent of such budget in fiscal year 2017;

''(K) not less than 3.3 percent of such budget in fiscal year 2018;

''(L) not less than 3.4 percent of such budget in fiscal year 2019; and

''(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter,''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

''(i) may not be used for new Phase I or Phase II awards; and

''(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.''.

SEC. 5104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2010;''; and

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2011 and 2012;

''(iv) 0.5 percent for fiscal years 2013 and 2014; and

''(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.''.

SEC. 5105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking ''5 years'' and inserting ''3 years''; and

(B) by striking ''and programmatic considerations''; and

(2) in subsection (p)(2)(B)(ix) by striking ''greater or lesser amounts to be awarded at the discretion of the awarding agency,'' and inserting ''an adjustment for inflation of such amounts once every 3 years,''.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON CERTAIN AWARDS.—

''(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

''(2) MAINTAINANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

''(A) the amount of each award;

''(B) a justification for exceeding the award amount;

''(C) the identity and location of each award recipient; and

''(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

''(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.''.

SEC. 5106. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASES.—

''(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).''.

SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—

(1) in section 9—

(A) in subsection (e)—

(i) in paragraph (8), by striking ''and'' at the end;

(ii) in paragraph (9)—

(I) by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(10) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(11) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(12) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I'';

(2) in section 34—

(A) in subsection (c)(2)(B)(ii), by striking ''first phase and second phase SBIR awards'' and inserting ''Phase I and Phase II SBIR awards (as defined in section 9(e))''; and

(B) in subsection (e)(2)(A)—

(i) in clause (i), by striking ''first phase awards'' and all that follows and inserting ''Phase I awards (as defined in section 9(e));''; and

(ii) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(3) in section 35(c)(2)(B)(vii), by striking ''third phase'' and inserting ''Phase III''.

SEC. 5108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

''(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

''(1) AUTHORITY AND DETERMINATION.—

''(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

''(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

''(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

''(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

''(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

''(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) VENTURE CAPITAL COMPANY.—In this Act, the term 'venture capital company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion

of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

SEC. 5111. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 5201. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) OUTREACH.—

''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

''(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than $5,000,000; and

''(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

''(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than $5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

''(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

''(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

''(B) shall not exceed $100,000.

''(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

''(A) the establishment of quantifiable performance goals, including goals relating to—

''(i) the number of program awards under this section made to small business concerns in the State; and

''(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

''(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

''(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.''.

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking ''2001 through 2005'' each place it appears and inserting ''2010 through 2014''; and

(2) in subsection (i), by striking ''2005'' and inserting ''2014''.

(c) MATCHING REQUIREMENTS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''50 cents'' and inserting ''35 cents''; and

(B) in clause (iii), by striking ''75 cents'' and inserting ''50 cents'';

(2) in subparagraph (B), by striking ''50 cents'' and inserting ''35 cents'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

''(C) RURAL AREAS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

''(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

''(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term 'rural area' has the meaning given that term in section 1393(a)(2)) of the Internal Revenue Code of 1986.''.

SEC. 5202. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as ''STEM college students''), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term ''eligible entity'' means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR–STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2011;

(2) $1,000,000 for fiscal year 2012;

(3) $1,000,000 for fiscal year 2013;

(4) $1,000,000 for fiscal year 2014; and

(5) $1,000,000 for fiscal year 2015.

SEC. 5203. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking ''$4,000'' and inserting ''$5,000'';

(2) in subparagraph (B)—

(A) by striking '', with funds available from their SBIR awards,''; and

(B) by striking ''$4,000 per year'' and inserting ''$5,000 per year, which shall be in addition to the amount of the recipient's award''; and

(3) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 5204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)), as amended by section 834 of this Act, is amended—

(1) in paragraph (1), by adding at the end the following: ''The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.''.

SEC. 5205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

''(ee) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

''(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

''(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(8) DEFINITIONS.—In this section—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means the program established under paragraph (1).''.

SEC. 5206. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

''(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.''.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 5207. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH;

''(ii) the Director of the SBIR program of the NIH;

''(iii) senior NIH agency managers, selected by the Director of NIH;

''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify products and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).

''(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.''.

TITLE LIII—OVERSIGHT AND EVALUATION

SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section __102 of this division, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

''(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.

SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State described in subsection (u)(3); and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''; and

(4) in paragraph (10), as so redesignated, by adding ''and'' at the end.

SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;'';

(2) in paragraph (14), by adding ''and'' at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 5304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).''.

SEC. 5305. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

''(C) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;''; and

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by adding at the end, the following:

''(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

''(v) the number of employees of the applicant;''.

SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

''(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

''(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award; and

''(3) the dollar amount of the Phase III award.''.

SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

TITLE LIV—POLICY DIRECTIVES

SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this division and the amendments made by this division.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SEC. 5402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.''.

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 5403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ii) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs.

''(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

''(A) the SBIR program and the STTR program of the Federal agency; and

''(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

''(3) REPORT.—

''(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

''(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

''(C) DEFINITION.—In this paragraph, the term 'appropriate committees of Congress' means—

''(i) the Committee on Small Business and Entrepreneurship of the Senate; and

''(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.''.

SEC. 5404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.

DIVISION G—MARITIME ADMINISTRATION AUTHORIZATION

TITLE LX—MARITIME ADMINISTRATION

SEC. 6001. SHORT TITLE.

This title may be cited as the ``Maritime Administration Authorization Act of 2010''.

SEC. 6002. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the headline for subsection (h) and inserting the following:

''(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—''.

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

''(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—''.

(3) by striking ''make contracts'' in subsection (h)(1) and inserting ''make contracts and cooperative agreements''

(4) by striking ''section and'' in subsection (h)(1)(A) and inserting ''section,'';

(5) by striking ''title 46;'' in subsection (h)(1)(A) and insert ''title 46, and all other Maritime Administration programs;''; and

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

''(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent..''.

SEC. 6003. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

''(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.''.

SEC. 6004. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE MERCHANT MARINE ACADEMY.

The Maritime Administration may use appropriated funds to make a lump-sum payment at a rate of pay that existed on the date of termination or day before conversion to the Civil Service for any unused annual leave accrued by a non-appropriated fund instrumentality employee who was terminated if determined ineligible for conversion, or converted to the Civil Service as a United States Merchant Marine Academy employee during fiscal year 2009.

SEC. 6005. PERMANENT AUTHORITY TO HIRE ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

''§51317. Adjunct professors

''(a) IN GENERAL.—The Maritime Administrator may, subject to the availability of appropriations, contract with individuals as personal services contractors to provide services as adjunct professors at the United States Merchant Marine Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.''.

(b) CONTRACT REQUIREMENTS.—Each contract under this section—

''(1) shall be approved by the Maritime Administrator; and

''(1) shall be for a duration, including options, of not to exceed one year unless the Maritime Administration finds that exceptional circumstances justify an extension, which may not exceed one additional year.

''(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

''(d) EXISTING CONTRACTS.—Any contract entered into before the date of enactment of the Maritime Administration Authorization Act of 2010 for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

''51317. Adjunct professors.''.

(2) Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC. 6006. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended—

(1) by striking ''1994.'' in subsection (b) and inserting ''1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and U.S. Coast Guard license fees.''; and

(2) by adding at the end thereof the following:

''(c) USE AND ACCOUNTING.—

''(1) USE.—Midshipman fees collected by the Academy shall be credited to the Maritime Administration's Operations and Training appropriations, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be returned to the midshipmen through a mechanism approved by the Maritime Administrator.

''(3) ACCOUNTING.—The Maritime Administration shall maintain a separate and detailed accounting of fee revenue and all associated expenses.''.

SEC. 6007. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 50101(a)(4) of title 46, United States Code, is amended by inserting ``constructed in the United States after ''vessels''.

SEC. 6008. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

''(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administration, shall establish a port infrastructure development program for the improvement of port facilities.

''(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any program established under paragraph (1), the Maritime Administrator may—

''(A) receive funds provided for the program from non-Federal and private entities that have a specific agreement or contract with the Maritime Administration to further the purposes of this subsection;

''(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to relieve port congestion, to increase port security, or to provide greater access to port facilities;

''(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

''(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

''(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

''(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out the port infrastructure development program. The Fund shall be available to the Administrator

''(i) to administer and carry out the program;

''(ii) to receive non-Federal and private funds from entities which have specific agreements or contracts with the Administrator; and

''(iii) to make refunds for projects that will not be completed.

''(B) CREDITS.—There shall be deposited into the Fund

''(i) funds from non-Federal and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended; and

''(ii) such amounts as may be appropriated or transferred to the Fund under this subsection.

''(C) TRANSFERS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the program shall be transferred to the Fund and administered by the Administrator.

''(D) ADMINISTRATIVE EXPENSES.—Administrative and related expenses for the program for any fiscal year may not exceed 3 percent of the amount available to the program for that fiscal year.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under subparagraph (A)(ii).''.

SEC. 6009. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 3 of Public Law 92–09402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

''(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107–09314 (16 U.S.C. 1220 note).''.

(b) LIMITATION.—Section 7 of Public Law 92–09402 (16 U.S.C. 1220c–091) is amended by adding at the end thereof the following:

''(d) LIMITATION.—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.''.

SEC. 6010. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended by striking ''paid before the start of each academic year,'' and inserting ''paid,''

SEC. 6011. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NON-APPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after ''body.'' the following: ''Non-appropriated funds received for this purpose shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of non-appropriated fund receipts and all associated expenses.''.

SEC. 6012. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

(a) IN GENERAL.—Chapter 556 of title 46, United States Code, is amended by redesignating sections 55602 through 55605 as sections 55603 through 55606 and by inserting after section 55601 the following:

''§ 55602. Short sea transportation grant program''.

''(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a short sea transportation grant program.

''(b) PURPOSE.—The purposes of the program are to make grants to States and other public entities and sponsors of short sea transportation projects designated by the Secretary—

''(1) to facilitate and support marine transportation initiatives at the State and local levels to facilitate commerce, mitigate landside congestion, reduce the transportation energy consumption, reduce harmful emissions, improve safety, assist in environmental mitigation efforts, and improve transportation system resiliency; and

''(2) to provide capital funding to address short sea transportation infrastructure and freight transportation needs for ports, vessels, and intermodal cargo facilities.

''(c) ELIGIBLE PROJECTS.—To be eligible for a grant under the program, a project—

''(1) shall be designed to help relieve congestion, improve transportation safety, facilitate domestic and international trade, or encourage public-private partnerships; and

''(2) may include development, modification, and construction of marine and intermodal cargo facilities, vessels, port infrastructure and cargo handling equipment, and transfer facilities at ports.

''(d) SELECTION PROCESS.—

''(1) APPLICATIONS.—A State or other public entity, or the sponsor of any short sea transportation project designated by the Secretary under the America's Marine Highway Program (MARAD Docket No. 2008–090096; 73 FR 59530), may submit an application to Secretary for a grant under the short sea transportation grant program. The application shall contain such information and assurances as the Secretary may require.

''(2) PRIORITY.—In selecting projects for grants, the Secretary shall give priority to projects that are consistent with the objectives of the short sea transportation initiative and America's Marine Highway Program that will—

''(A) mitigate landside congestion;

''(B) provide the greatest public benefit in energy savings, reduced emissions, improved system resiliency, and improved safety;

''(C) include and demonstrate the greatest environmental responsibility; and

''(D) provide savings as an alternative to or means to avoid highway or rail transportation infrastructure construction and maintenance.

''(e) USE OF GRANT FUNDS.—Funds made available to a recipient of a grant under this section shall be used by the recipient for the project described in the application of the recipient approved by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 556 of title 46, United States Code, is amended—

(1) by redesignating the items relating to sections 55602 through 55605 as relating to section 55603 through 55606; and

(2) by inserting after the item relating to section 55601 the following:

''55602. Short sea transportation grant program.''.

SEC. 6013. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term ''marine transportation system'' means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term ''Marine View system'' means the information system of the Maritime Administration known as Marine View.

(b) FINDINGS.—Congress finds the following:

(1) Information regarding the marine transportation system is comprised of information from the Government of the United States and from commercial sources.

(2) Marine transportation system information includes information regarding waterways, bridges, locks, dams, and all intermodal components that are dependent on maritime transportation and accurate information regarding marine transportation is critical to the health of the United States economy.

(3) Numerous challenges face the marine transportation system, including projected growth in cargo volumes, international competition, complexity, cooperation, and the need for improved efficiency.

(4) There are deficiencies in the current information environment of the marine transportation system, including the inability to model the entire marine transportation system to address capacity planning, disaster planning, and disaster recovery.

(5) The current information environment of the marine transportation system contains multiple unique systems that are duplicative, not integrated, not able to be shared, not secure, or that have little structured privacy protections, not protected from loss or destruction, and will not be available when needed.

(6) There is a lack of system-wide information views in the marine transportation system.

(7) The Administrator of the Maritime Administration is uniquely positioned to develop and execute the role of marine transportation system information advocate, to serve as the focal point for marine transportation system information management, and to provide a robust information infrastructure to identify, collect, secure, protect, store, and deliver critical information regarding the marine transportation system.

(c) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(d) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

(e) AGREEMENTS AND CONTRACTS.—The Administrator of the Maritime Administration may enter into cooperative agreements, partnerships, contracts, or other agreements with industry or other Federal agencies to carry out this section.

SEC. 6014. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2010 the following amounts:

(1) For expenses necessary for operations and training activities, $122,900,000, of which—

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note).

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–09402, $15,000,000.

(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, $48,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $4,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

NATIONAL DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 228, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 228) designating the week beginning September 14, 2009, as ''National Direct Support Professionals Recognition Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 228) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 228

Whereas direct support workers, direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals (referred to in this preamble as ''direct support professionals'') are the primary providers of publicly funded long term support and services for millions of individuals;

Whereas a direct support professional must build a close, trusted relationship with an individual with disabilities;

Whereas a direct support professional assists an individual with disabilities with the most intimate needs, on a daily basis;

Whereas direct support professionals provide a broad range of support, including—

(1) preparation of meals;

(2) helping with medications;

(3) bathing;

(4) dressing;

(5) mobility;

(6) getting to school, work, religious, and recreational activities; and

(7) general daily affairs;

Whereas a direct support professional provides essential support to help keep an individual with disabilities connected to the family and community of the individual;

Whereas direct support professionals enable individuals with disabilities to live meaningful, productive lives;

Whereas direct support professionals are the key to allowing an individual with disabilities to live successfully in the community of the individual, and to avoid more costly institutional care;

Whereas the majority of direct support professionals are female, and many are the sole breadwinners of their families;

Whereas direct support professionals work and pay taxes, but many remain impoverished and are eligible for the same Federal and State public assistance programs on which the individuals with disabilities served by the direct support professionals must depend;

Whereas Federal and State policies, as well as the Supreme Court, in Olmstead v. L.C., 527 U.S. 581 (1999), assert the right of an individual to live in the home and community of the individual;

Whereas, in 2008, the majority of direct support professionals are employed in home and community-based settings and this trend is projected to increase over the next decade;

Whereas there is a documented critical and growing shortage of direct support professionals in every community throughout the United States; and

Whereas many direct support professionals are forced to leave jobs due to inadequate wages and benefits, creating high turnover and vacancy rates that research demonstrates adversely affects the quality of support to individuals with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 14, 2009, as ''National Direct Support Professionals Recognition Week'';

(2) recognizes the dedication and vital role of direct support professionals in enhancing the lives of individuals with disabilities of all ages;

(3) appreciates the contribution of direct support professionals in supporting the needs that reach beyond the capacities of millions of families in the United States;

(4) commends direct support professionals as integral in supporting the long-term support and services system of the United States; and

(5) finds that the successful implementation of the public policies of the United States depends on the dedication of direct support professionals.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 229.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 229) designating the week beginning August 30, 2009, as ''National Historically Black Colleges and Universities Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, before asking unanimous consent that the resolution be agreed to, I wish to speak in support of S. Res. 229.

Wilberforce University, in Ohio, is one of the great historically Black colleges and universities in this country and provides terrific service and terrific education for people in my State.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 229

Whereas there are 103 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are

deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning August 30, 2009, as ''National Historically Black Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

DESIGNATING RICHARD A. BAKER AS HISTORIAN EMERITUS OF THE UNITED STATES SENATE

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 230, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 230) designating Richard A. Baker as Historian Emeritus of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I risk again doing what I just did in messing a little with regular order. I just want to thank Dr. Baker for his terrific service. As the Senate Historian, no one knows this place better than he does, and no one understands better the lessons history has taught us in order to serve better today and tomorrow in this institution.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 230) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 230

Whereas, Richard A. Baker will retire from the United States Senate after serving with distinction as the Senate's first historian from 1975 to 2009, and as acting curator from 1969 to 1970;

Whereas, Richard A. Baker has dedicated his Senate service to preserving, protecting, and promoting the history of the Senate and its members;

Whereas, Richard A. Baker has produced or directed production of numerous books, articles, and pamphlets detailing the rich institutional history of the Senate;

Whereas, Richard A. Baker has worked with senators and Senate committees to archive their records and to make them available for scholarly research in a timely manner;

Whereas, Richard A. Baker has assisted in the Senate's commemoration of events of historical significance and in the development of exhibitions and educational programs on the history of the Senate and the U.S. Capitol;

Whereas, Richard A. Baker has upheld the high standards and traditions of the Senate with abiding devotion, and has performed his Senate duties in an impartial and professional manner;

Whereas, Richard A. Baker has earned the respect, affection, and esteem of the United States Senate: Now, therefore, be it

Resolved, That, effective September 1, 2009, as a token of the appreciation of the Senate for his long and faithful service, Richard A. Baker is hereby designated as Historian Emeritus of the United States Senate.

STAR PRINT—S. 370

Mr. BROWN. Mr. President, I ask unanimous consent that S. 370 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 30, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, July 30; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; further; I ask that the Senate recess from 2 p.m. until 3 p.m. to allow for the Members-only briefing with Secretary of State Clinton and Secretary of Defense Gates.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, tonight, we were able to lock in an agreement to consider the highway trust fund legislation.

Tomorrow, Senators should expect rollcall votes in relation to amendments to the bill throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:57 p.m., adjourned until Thursday, July 30, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

ROBERT D. HORMATS, OF NEW YORK, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE REUBEN JEFFERY III.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JAMES N. MATTIS

EXTENSIONS OF REMARKS

COMMEMORATING THE 375TH ANNIVERSARY OF IPSWICH, MASSACHUSETTS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. TIERNEY. Madam Speaker, I rise today to commemorate the 375th Anniversary of the founding of Ipswich, Massachusetts and to congratulate the residents of Ipswich, Massachusetts as they plan to gather to celebrate this momentous occasion in their historical town.

In 1633, English colonists from the Massachusetts Bay Colony decided to forge an outpost to the north at ''Agawam.'' These early settlers were led by John Winthrop, Jr., the son of Governor John Winthrop, and were charged with the responsibility of protecting the colony from threats to its destruction and opening up trade opportunities. Their success, in so doing, ensured the future of the nation. The new settlement was so successful as a military outpost and future center of law and culture that, on August 4, 1634, the General Court of the Massachusetts Bay Colony voted to name it ''Ipswich'' after Ipswich, England.

In 1638, the Reverend Nathaniel Ward of Ipswich was commissioned by colonial leaders to draft the Body of Liberties, which was adopted by the General Court of the Massachusetts Bay Colony and published in 1641 as the first code of laws drafted in New England, and which was the colony's and—some would claim—the nation's first Bill of Rights.

In 1687, Ipswich citizens refused to pay new taxes instituted by Governor Edmund Andros and, in so doing, committed acts resisting taxation without representation now known as the ''Andros Rebellion'' that predated by roughly eighty years the episodes of the next century that led to the American Revolution.

Ipswich is home to America's oldest continuously working farm, Appleton Farms (1635); the Chebacco Parish of Ipswich (now Essex, Massachusetts) was one of the shipbuilding capitals of New England, thus securing the lucrative fishing industry of Massachusetts, its economic future and early maritime contributions to the nation and Ipswich's literary heritage includes the seventeenth-century resident Anne Bradstreet, America's first published poet.

Ipswich's eighteenth-century lace industry, acknowledged with appreciation by President George Washington during his 1789 visit to Ipswich, is considered the first women's industry in America, and Ipswich's nineteenth-century mills produced more stockings than any other place in America and transformed the town culturally by attracting new residents from all over Europe.

To honor Ipswich's proud heritage, Town officials and Ipswich residents have registered historic structures on the National Register, mounted plaques to mark historic sites and preserved thousands of acres of open space and the centrally-important Ipswich River. They have a deep appreciation for the town's architectural and historical significance in our nation's history and are committed to historical preservation so others can share the traditions of our nation's past. As a result, Ipswich currently contains more houses (fifty-nine at last count) built during the ''first period'' of American architecture (1625–1725) than any other town in America. Some town folks suggest that this makes Ipswich, ''America's Colonial home town.''

Today, Ipswich Clams are known throughout America with good reason, and Ipswich thrives as a diverse community of cultures and professions that lives comfortably with its history and welcomes visitors from around the world.

As they have been throughout 2009, the residents of Ipswich will continue celebrating the Town's 375th Anniversary while simultaneously honoring its 11,000-year Native American heritage (as documented by the Paleo-Indian site called Bull Brook).

As their representative in the United States House of Representatives, I salute the residents of Ipswich and Town leaders for their welcoming nature, their sense of community and their warm hospitality in opening their arms and doors to visitors from around this country and around the world.

As Ipswich celebrates its 375th Anniversary, I encourage my colleagues and their constituents to travel to the 6th Congressional District of Massachusetts to discover and celebrate the storied history of Ipswich, Massachusetts one of the founding cornerstones of the Commonwealth of Massachusetts and the United States of America. I assure you that you will enjoy Ipswich and its people and its natural, cultural and historic treasures.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding projects that are listed in H.R. 3326, Department of Defense Appropriations Act, FY2010:

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: DPA, Title: Navy Production Capacity Improvement Project, Legal Name of Requesting Entity: Lehigh Heavy Forge Corporation, Address of Requesting Entity: 275 Emery Street, Bethlehem, PA 18015, Description of Request: The Navy Production Capacity Improvement Project will expand, modernize, and maintain the production capabilities of Lehigh Heavy Forge, which is needed to support production of Navy Ship shafts and Navy Nuclear Reactor components. Lehigh Heavy Forge is the only domestic facility with the capability to produce the large, complex forgings required for the nuclear power plants and propulsion shafts of the U.S. Navy Submarine and Aircraft Carrier Programs. Specifically, this project will provide for the engineering and installation of an automated Ultrasonic test system to increase production capability and improve the inspection process; the installation of a new computer programming and drafting system to replace an old and unreliable system; the engineering and rebuilding of three heating furnaces in the Forge and Treatment Department; and the engineering and upgrading of facilities for shipping and inspection operations.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: O&M, Army, Title: Army Force Generation Synchronization Tool, Legal Name of Requesting Entity: ProModel Corporation, Address of Requesting Entity: 7540 Windsor Drive, Suite 300, Allentown, PA 18195, Description of Request: In 2006 ProModel was tasked by FORSCOM to provide a technology solution based on its COTS software platform. The solution enables the Army to capture the Army Force Generation Model (ARFORGEN) process in software, providing decision makers the ability to rapidly create Courses of Action and predict the impact of their decisions on key metrics such as Dwell and Boots on Ground. The ability through automation to run ''what if's'' to assess risk on readiness is recognized as a key priority for the Army and Joint Forces. The project will accelerate the deployment and enhance the current capabilities of the ProModel ARFORGEN Synchronization Tool (AST). The AST has provided a unique capability to quickly visualize the impact of today's sourcing decisions on the Army's capability to sustain operations in the future and to synchronize associated resources and training.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Army, Title: Ballistic Armor Research, Legal Name of Requesting Entity: Air Products and Chemicals, Inc., Address of Requesting Entity: 7201 Hamilton Boulevard, Allentown, PA 18195, Description of Request: This project partners industry with a strategic university to conduct research under the leadership of the U.S. Army Research Lab (ARL) in Aberdeen, MD to develop polymers and materials that will provide the basis for the next generation of armor to protect personnel, equipment, and critical infrastructure. While current approaches in vehicle armor technology continue to use all-metal construction or in some cases ceramic-steel and polymer-ceramic-steel designs, polymer-based armor, based on multilayer composite technology comprising ceramics, metals, and polymers, will allow for better protection, at a lighter weight and lower cost. This research will provide a fundamental understanding of how materials undergo physical and chemical changes during the blast/impact which will lead to polymer-based armor solutions for programs like MCWL Lightweight Body Armor. The body armor advances can be replicated in next-generation vehicle armor systems for new programs such as Joint Light Tactical Vehicles

and the MRAP–ATV armored vehicle program needed for use in Afghanistan.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Army, Title: Chronic Tinnitus Treatment Program, Legal Name of Requesting Entity: Neuromonics, Inc., Address of Requesting Entity: 2810 Emrick Boulevard, Bethlehem, PA 18020, Description of Request: The Army reports that tinnitus is among the top medical complaints of soldiers returning from OIF/OEF and often occurs with Traumatic Brain Injury/mild Traumatic Brain Injury (TBI/mTBI). Until recently, no effective treatment program has existed to help individuals suffering with the effects of tinnitus. The Chronic Tinnitus Treatment Program is designed to interact, interrupt, and desensitize tinnitus disturbance for long-term benefit, especially in those suffering with chronic and severe tinnitus. The treatment program shows promise by reducing symptoms quickly, in particular, providing relief from the disturbing effects of the condition; treating the neurological causes associated with tinnitus; providing long term relief and improvements in quality of life; and being convenient and noninvasive. This funding will expand a clinical trial to study the effectiveness of the program with specific subgroups of service-members (PTSD and/or TBI) and veterans with chronic and severe tinnitus.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Army, Title: Networked Reliability and Safety Early Evaluation System, Legal Name of Requesting Entity: Bosch Rexroth Corporation, Address of Requesting Entity: 2315 City Line Road, Bethlehem, PA 18017, Description of Request: Changing requirements for combat and tactical vehicles are accelerating the urgent need to quickly assess and identify new technology for reliability, durability, and safety shortcomings in combat environments. The Networked Reliability and Safety Early Evaluation System (NRSEES) will include a Dynamic High Frequency Component Reliability System and a High Payload Reliability System (HPRS). Specifically, funding for this project is to design, build, test, train and install the HPRS. This system will be a large simulator capable of accurately assessing vehicle system structural reliability for platforms up to 35 tons, which will include current MRAPs, MATV, JLTV, FCS and all legacy Tactical Wheeled Vehicles, Trailers and Light Armored Vehicles.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Army, Title: Silent Watch, IB NPS 1160 Lithium-Ion Advanced Battery, Legal Name of Requesting Entity: International Battery, Inc., Address of Requesting Entity: 6845 Snowdrift Road, Allentown, PA 18106, Description of Request: The project will demonstrate the improved performance capability of the Lithium-Ion battery, which will provide increased power and energy density, and life cycle sustainability over the previous (IB model IB–1100) battery type. Through this program, it is anticipated that the operational support cost drivers will be reduced. This battery will consist of a Silent Watch, 28V (seven series connected 160Ah Lithium Iron Phosphate cells), third generation IB BMS, and a self-contained Thermal Management System. Importantly, the battery provides no hazardous material such as lead or acid, which eliminates major disposal charges.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Navy, Title: Landing Craft Composite Lift Fan, Legal Name of Requesting Entity: Curtiss Wright Engineered Pump Division (EPD), Address of Requesting Entity: 222 Cameron Drive, Phillipsburg, NJ 08865, Description of Request: The presence of salt water, extreme temperatures, and the abrasive effects of airborne sand reduce the effective life of LCAC Amphibious Assault Vessels' metal fans. The U.S. Navy spends approximately $1.4 million a year repairing and replacing the lift fan blades on the LCAC Landing Craft. This project will complete the development of composite material lift fans for Navy landing craft, enabling the replacement of metallic blades which require high maintenance and frequent replacement, resulting in higher life cycle costs and decreased operational reliability. Funding will support the installation and testing of a composite lift fan prototype on a Navy landing craft and any final design modifications that are required. This project will provide a domestic manufacturer of a composite lift fan that will reduce maintenance and life cycle costs, and increase operational reliability for the current and next generation landing craft fleet.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Air Force, Title: Hybrid Nanoparticle-based Coolant Technology Development and Manufacturing, Legal Name of Requesting Entity: Dynalene, Inc., Address of Requesting Entity: 5250 West Coplay Road, Whitehall, PA 18052, Description of Request: DOD is actively supporting thermal management activities to ensure that Directed Energy Weapons (DEWs) function properly when they are introduced into the military. The cooling system in these applications requires not only a highly efficient heat transfer device, but also a coolant that has significantly better thermo-physical properties than existing fluids. There is no coolant fluid currently available that possesses all of the desirable properties required for high heat flux applications such as DEWs. Dynalene has developed an advanced coolant composition that addresses the shortcomings of existing coolants by combining a base composition (which can be a mixture of water and an antifreeze compound) with specially designed hybrid nanoparticles. This project will complete the optimization of the coolant and demonstrate its applicability in a real DEW system. Funding will be used to fabricate a reactor and separator, develop a quality control system for the hybrid nanoparticles and the coolant, establish scale-up criteria to go to the next level of manufacturing, and generate samples for testing in DEW systems as well as various civilian applications.

Bill Number: H.R. 3326, Department of Defense Appropriations Act, FY2010, Account: RDT&E, Defense-Wide, Title: High Speed Optical Interconnects for Next Generation Supercomputing, Legal Name of Requesting Entity: Lightwire, Inc., Address of Requesting Entity: 7540 Windsor Drive, Suite 412, Allentown, PA 18195, Description of Request: The Army and other services have two overarching future needs in the area of computing devices—they need to be faster and more capable, but at the same time smaller (and use less energy). These needs run the entire spectrum from the largest defense computing assets (supercomputers) to the very smallest (PDAs that can be "worn" by a soldier). The requirements for high performance computer simulations by classified Defense projects are massive. Supercomputers can model ballistics, armor performance under attack, radar signatures of new stealth technologies, and nuclear weapons performance, saving manpower and funding that would be required to truly test such phenomena. In order to target the next generation of supercomputers, Lightwire will engage in a joint research effort with DARPA to explore uses of its optical printed circuit board technology supporting both C4ISR antenna remoting and supercomputing needs. Funding will be used to accelerate the development of high speed optical interconnects needed to enable the next generation of DOD supercomputing needs.

MR. KARL MALDEN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to take this time to remember one of northwest Indiana's most cherished natives, Karl Malden. An extraordinary talent, his memorable on-screen characters and his remarkable ability to connect with his audience have delighted generations of moviegoers. As an actor, Karl Malden brought joy to people in ways that very few people can. Mr. Malden passed away on July 1, 2009, at the age of 97, but his legacy will forever remain in the hearts and spirits of his family and friends, as well as his many loyal fans.

Born Mladen George Sekulovich on March 22, 1912, in Chicago, Karl was raised in Gary, Indiana, a hardworking steel-producing community. The son of a Czech seamstress and a Serbian milkman and steelworker, Karl's early years were much like many of his generation who grew up in northwest Indiana at the time. As a high school student, he was a gifted athlete and student, excelling on both the basketball court and in the classroom. A leader among his peers, Karl was also the senior class president of the Gary Emerson High School class of 1931.

Following his graduation in 1931, Karl briefly considered continuing his athletic career at the collegiate level before returning to Gary, and like his father, began working in a local steel mill. His career in the mills would not last long though as his passion for theater and acting continued to grow. Early on, young Mladen often performed in Serbian plays produced by his father at his church. Undoubtedly, this had an immense impact on his decision to leave the steel mill and begin studying at Chicago's Goodman Theater. From there, Karl would eventually relocate to New York and begin performing on Broadway. Thus, the start of his illustrious career as an entertainer began.

For more than seven decades, Karl Malden brought memorable characters to the stage and screen. With more than fifty film credits and numerous plays and television projects on his résumé, not to mention one of the most recognizable commercial characters in history, Karl Malden proved that he is one of the most adored and versatile actors of not only his, but all, generations. From his lesser known roles to his unforgettable, Oscar-winning performance in A Streetcar Named Desire, Karl's determination and passion for his craft were,

without a doubt, an extension of the lessons he learned as a child growing up in Gary, and as a laborer in the steel mills. It is this same passion for his craft that has raised millions of dollars for programs aimed at preserving and researching the history of film.

From his high school years to his golden years, Mr. Malden was always held in high esteem by his peers, so it is no surprise that he served as president of the Academy of Motion Picture Arts and Sciences for several years, and in 2004 he was honored with the Screen Actors Guild's Lifetime Achievement Award.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in paying tribute to an American treasure, Mr. Karl Malden. A gifted actor whose characters often embodied the hard-working, blue-collar northwest Indiana community from which he emerged, Mr. Malden has been a source of pride for the people of Gary, Indiana, for decades, and I ask that you join me in remembering him today as one of northwest Indiana's most beloved sons.

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. ROSKAM. Madam Speaker, pursuant to Republican standards on disclosure for Member project requests, I am submitting the following information regarding projects I support for inclusion in H.R. 3326, the Departments of Defense Appropriations Act of 2010.

Congressman Peter J. Roskam: H.R. 3326 Department of Defense, Gas Technology Institute's Advanced Power Generation Unit for Military Applications. In partnership with the U.S. Army Research Laboratory, the Gas Technology Institute will use this $650,000 in funding to develop an advanced power generation unit for military applications. The unit developed as a result of this research project will have dual-use applications as military or commercial portable power or vehicle auxiliary power units (APU). The novel fuel cell power unit is highly efficient, clean, and very quiet. GTI will work with the U.S. Army Research Laboratory to develop and validate the performance, efficiency, and emissions of this new power generation unit and identify applications that address the needs of Army Technology Objectives ATO related to reduced energy consumption and increased carried energy density for power systems. This technology will also have commercial applications for commercial vehicle auxiliary power units (e.g., to address anti-idling laws) and back-up power systems for improved reliability. Vehicles that sit and idle for extended periods of time, such as long haul trucks and transit and school busses, currently use nearly 1.5 billion gallons of diesel fuel annually (during idling). In addition, the military has specialized needs for quiet power systems for field deployment for individual soldiers, vehicles, and other remote power requirements. This high-risk, high-impact technology offers the promise of substantially reducing the capital cost of fuel cell-based power systems by avoiding the use of expensive, foreign-sourced precious metals such as platinum that are common in current fuel cell power systems.

Congressman Peter J. Roskam: H.R. 3326 Department of Defense, Helmets to Hardhats Center for Military Recruitment, Assessment and Employment. The Helmets to Hardhats program will use this $3,000,000 in funding to provide infrastructure support to help members of the armed forces in transitioning from active duty into skilled employment in the construction industry. Most career opportunities utilizing the program are connected to federally-approved apprenticeship training programs. This training is usually provided by trade organizations at no or minimal cost to the servicemember. This program even provides the extensive training that is sometimes necessary for military personnel without prior experience in the building and construction trades. In fact, most of the servicemembers that are successfully placed start with virtually no experience in their chosen field. All participating trade organizations conduct three to five year "earn-while-you-learn" apprenticeship training programs that teach veterans everything necessary to become a construction industry professional with a specialization in a particular craft. Because these apprenticeship programs are regulated and approved at both the Federal and State levels, veterans can utilize their Montgomery GI bill benefits to supplement their income while learning a valuable skill. The program creates valuable links to ideal careers for guardsmen and reservists, and it helps to smooth the transition into a valuable and sustainable career that lessens the time that a veteran-in-transition will be dependent on other services. The Helmets to Hardhats program in Illinois is the most innovative in the nation, offering job placement assistance in dozens of fields. Through the leadership of the Illinois Teamsters, Helmets to Hardhats hosted the first-ever Chicago-area veterans' job fair in August 2007. Over 400 veterans were placed with job training, apprenticeships, and employment opportunities as a result. To date, more than 39,000 veterans have been placed with jobs nationally.

IN RECOGNITION OF RUTH RUNYAN ON HER 100TH BIRTHDAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor Miss Ruth Alberta Runyan upon the occasion of her 100th birthday. Miss Runyan has spent a lifetime serving others, and it is a privilege to recognize her today.

Miss Runyan was born on September 10, 1909 in Escambia County, Florida and has lived there ever since. She has resided at her current permanent address in the East Hill neighborhood for 85 years. As an eight year old child, she sold the newspaper "Grit" for five cents. She used the money to buy war bonds during World War I, and later used this savings to pay for her college education. In 1931, Ruth graduated from the Florida State College for Women, now known as Florida State University.

Ruth's life was spent serving others. She was a teacher in Escambia County for over forty years. She started her teaching career at the Eliza Jane Wilson School and spent fifteen years there and later also spent over fifteen years teaching elementary students at Oliver J. Semmes School in Pensacola.

Madam Speaker, Ruth Runyan is an admirable woman who has spent a lifetime reaching for her dreams and helping others achieve theirs. My wife Vicki and I wish her all the best for her future.

EARMARK DECLARATION

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. LAMBORN. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding member requests I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010:

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Navy, Line 27, PE 0603216N

Legal Name of the Requesting Entity: Global Near Space Services

Legal Address of the Requesting Entity: 8610 Explorer Dr, Ste 140, Colorado Springs, CO 80920

Description of the Request: Requesting $6 million funding for the Lighter-Than-Air Stratospheric UAV for Persistent Communications Relay and Surveillance. This project will develop a lighter-than-air, unmanned aerial vehicle (UAV) that will fly at 85,000 feet for three to four months, providing low cost, persistent surveillance, high bandwidth and over the horizon communications needed to effectively fight terrorism, achieve maritime domain awareness, protect critical infrastructures and secure national borders.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Air Force, Line 8, PE 0602201F

Legal Name of the Requesting Entity: Colorado Engineering, Inc

Legal Address of the Requesting Entity: 1310 United Heights, Suite 105, Colorado Springs, CO 80921

Description of the Request: Requesting $3 million funding for the Unmanned Sense, Track, and Avoid Radar (USTAR) for low rate initial production of an advanced radar system for the Global Hawk unmanned aerial vehicle platform to detect and track large and small targets. USTAR will allow the UAV to identify potential collision risks and increase maneuvering capability in controlled airspace and improve operability in adverse weather conditions.

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 2647

Account: RDTE Defense-wide, Line 89, PE 0603898C

Legal Name of the Requesting Entity: Not Applicable

Legal Address of the Requesting Entity: Not Applicable

Description of the Request: Requesting $500,000 funding for an Independent Advisory Group to review Ballistic Missile Defense (BMD) Education and Training Needs and recommend a BMD education and training solution to include a recommendation of roles and

responsibilities, organizational structure, and/or resources and facilities for integrated missile defense training.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010. The entity to receive funding is Impact Technologies, LLC, 2029 Cato Avenue, State College, PA 16801, in the amount of $3,000,000. Funding will be used for smart oil sensors.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3326

Account: RDT&E/DW

Recipient: EWA, Inc. 2413 Nashville Road, Suite 126, Bowling Green, KY 42101

Description of Request: Provide $5,000,000 to develop prototypes for the U.S. Special Operation Command to covertly identify and track individuals who threaten the national security of the U.S. Government.

RECOGNIZING GENERAL AVIATION

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 508. I'm a proud member of the General Aviation Caucus and have been a long time supporter of general aviation. My husband was a fighter pilot in Vietnam, and now we fly an RV–8 aircraft, which he built in our garage.

More than 75% of all flights in the United States are general aviation. America relies on general aviation for business, medical delivery services, sightseeing and for just plain fun and a love of flying.

General aviation contributes high-skill jobs in aircraft manufacturing, avionics and technology development, and flight training. This is a vital industry in America's economy. Currently there are 19,000 airports nationwide that provide jobs for 1.3 million Americans and bring in more than $100 billion dollars annually.

According to a 2006 report from the General Aviation Manufacturers Association, general aviation contributes more than $4.1 billion in value to the state of Michigan alone. And there are more than 200 general aviation airports in Michigan—these airports are a vital link to rural communities.

After the terrorist attacks of 9/11, the General Aviation community responded by partnering with the TSA to develop a nationwide Airport Watch Program that uses pilots as eyes and ears for observing and reporting suspicious activity.

The General Aviation Community has made impressive contributions to our nation's economy and security. So I am proud to support this resolution. I urge my colleagues to support this resolution.

THE ANNIVERSARY OF THE FALL OF ZEPA

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. CARNAHAN. Madam Speaker, I rise today to recognize the anniversary of the fall of Zepa during the war in Bosnia in 1995. Just a few weeks ago, I attended the Srebrenica genocide remembrance ceremony in Bosnia and Herzegovina to commemorate the thousands of innocent lives lost during the war. It is important to remember these innocent people who lost their lives as Bosnians move forward.

This siege on Srebrenica, however, was not an isolated event. On July 25, 1995, Zepa, another U.N.-declared safe haven, also fell to the same forces that took Srebrenica just weeks earlier. The thousands of inhabitants and refugees in Zepa were forced to suffer, and die through a constant downpour of shellfire.

In addition to the vast numbers who perished due to the barrage of fire and starvation, an unknown number were taken away never to be seen again, including the Colonel of the Bosnia and Herzegovina army, Avdo Palic, who negotiated the evacuation of approximately 5,000 civilians.

Today, a little more than 14 years after the fall of Zepa, I urge us all to remember not only the fall of Zepa, but also the destruction of the other towns of Srebrenica, Zepa, Sarajevo, Gorazde, Bihac, Tuzla, Prijedor, Bjeljina, Visegrad, Foca, and Kozarac, and many others, all of which experienced significant loss. We must remind ourselves of the innocent lives that were lost, and honor their memory.

Madam Speaker, while we cannot erase the pain of these losses, let us support the efforts of the families of the missing to learn the fate of their loved ones, and let us support the justice that is necessary for the building of a stable, prosperous, and unified Bosnia and Herzegovina.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Research, Development, Test, Evaluation, Army

Legal Name of Requesting Entity: Georgia Institute of Technology

Address of Requesting Entity: Institute of Bioengineering and Bioscience, 315 Ferst Drive, NW, Atlanta, Georgia 30332–0363

Description of Request: The $3,000,000 included in H.R. 3326 for the Center for Advanced Bioengineering and Solider Survivability (CABSS) will focus on research in advanced tissue and bone regeneration and wound care and treatment issues relevant to military trauma care. Fundamental research advances in these areas can lead to technologies and techniques for better immediate clinical combat care as well as address long term care issues involving limb loss, tissue and organ damage, facial and dental injuries, and reconstruction.

Specifically, the $3,000,000 in funding will be paid out at pre-negotiated rates in accordance with Department of Defense policy. Specifically, funds will be used to: establish a seed grant program to identify novel technologies for treatment of musculoskeletal defects following trauma, develop oriented nanofiber meshes for treatment of neurologic defects following injury to the extremities, develop biodegradable shape memory polymers for treatment of large bone defects, develop biodegradable shape memory polymers for craniofacial reconstruction, and test the effects of sustained delivery of osteoinductive proteins in tubular nanofiber mesh scaffolds on functional repair of large segmental bone defects.

Georgia Tech will continue to leverage this request to obtain funding from other sources. The Georgia Research Alliance has pledged additional money to the project for infrastructure and equipment, and past Congressional funding has been leveraged to successfully obtain funding from DoD's Orthopaedic Trauma Research Program and its Armed Forces Institute of Regenerative Medicine, as well as funding from the Musculoskeletal Transplant Foundation.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Research, Development, Test, Evaluation, Army

Legal Name of Requesting Entity: Printpack, Inc.

Address of Requesting Entity: 2800 Overlook Drive NE, Atlanta, GA 30345–2024

Description of Request: The $1,000,000 added to H.R. 3326 will be used to develop new and innovative packaging and processing technologies for the Warfighter's combat rations. These funds will result in the ability to provide greater variety and more nutritional rations with longer shelf-life and reduced production costs.

The objective of this effort is to develop advanced thermal processing techniques based on the utilization of non-foil materials for military ration packaging. The importance of developing non-foil packaging materials will

serve as a precursor to the next stage of the R&D effort to investigate new and enhanced thermal processing techniques—specifically, Enhanced High Pressure Processing (EHPP) and Microwave Sterilization (MW) technologies. The EHPP and MW processing technologies have numerous advantages over conventional thermal processing; however, these processes cannot be used on current foil packaging because they cause blistering and flex cracking of the foil packaging material. Therefore, to achieve the advantages of advanced EHPP and MW processing, it is essential to use state-of-the-art, non-foil packaging materials.

The development of advanced, non-foil packaging materials and utilization of innovative EHPP and MW processing techniques will result in the provision of rations with the following beneficial and enhanced qualities: greater variety, better taste, more nutrition, longer shelf-life, lower overall production costs, environmentally friendly, less volume and waste. The FY10 effort will consist of three stages and is budgeted as follows: Stage 1: Blistering ($0.14M), Stage 2: Flex Crack Resistance ($0.26M), Stage 3: EHPP & MW Trials ($0.6M).

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Research, Development, Test, Evaluation, Defense Wide

Legal Name of Requesting Entity: Scientific Research Corporation

Address of Requesting Entity: 2300 Windy Ridge Parkway, Suite 400, Atlanta, GA 30339

Description of Request: This program will utilize recently developed Wavelet Packet Modulation (WPM). The $1,000,000 included in H.R. 3326 will be used to implement design modifications for limited rate initial production, including form factor packaging changes for ruggedization and for integration with signal intelligence systems. Additionally, production readiness for integration with existing communications systems will occur. Finally, module testing will be subjected to continued assessment and utility testing on multiple platforms.

The enhanced modules will then undergo a final government Production Readiness Review, paving the way for subsequent deployment. Covert WPM Communications Modules as communications links for multiple platforms, including unmanned aerial systems, provide a critical solution to special operations warfighters that require the ability to communicate covertly without detection.

Funding is required for hardware and software engineering, integration, and testing (64%); specialized equipment (21%); specialized software (13%); and travel to U.S. Special Operations Command and to military test sites (2%). This request is consistent with the intended and authorized purpose of the U.S. Special Operations Command Special Operations Tactical Systems Development program.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Other Procurement, Army

Legal Name of Requesting Entity: Meggitt Training Systems

Address of Requesting Entity: 7340 McGinnis Ferry Road, Suwanee, GA 30024

Description of Request: The ARNG combined arms simulation training system began in 1996, and presently there are 266 fielded Combat Skills Marksmanship Trainers (CSMT) systems. All have been or are in the process of being upgraded. The ARNG has an immediate requirement to supply its soldiers with newer and more advanced training technology, since simulators are an integral part of the training requirement. Since the Army no longer supports the ARNG with training simulator systems, Congress has consistently provided funding for these systems upgrades. ARNG itself has contributed funds of its own—$4.5 million in FY07 and $1.2 million in FY08.

The ARNG's immediate need is to upgrade the remaining fleet of CSMT systems, and the plan includes acquiring approximately 1,200 new weapons. The $4,000,000 included in H.R. 3326 will continue the multiyear upgrade and modernization of existing firearms simulation systems in the Army National Guard necessary to meet the validated system standard.

The ARNG has defined modernization as paramount to resolving an immediate mandatory small-arms training need in support of the Guard's role in a global war on terrorism and homeland security. The Army's Program Executive Office for Simulation, Training & Instrumentation (PEO STRI) has validated the upgraded system as a U.S. Army standard for use by the ARNG.

The CSMT system includes U.S. Army-specific courseware and training scenarios that address new and complex tactical situations and provide soldiers with the ability to conduct weapons, judgmental, and military training in a tactical environment built on geo-specific terrain databases. The CSMT simulates tactical small unit defensive and offensive situations such as security operations, fire & maneuver, and hostage & clearing operations in built-urban areas. Small unit leaders use the system to conduct mission planning and rehearsal. The system's embedded scenario authoring capability allows the user to quickly author a scenario reflecting emerging doctrinal and/or mission requirement changes.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3326

Account: Research, Development, Test, Evaluation, Army

Legal Name of Requesting Entity: CryoLife

Address of Requesting Entity: 1655 Roberts Boulevard, NW, Kennesaw, GA 30144

Description of Request: Despite advances in medical technology, battlefield trauma injuries present a significant threat to the lives of U.S. soldiers. In fact uncontrollable bleeding from internal wounds where tourniquets cannot be applied is a major cause of combat casualty. Biofoam Protein Hydrogel will provide a new tool for physicians to address blood loss at Forward Surgical Team (FST) and Combat Support Hospital (CSH) locations for injuries sustained by service personnel.

CryoLife believes that further development of its existing protein hydrogel technology could result in FDA approval to address blood loss by forward surgical teams or combat support hospitals. CryoLife has developed a formulation for an expanding, adhesive, foam sealant. This two-part material is applied as a liquid that mixes in the portable delivery device and is expressed as a foam to the application site where it bends to the surrounding tissue. An easy to use, expandable hemostatic agent would provide better packing, faster hemostasis and improve the survival of the soldier by extending his "golden hour."

Congress has appropriated $6.6 million for the development of this technology in FY05–09. The $1,000,000 included in H.R. 3326 will build upon the previously funded work conducted with the Army Medical Research and Material Command and the Army Institute of Surgical Research (ISR), including feasibility studies and acute and chronic animal studies. The funding included in H.R. 3326 would support large scale pivotal clinical trials on humans in accordance with FDA standards and protocols.

EARMARK DECLARATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GUTHRIE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Departments of Defense Appropriations Act, 2010.

Requesting Member: Congressman BRETT GUTHRIE

Bill Number: H.R. 3326

Account: RDT&E/Army/Medical Technology

Recipient: Owensboro Medical Health System Mitchell Memorial Cancer Center, 811 E. Parrish Avenue, Owensboro, KY 42303

Description of Request: Provide $2,500,000 to continue the hospital's partnership in plant-based pharmaceutical research.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Program Name: SSBN(X) Systems Development

Amount: $2,500,000

Requested By: ROBERT J. WITTMAN (VA–01)

Account: Research and Development, Navy (RDTE,N)

Intended Recipient of Funds: Northrop Grumman Corporation, 1000 Wilson Blvd, Suite 2300, Arlington, VA 22209

Program description and explanation of the request: This funding is provided as an increase to the Advanced Submarine Systems Development Program, Line 41, Research and Development, Navy. SSBN–X is the designation for the submarine class that will serve as the replacement for the OHIO submarine class, which will begin going out of service in 2029. The OHIO Class is the nation's primary and most secure nuclear deterrent and this capability will be maintained. Detail design expected to start as early as FY12 (construction start is in FY19) and the concept design work must be performed in advance of detail design. $53M was requested for FY09 in order to conduct the SBSD concept study plan originally planned for FY08 and FY09 which has

not been fully funded, and to support R&D technology development. Funding in FY10 will allow the Navy to proceed with SBSD development in a timely fashion. Furthermore, potential delay in SSBN–X Program start will threaten the submarine design industrial base. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 3326

Account: DoD RDT&E, Technology Transfer

Legal Name of Requesting Entity: Technology Service Corporation

Address of Requesting Entity: 116 West Sixth St., Suite 200, Bloomington, IN 47404

Description of Request: Provide an earmark of $5,000,000 to continue support of the National Radio Frequency Research, Development, and Technology Transfer Center, which provides an efficient method of transitioning new technologies into DoD programs of record to provide for performance improvements at lower cost for the war fighter.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 3326

Account: USAF RDT&E, Technology Transfer

Legal Name of Requesting Entity: Purdue University

Address of Requesting Entity: 610 Purdue Mall, Hovde Hall, West Lafayette, IN 49707

Description of Request: Provide an earmark of $1,640,000 to continue the development of the multi-faceted National Test Facility for Aerospace Fuels Propulsion, which supports development and testing of alternative energy sources for aerospace equipment, is aligned with the Civil Aviation Alternative Fuel Initiative, and compliments DoD's commitment to transition all aircraft for flight on synthetic fuel blends.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mrs. McCARTHY of New York. Madam Speaker, yesterday, I missed 4 votes. Had I been present, I would have voted as follows:

On rollcall No. 650, on the Motion to Suspend the Rules and Pass H.R. 1293, I would have voted "yea."

On rollcall No. 651, on the Motion to Suspend the Rules and Pass H.R. 556, as Amended, I would have voted "yea."

On rollcall No. 652, on the Motion to Suspend the Rules and Pass H.R. 509, as Amended, I would have voted "yea."

On rollcall No. 653, on the Motion to Suspend the Rules and Agree to H. Res. 616, I would have voted "yea."

CONGRATULATING MICHAEL L. FARRIOR FOR HIS HARD WORK AND LEADERSHIP WITH THE INTERNATIONAL GAME FISH ASSOCIATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BILBRAY. Madam Speaker, today, I rise to congratulate International Game Fish Association (IGFA) Trustee Michael L. Farrior of Rancho Santa Fe, a long time San Diego businessman, for his extraordinary leadership and for his passion in promoting fishing and conservation.

Mr. Farrior, whose interest in sportfishing stretches back nearly four decades, has become the recognized authority and historian of saltwater sportfishing on the West Coast. Over the years Michael has shared his interest in antique tackle and encouraged others to begin collecting and preserving old fishing equipment. The antique tackle collection he has assembled and the research he has shared is another way Michael gives back to a sport that he loves.

A long-time member of the Tuna Club of Avalon, Mr. Farrior was appointed Historian and was subsequently invited to write The History of the Tuna Club 1898–1998. When his book was published, Mr. Farrior donated all of the profits to the Tuna Club Hospital Foundation. He approached that project with the same enthusiasm he has demonstrated throughout his life and his research has literally changed the way the International Game Fish Association viewed West Coast sportfishing.

He is a well-respected IGFA Trustee, and has been the catalyst in arranging pier fishing tournaments for the youth of San Diego, as well as fishing trips for military patients recuperating at the San Diego Naval Hospital from wounds suffered in Iraq. He has also assisted the U.S. government by providing the historical data for use in developing the Highly Migratory Species Act.

Mr. Farrior was able to establish that the birth of big-game fishing occurred on the West Coast and the early fishing gear used to battle large bluefin tuna, marlin and swordfish, evolved here. The sportfishing ethics and rules used today by IGFA and other fishing clubs were originally drafted at the Tuna Club at Avalon on Catalina Island at the turn of the century. "Making Californians aware of the fact that big-game fishing was born here and getting California indelibly recognized as the birthplace of big-game fishing is one of my proudest achievements," he added "Previously, it had literally just been lost to time". Mr. Farrior's impact on West Coast sportfishing is also indelibly written in the history which he has preserved and which has consumed him throughout the years. His contributions to sportfishing over the years truly qualify him as Sportfishing's own "National Treasure."

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3293, the Labor, Health and Human Services, and Education Appropriations Act, 2010:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Child Protection Center

Address of Requesting Entity: 1750 17th Street, Bldg. L, Sarasota (FL) 34234

Description of Request: I secured $150,000 for the "Pillar of Hope" Campaign, which seeks a Child Advocacy Center in Sarasota, Florida. Along with the expansion of the counseling program, the center will have two new state-of-the-art medical exams rooms at their location. By having the ability to provide more medical services to abused children the burden on local emergency rooms will be lessened. Currently, the center is unable to offer certain services as they are limited in space in their current location.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd., Sarasota (FL) 34236.

Description of Request: I secured $350,000 for Sarasota County, which is seeking to construct a new health facility in the community of Englewood. The facility will be located in the southern most portion of Sarasota County and will serve the residents of both Sarasota and Charlotte counties. The facility will improve access to health care and a variety of human and social services programs for residents.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: University of South Florida (USF) Sarasota-Manatee

Address of Requesting Entity: 8350 North Tamiami Trail, Sarasota (FL) 34243

Description of Request: I secured $250,000 to address nursing shortages by supporting educational development at the University of South Florida Sarasota-Manatee Campus.

The university is in the initial stages of preparing for separate academic accreditation. Once this is achieved, their highest priority will be to establish a College of Nursing on the campus. With a nursing program in place we will be able to reach and educate the southern-most portions of Florida. The funds from this proposal will be spent to support the development of a teaching simulation laboratory (equipment and simulation models) on our campus, for equipping a videoconference classroom, and the development of web, on-site, and blended courses.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3293

Account: Higher Education

Legal Name of Requesting Entity: New College

Address of Requesting Entity: 5800 Bay Shore Road, Sarasota (FL) 34243

Description of Request: I secured $100,000 to establish a joint-use library facility that will serve local higher education entities and the general public in the areas of community research and civic engagement.

PERSONAL EXPLANATION

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. HODES. Madam Speaker, due to inclement weather I missed the following votes on Monday, July 27, 2009. I would have voted as follows:

(1) H. Res. 593—Recognizing and celebrating the 50th Anniversary of the entry of Hawaii into the Union as the 50th State (Rep. ABERCROMBIE—Oversight and Government Reform)—''Yes.''

(2) H.R. 1376—Waco Mammoth National Monument Establishment Act of 2009 (Rep. EDWARDS (TX)—Natural Resources)—''Yes.''

(3) H.R. 1121—Blue Ridge Parkway and Town of Blowing Rock Land Exchange Act of 2009 (Rep. FOXX—Natural Resources)—''Yes.''

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Project Name: Aerospace Laser Micro Engineering Station

Amount: $1,000,000

Requested By: ROBERT J. WITTMAN (VA–01)

Account: Research and Development, Air Force (RDTE, AF)

Intended Recipient of Funds: Jefferson Laboratory, 12000 Jefferson Ave. Newport News, VA 23606

Project description and explanation of the request: In September, 2001, the JLAB, with the Aerospace Corporation, initiated a joint project with the Air Force Research Lab (AFRL) to expand the FEL capabilities to provide a microfabrication processing tool to produce miniature satellite components. Microfabrication of ceramics and glass is a high-potential JLab FEL application. The ability to create intricate microstructures in or on glass materials is considered a necessary value-added component in the development of advanced photonics and certain microinstruments. Microstructure patterns can be used to guide light, serve as frequency selectors, control fluidic flow or enable the extraction of specific cells to capture genetic material. The Aerospace Corporation is exploring the potential of microfabricating a class of glass materials called photocerams using ultraviolet laser processing. This technology promises a more precise, less expensive way of creating intricate glass microstructures with the goal of fabricating picosatellites weighing less than 1 kilogram for the Air Force. The JLab FEL ultraviolet capabilities will allow for the mass production-rate throughput necessary for industry. Because of the compelling need for the Air Force to develop new materials and metal alloys for aerospace applications, the Thomas Jefferson National Accelerator Facility (Jefferson Lab) is requesting $3 million from the FY10 DOD Appropriations for the final commission and demonstration of the required accuracy and reproducibility for satellite production of the Aerospace Laser Micro Engineering Station (LMES). The LMES will make mass-producible satellites possible using 10 hours with the JLab UV FEL as compared to 270 hours using a conventional UV laser, making it possible to address new and unique missions not accessible using conventional satellite technology. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—the Department of Defense Appropriations Act, 2010.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 3326

Account: RDTE, N (MC)

Legal Name of Requesting Entity: American Defense Systems, Inc.

Address of Requesting Entity: 230 Duffy Avenue, Hicksville, NY 11801

Description of Request: $2,000,000 will be used to develop a new Enhanced Small Arms Protective Insert (E–SAPI) that will have the same performance of the current E–SAPI, but at a lower weight and with greater durability and multi-hit capacity.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 3326

Account: RDTE, N

Legal Name of Requesting Entity: Webb Institute.

Address of Requesting Entity: 298 Crescent Beach Road, Glen Cove, NY 11542

Description of Request: $2,500,000 will be used for the construction of a Ship Model Testing Facility to provide undergraduate research applicable to the new hull forms the Navy is developing and fielding.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 3326

Account: RDTE, A

Legal Name of Requesting Entity: New York University.

Address of Requesting Entity: 3 Park Avenue, 15th Floor, New York, NY 10016

Description of Request: $3,000,000 will be used for the NYU School of Medicine to create a research Center for Excellence in the areas of Infectious Diseases and Human Microbiome to foster the collaboration of researchers across the campus.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Request information: Representative JACK KINGSTON

H.R. 3326

Army National Guard—Operation and Maintenance Account

Recipient information: Georgia Air National Guard—Savannah Combat Readiness Training Center, PO Box 7299, Garden City, GA 31418–7299

Description: The Georgia Army National Guard received an earmark in the amount of $515,000. Joint training event has provided a training infrastructure (where units are able to train using the same data-link and digital communications infrastructure they have in theater) to train against a live Opposition Force fielding tactically deployed independent ''Integrated Air Defense Systems''.

Request information: Representative JACK KINGSTON

H.R. 3326

Army, Operation and Maintenance Account

Recipient information: MPRI, 2961 W. California Avenue, Salt Lake City, UT 84104

Description: MPRI received an earmark in the amount of $3,500,000. The TranSim Training Program is designed to enhance driving skills and behaviors through the use of a tailored state-of-the-art simulator based, cognitive learning and classroom instruction system.

Request information: Representative JACK KINGSTON

H.R. 3326

Army, Operation and Maintenance Account

Recipient information: ARNG Readiness Center, 111 South George Mason Drive, Arlington, VA 22204–1382

Description: The Georgia Army National Guard received an earmark in the amount of $4,000,000. Funds training devices for small arms and infantry weapons that enhance the readiness of Army National Guardsmen. Improves marksmanship and mission readiness for ground troops with interactive training without expending ammunition.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Proposed Recipient: Scientific Research Corporation (SRC), 2300 Windy Ridge Parkway, Suite 400 South, Atlanta, GA 30339

Description: The Georgia Army National Guard received an earmark in the amount of $3,000,000. Aircrews will benefit from training with actual electronic threats. The electronic threats are modeled after potential enemy

weapon systems. This is a significant improvement in the quality of training and enhances the certifications done prior to deployment.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Defense Wide

Recipient information: Georgia Air National Guard—Savannah Combat Readiness Training Center, PO Box 7299, Garden City, GA 31418–7299

Description: The Georgia Army National Guard received an earmark in the amount of $4,500,000. Provides enhanced network and tactical data links for training units prior to activating for combat operations. Expands the range for training virtually without environmental impact. Also allows for greater participation from other military services.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Georgia Air National Guard—Savannah Combat Readiness Training Center, PO Box 7299, Garden City, GA 31418–7299

Description: The Georgia Army National Guard received an earmark in the amount of $5,000,000. Infrastructure and procurement of one threat anti-aircraft weapon system for the Savannah CRTC and the Townsend Range Complex and complete the high fidelity threat range plan for Townsend Range. Improves mission readiness for deploying forces with actual, operating weapon systems.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: University of Georgia, Department of Infectious Diseases, 111 Carlton St.—AHRC, Athens, GA 30602.

Description: The University of Georgia received an earmark in the amount of $1,900,000. The project will develop nanophotonic biosensors to facilitate direct, rapid, and extremely sensitive detection of bioagents and pathogens using surface enhanced Raman spectroscopy (SERS).

Request information: Representative JACK KINGSTON

H.R. 3326

Procurement—Defense Wide

Recipient information: Daniel Defense, Inc, 235 Oracal Parkway, Black Creek, GA 31308

Description: Daniel Defense received an earmark in the amount of $2,500,000. M4 Carbine Rail System that provides a solid free float mounting platform for SOF soldiers to mount modern weapon accessories allowing the SOF Operator to acquire, identify and accurately fire on enemy targets in combat. Increases accuracy of the soldier and effectiveness of the weapon system.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Georgia Institute of Technology, 315 Ferst Drive, Atlanta, Georgia 30332–0363

Description: The Georgia Institute of Technology received an earmark in the amount of $3,000,000. Specifically focusing on the development of technologies to streamline research directly to patient care treatment. Research teams include clinicians with expertise in combat medical care, and biomedical engineers and bioscientists with industry and regulatory expertise to shorten the process from invention to clinical use. Critical need for enabling technologies to support the translation of research findings to medical products that are safe and effective.

Request information: Representative JACK KINGSTON

H.R. 3326

Operation and Maintenance—Air Force

Recipient information: Intergraph, 170 Graphics Drive, Madison, AL 35758 USA

Description: Intergraph received an earmark in the amount of $4,000,000. To improve aircraft availability (AA), reliability, and maintainability, and reduce total ownership cost (TOC). The newly defined processes of this program will create enterprise-wide proactive planning, improve strategic mobility, implement total asset visibility, and achieve greater communication and operational situational awareness.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Southwest Research Institute, 609 Russell Parkway, Warner Robbins, GA 31088

Description: Southwest Research Institute received an earmark in the amount of $3,000,000. System that improves mission readiness of Army weapon systems. Minimizes the life cycle cost of providing automatic test systems for weapon systems support at DoD field, depot, and manufacturing operations, and to promote joint service automatic test systems interoperability.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Valdosta Optics Laboratory, 1717 Dow Street, Valdosta, GA 31601

Description: Valdosta Optics Laboratory received an earmark in the amount of $2,500,000. Adhesive-Free Bond Diamond (AFB®–D) will enable DoD ultra-high power solid state weapon lasers for space platforms and will help remedy current limitations, including foreign material sources, limited availability and limited sizes. Improvement in manufacturing techniques to produce high quality optics.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: Radiance Technologies, 7790 Veteran's Parkway, Suite C, Columbus, GA 31909

Description: Radiance Technologies received an earmark in the amount of $2,000,000. This program develops and combines the crewmember displays with the AWW–HFI that alert the door gunners with immediate and accurate detections of these weapon systems.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Army

Recipient information: ATK, 3309 North Reseda Circle, Mesa, AZ 85215

Description: ATK received an earmark in the amount of $3,000,000. Low weight, soft recoil and a dual feed loading weapon systems. Increased capability in combat using the existing fleet of helicopters.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Defense Wide

Recipient information: Morehouse College, 830 Westview Dr. SW, Atlanta, GA 30314–3773

Description: Morehouse College received an earmark of $3,000,000. This research scholars program is designed to advance core federal missions and Defense Department goals to increase the participation of minority students in emerging scientific and technology fields. The program identifies top tier high school students and places them in a rigorous program in the Division of Science and Mathematics that includes one-on-one mentoring, a summer educational and research program, and challenging internships at top research institutions, with the goal of placing them in doctoral programs on a track to work in the national laboratories.

Request information: Representative JACK KINGSTON

H.R. 3326

Research, Development, Test and Evaluation—Air Force

Recipient information: Georgia Institute of Technology, School of Aerospace Engineering, 270 Ferst Dr., Atlanta, GA 30332–0150

Description: Georgia Institute of Technology received an earmark of $2,000,000. Air Force-wide project aimed at developing new procedures and user interface methodologies for the Warfighter that request in-theater tactical Intelligence, Surveillance, & Reconnaissance (ISR) support via satellite, UAV or Aircraft. This program will help reduce costs at the Air Force and assist them in modernizing its satellite ground operations and training equipment.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday July 29, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Department of Defense Appropriations Act.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of Fiscal Year 2010

Account: Ballistics Technology

Legal Name of Requesting Entity: Ensign-Bickford Aerospace and Dynamics

Address of Requesting Entity: P.O. Box 219, State Route 175, Graham, KY 42344

Description of Request: The money ($3,000,000) will be used to update and replace current reactive armor.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Luvata Franklin

Address of Requesting Entity: 4720 Bowling Green Rd Franklin, KY 42134

Description of Request: The money ($2,800,00) will be used for pathogen reduction, which is vital for protection of military, particularly those serving in enclosed weapons systems such as tanks and submarines and in medical environments. It can be used proactively as a cost-effective and conscientious measure to counter today's increased concern for bio-security and improved health conditions in indoor air environments.

EARMARK DECLARATION

HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Defense-Wide Legal

Name of Requesting Entity: Hunter Manufacturing Company

Address of Requesting Entity: 30525 Aurora Rd., Solon, OH 44139

Description of Request: Funds will be used for a regenerative filtration system, which is currently being developed by Hunter Manufacturing Co., which will reduce costs and provide protection against all chemical warfare agents for our servicemen and women. The U.S. Army Edgewood Chemical and Biological Center, the nation's leading facility for research and development for chemical and biological defense, has a requirement for filtration systems to protect military personnel, critical equipment, and strategic facilities. Current filters do not protect against the full range of chemical and biological weapons, and they must be changed-out, creating higher expenses. The full funding would be used for the design, manufacture, and testing of the filtration system.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Navy

Legal Name of Requesting Entity: Main Sail, LLC

Address of Requesting Entity: 20820 Chagrin Blvd., Cleveland, OH 44122

Description of Request: The Department of Defense and the U.S. Navy have been developing a system to track their vast inventories of parts and supplies. This implementation of passive RFID technology will greatly improve visibility of parts as they flow through the DoD supply distribution system to our forward deployed forces afloat. The U.S. Navy believes this effort, which will bring numerous high tech jobs to Northeast Ohio, will reduce logistics, operating, and inventory costs, reduce manning needs on Navy ships, and increase military readiness. The full funding would be used to develop and implement the passive RFID infrastructure, including the purchase of hardware and software.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Air Force

Legal Name of Requesting Entity: Phycal, LLC

Address of Requesting Entity: 51 Alpha Park, Highland Heights, OH 44143

Description of Request: Funds will be used to allow Phycal to grow, harvest, and extract oil from algae for fuel for engine testing. Through partnerships with Ohio industry, government, and non-profit organizations, this project can accelerate the creation of a biofuel supply chain in Ohio and hundreds of new green jobs. Reliance on foreign oil has become a national security as well as a cost issue, and there is a rising concern about the cost and availability of aviation fuel for the U.S. Air Force. The Air Force is pursuing an alternative fuels program to identify alternative ''drop-in'' fuels from a number of sources, including algae, toward the goal of 50% domestic production of fuel by 2016. The funding would be used for research and development of its extraction process including purchase of equipment and prototypes.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: Advanced Materials Products, Inc.

Address of Requesting Entity: 1890 Georgetown Rd., Hudson, OH 44236

Description of Request: Funds will be used to help establish a titanium production plant in Ohio to implement more effective production techniques. In the United States, there is not enough titanium to satisfy military and commercial need at its high cost, which means we must look to Russia, China, and Ukraine to supply us. This project will bring the titanium market home to the U.S. and create new jobs in Ohio. The funding would be used for establishing a pilot scale powder plant, develop necessary technology, and manufacture large vehicle components.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3326

Account: Research, Development, Test and Evaluation, Defense-Wide

Legal Name of Requesting Entity: Steris Corporation

Address of Requesting Entity: 5960 Heisley Rd., Mentor, OH 44060

Description of Request: Funds will be used by Steris to develop methods for decontamination of a range of aircraft in order to protect our servicemen and women as well as keeping our military aircraft operational. Aircraft are a major part of the military's capability to perform operations. Loss of aircraft due to chemical or biological weapons makes a significant impact on the capability to resupply deployed forces, transport forces and equipment in theater, and execute missions. Steris's work further establishes Northeast Ohio as a leader in chem/bio and decontamination technology while meeting current security needs of the military. The funding would be used for development and demonstration of decontamination ability, including testing and purchase of equipment.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Other Procurement, Air Force

Legal Name of Requesting Entity: South Carolina Air National Guard

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044

Description of Request: I have secured $1,500,000 for the South Carolina Air National Guard Eagle Vision Upgrade. Eagle Vision (EV) is a USAF mobile satellite imagery collection and processing system assigned to the SC ANG that will be used as a war time resource in the war on terrorism as well as a counter drug and Homeland Security asset in the United States. Funding would upgrade the EV system at McEntire JNGB to include a 1 meter infrared capability. Emergency planners and responders would be able to look through clouds and smoke with infrared enabling them to plan responses during an emergency instead of reacting afterward. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: South Carolina Research Authority

Address of Requesting Entity: 1330 Lady Street, # 503, Columbia, SC 29201

Description of Request: I have secured $2,500,000 for the South Carolina Research Authority's Highly Integrated Production for Expediting Reset (HIPER). The funding will drive downstream efficiencies in manufacturing and quality inspection by enabling the utilization of laser scanning technology to significantly shorten the time and lower the cost for resetting and modernizing the military's small arms and crew-served weapons. HIPER will implement a program which ensures the provision of the best and safest weaponry to the warfighter and in the quickest and most efficient way, by replacing parts and resetting weapons more quickly and at reduced cost. This will help keep our troops safe and fully equipped with the optimum defense mechanisms they need to effectively complete their

missions, while using cutting-edge technology to reduce costs and lower wait times. To achieve this goal SCRA will be relying on industry and government partners in numerous states, resulting in employment sustained and created via manufacturing and research requirements. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: Lifeblood Medical

Address of Requesting Entity: 10120 Two Notch Road, Suite 2, Columbia, South Carolina 29223

Description of Request: I have secured $2,000,000 for the Lifeblood Medical's Human Organ and Tissue Preservation Technology (HOTPT). Funding will be used to continue and advance studies for Oxygen Therapeutics and Extending Room Temperature Organ Preservation so that the technology can be brought to FDA for approval. The use of funds is justified due to the potential of finding the first approved oxygen therapeutics which will solve the world issue of a lack of donated blood for trauma, military and casualty use. The use of funds is justified so that the supply of organs for transplantation can adequately meet the demand through extending the preservation time at room temperature. Large animal studies have proven successful in both oxygen therapeutics and organ preservation. Prior DoD funds have also proven that the Lifeblood technology can reverse cell damage and render organs that are labeled untransplantable into an acceptable organ for donation and transplantation. Matching funds will be provided by cash on hand, licensing fee revenues, and product sales. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Procurement, Defense Wide

Legal Name of Requesting Entity: FN Manufacturing, LLC

Address of Requesting Entity: 797 Old Clemson Road, Columbia, SC 29229–4203

Description of Request: I have secured $2,500,000 for FN Manufacturing to continue production of the Special Operations Combat Assault Rifle (SCAR). The SCAR was selected after a full and open competition. It meets validated US SOCOM requirements for a 21st Century modular battle rifle available in 5.56 mm and 7.62 mm, and with Close Quarter Battle, Long-Range, and Sniper variants. Federal/taxpayer funding of the SCAR program will provide US Special Operations Forces with a far more effective and reliable combat rifle than the current M–4/M–16 family of rifles. In its various modular configurations, the SCAR will replace five different rifles now in use, greatly reducing the need for maintenance and logistics support and associated costs. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Army

Legal Name of Requesting Entity: Advanced Technology Institute

Address of Requesting Entity: 5300 International Blvd., North Charleston, SC 29418

Description of Request: I have secured $3,000,000 for Advanced Technology Institute to continue the Vanadium Technology Program. The Vanadium Technology Program funds the research, development and prototype-testing necessary to implement vanadium alloyed steel into warfighter protection and mobility. This funding builds on successes accomplished previously which include: reductions in weight, fabrication cost, and welding costs of 21%, 10%, and 53% respectively, leading to a smaller, higher-performing vanadium steel trailer design for the Army/Marine Joint Light Tactical Vehicle System; a longer span temporary bridge, designed by the Army Corps of Engineers and the University of South Carolina, to bridge road gaps in combat regions like Iraq; and, a new class of lighter, longer span trusses and joists, based on vanadium hot rolled steel angle shapes, have been developed and laboratory tested. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Aircraft Procurement, Army

Legal Name of Requesting Entity: South Carolina Army National Guard

Address of Requesting Entity: 1 National Guard Rd, Columbia, SC 29201

Description of Request: I have secured $3,000,000 for the South Carolina Army National Guard Vibration Management Enhancement Program (VMEP). This funding will continue fielding this proven capability on the Army National Guard's AH–64, CH–47, and UH–60 helicopter fleets. VMEP collects and utilizes information derived from onboard sensors to indicate the state and health of the helicopter drive system and rotational components. VMEP enabled the SCARNG to realize a total savings in parts costs over a 12-month period of $1.4 million, as well as an increase in mission capable rates. These funds would ensure that the South Carolina Army National Guard aviation program stays in the forefront of embedded technology doctrine. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test, and Evaluation, Defense Wide

Legal Name of Requesting Entity: Two Stroke International

Address of Requesting Entity: 8 Schein Loop, Beaufort, SC 29906

Description of Request: I have secured $1,900,000 for the Non-Gasoline Burning Outboard Engine. The Navy SEAL's currently use a 30 hp and 55 hp engine on their Combat Rubber Raiding Crafts. This effort is focused on the 30 hp engine. The program name for this outboard motor project is "Phoenix." The team broke down the existing motor to multiple elements; ignition system; carburetion; exhaust and intake silencing, lower unit, control apparatus, and enclosure cover. The goal of this effort is to provide the SEAL's with an advanced outboard reconnaissance engine that would burn multiple fuels (JP grades, gas, diesel, alcohol). It will be quiet for stealthy operations, have an extended fuel range using a microwave ignition system currently in development, and a lower unit that allows it to go through mud and kelp without harming the engine. Additionally the engine will take advantage of the newest technology to be resistant to salt water that make the engines last longer, decrease weight and increase range. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the House-passed version of H.R. 3326—Department of Defense Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3326

Account: Navy Research and Development—0604215N

Legal Name of Requesting Entity: U.S. Navy; Naval Surface Warfare Center, Corona Division

Address of Requesting Entity: Naval Surface Warfare Center, Corona Division, Corona, CA 92878–5000

Description of Request: I have secured $5,800,000 for the Measurement Standards Research and Development Program. The program includes testing for electro-optic and night vision systems; chem/bio and radiation detection systems; advanced sensor technologies; nano-technology. It also provides for improved and state of the art measurement calibration systems that ensure an accurate traceability of measurement from the weapon system parameter to National Standards maintained at NIST. Without adequate measurement capability, verification of performance for weapon and detection system readiness is not possible. This project results in the development of the measurement standards and calibration systems necessary to provide traceable measurements. These state-of-the-art measurement standards often reside at NIST and thus provide benefit to other federal agencies and industry as well. This project allows the Navy to make correct test decisions that ensure mission success and safety while reducing the cost of unnecessary rework. Substantial cost savings have resulted from past R&D project funding through this program.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R 3326

Account: Microelectonic Technology Development and Support—0603720S

Legal Name of Requesting Entity: Center for Nanoscale Science and Engineering, University of Riverside, California

Address of Requesting Entity: 900 University Avenue, Riverside, California 92521

Description of Request: I have secured $6,000,000 for the Center for Nanoscale Science and Engineering. The funds will be used for the 3–D Electronics program which aims to take advantage of recent advances in nanomaterials and nanodevices to begin to address the issue necessary to take the electronics industry beyond the two-dimensional silicon based devices and wiring and to develop high density, 3D-electronics technology together with associated packaging, heat dissipation solutions and the investigation of alternative electronic materials. Conventional electronics is based on 2D planar processes, but this is becoming prohibitively expensive as well as a barrier to performance. By stacking devices and interconnecting them in a 3D arrangement, a huge leap in functionality density is possible. 3D integration is a cornerstone of the coming revolution in electronics.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R 3326

Account: Navy Research and Development—0603739N

Legal Name of Requesting Entity: U.S. Navy; Naval Surface Warfare Center, Corona Division

Address of Requesting Entity: Naval Surface Warfare Center, Corona Division, Corona, CA 92878–5000

Description of Request: I have secured $1,800,000 for the NSWC Corona IUID Center which provides technical support, implementation assistance, training, and lessons learned for IUID, a DoD mandate, to various DoD programs and offices. The IUID Center leverages complementary efforts and catalogs, distributes lessons learned, and helps streamline implementation efforts, reducing IUID implementation cost. IUID itself will enable lifecycle traceability and improve data integrity, leading to more informed decisions and improved asset management. Substantial cost savings result from IUID implementation in DoD programs as well as major gains in asset management and tracking of critical DoD material.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R 3326

Account: Operation & Maintenance; 1C8C Depot Operations Support

Legal Name of Requesting Entity: U.S. Navy; Naval Surface Warfare Center, Corona Division

Address of Requesting Entity: Naval Surface Warfare Center, Corona Division, Corona, CA 92878–5000

Description of Request: I have secured $2,400,000 for the NSWC, Corona Fleet Readiness Data Assessment project which will update/replace existing tools to enable the accurate, efficient collection and transmission of data to quickly perform detailed readiness analyses. It will take advantage of the improved automation and data collection capability provided by the METBENCH calibration system. The analyses resulting from this project will quickly put accurate readiness information into the hands of Navy decision-makers and accelerate the savings resulting from METBENCH implementation in the Navy.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R 3326

Account: Operation and Maintenance, Navy—03 Training and Recruiting 3A2J

Legal Name of Requesting Entity: U.S. Naval Sea Cadet Corps

Address of Requesting Entity: U.S. Naval Sea Cadet Corps; 2300 Wilson Blvd, North, Arlington, VA 22201–3308

Description of Request: I have secured $651,000 for the U.S. Naval Sea Cadet Program. The Sea Cadet Program is focused upon development of youth ages 11–17, serving almost 9,000 Sea Cadets and adult volunteers in 387 units country-wide. It promotes interest and skill in seamanship and aviation and instills qualities that mold strong moral character in an anti-drug and anti-gang environment. Summer training onboard Navy and Coast Guard ships and shore stations is a challenging training ground for developing self-confidence and self-discipline, promotion of high standards of conduct and performance and a sense of teamwork. Funds will be utilized to "buy down" the out-of-pocket expenses for training to $120/week. NSCC instills in every Cadet a sense of patriotism, courage and the foundation of personal honor. A significant percent of Cadets join the Armed Services often receiving accelerated advancement, or obtain commissions. The program has significance in assisting to promote the Navy and Coast Guard, particularly in those areas of the U.S where these Services have little presence.

CITY OF BRANDON, MISSISSIPPI NAMED AS ONE OF THE BEST PLACES TO LIVE IN 2009

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. HARPER. Madam Speaker, the City of Brandon, Mississippi was recently named as one of America's top small towns in which to live, according to Money magazine. The CNN magazine named this Rankin County city number 54 in its annual list of 100 Best Places to Live. As a city in the Third Congressional District, which I am proud to represent, Brandon is the only Mississippi municipality to make the 2009 list.

The list of 100 American municipalities compares communities with populations of less than 50,000 and takes into account an area's school system, crime rate, median income and racial makeup.

Brandon's job growth was 30.4 percent from 2000–2008 versus about 19.6 percent nationally and the city posts a median income of $77,679. The city's population is currently 20,600, up from 16,436 in 2000 according to the latest census figures.

A low crime rate was also a key point for Brandon making the study. This is why many of the city's residents consider locking their doors as optional.

Brandon Mayor Tim Coulter said, "I think people are finding out what we've known for years, that Brandon is a great place to live."

Rankin County Chamber of Commerce director Gale Martin attributes this honor to Brandon's quality of life. He said, "You've got a small-town atmosphere with the big-city amenities," said Martin. Martin credits quality schools, closeness to cities like Jackson, Meridian and Vicksburg and its short distance from Jackson-Evers International Airport to spurring Brandon's tremendous growth.

The residents of Brandon should also share the honor of this national recognition. Since 1829, residents, first responders, school teachers, pastors and local elected officials have worked tirelessly to ensure that Brandon maintains its standing as the "City of Red Hills with Golden Opportunities." I salute Brandon, Mississippi and the State of Mississippi, both great places to live in America.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010:

Requesting Member: Rep. ELTON GALLEGLY

Bill: H.R. 3326, the Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Navy; Electronic Warfare Development

Legal Name of Requesting Entity: Regional Defense Partnership—21st Century

Address of Requesting Entity: 311 Main Road, Building 1, Point Mugu, CA 93042

Description of Request: Naval Air Warfare Center Weapons Division (NAWCWD) Point Mugu is an Electronic Warfare Center of Excellence for the development and maintenance of airborne electronic attack, tactical, and assault system platform electronic warfare (EW) systems. This request for $4,500,000 is for a laboratory upgrade at Point Mugu that would directly support EA–18G, EA–6B, MH–60, and E–2C platform development. Additionally, this enhanced capability would provide risk reduction to current acquisition programs such as the P–8A multi mission aircraft.

In order to be effective in modern battle scenarios containing multiple threats, the EW weapon system requires the exact location and type of all the threats in a 360 degree, or four quadrant, field of view. The current lab equipment is limited to simulating a 180 degree, or 2 quadrant, field of view of the battle space. The EW Center of Excellence at NAWCWD Point Mugu utilizes laboratory test equipment to simulate this complex electronic battle space. Testing that cannot be performed in the laboratory must be done using flight test hours on an open air EW range. This not only costs more, it is also very difficult to obtain test repeatability and exposes the system under test to electronic eavesdropping. No open air range can duplicate the dense electromagnetic environment of large numbers of threat and friendly emitters encountered in a modern battle scenario. This can only be replicated through laboratory simulation.

Funding is requested to upgrade the EW laboratory facility at NAWCWD Point Mugu to a four quadrant simulation capability and acquire the AMES III High Speed Calibrator and the Airborne Interceptor Simulator for real world threat simulations. The bill provides $4,000,000 in funding for this project request.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. HELLER. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326—Department of Defense Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3326

Account: Other Procurement—Air Force

Legal Name of Requesting Entity: Nevada Air National Guard

Address of Requesting Entity: 2460 Fairview Dr., Carson City, NV 89701

Description of Request: $1,000,000. This funding will allow the Nevada Air National Guard to purchase Scathe View, which is a unique intelligence, surveillance, and reconnaissance system. Scathe View provides real time imagery support to combat operations, search and rescue operations, as well as support to civil authorities during natural disasters. This technology is essential in allowing the Nevada Air National Guard to fulfill both its foreign and domestic responsibilities.

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3326

Account: Operations and Maintenance—Army Reserve

Legal Name of Requesting Entity: Nevada National Guard

Address of Requesting Entity: 2460 Fairview Dr., Carson City, NV 89701

Description of Request: $1,000,000. This funding will allow Nevada National Guard the ability to man their Joint Operations Center 24/7 with trained professional staff to meet its emergency readiness responsibilities throughout the state.

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3326

Account: Research, Development, Test, and Evaluation—Army

Legal Name of Requesting Entity: Day & Zimmermann Hawthorne Corporation—Hawthorne Army Depot

Address of Requesting Entity: 2 South Maine, Hawthorne, NV 89415

Description of Request: $1,000,000. This funding will be used for the development of a rocket motor contained burn system which demilitarizes rockets safely. The system will be used for Multiple Launch Rocket System (MLRS) motors, and will be adaptable to other larger rocket motors.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, The Department of Defense Appropriations Act of Fiscal Year 2010.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3326

Account: Other Procurement—Aviation Support Equipment—Aviation Life Support

Legal Name of Requesting Entity: Peckham Industries

Address of Requesting Entity: Peckham Industries, 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide funding of $2,500,000 for a Multi Climate Protection System (MCPS) for U.S. Navy and Marine Corps aircrews. The U.S. Navy and Marine Corps requirement for MCPS is 21,500 units. $2,500,000 will fund approximately 1,250 sets of MCPS. MCPS is designed to replace outdated garments that are bulky, do not fit the aircrew population, have minimal water and wind resistance, limited moisture management and cannot decrease or increase thermal value by addition or removal of layers. The majority of aircrews do not have this system.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3326

Account: Operations and Maintenance—Operating Forces

Legal Name of Requesting Entity: Peckham Industries

Address of Requesting Entity: 2822 N. Martin Luther King Blvd., Lansing, MI 48906

Description of Request: Provide funding of $2,600,000 for a Cold Weather Layering System (CWLS) for U.S. Marine Corps Expeditionary Forces. The Marine Corps requirement for the Polartec components to CWLS is 202,000 units. $2,600,000 will fund approximately 13,000 sets of CWLS. The CWLS is designed to reduce the weight and volume that a Marine operating as dismounted infantry must carry to accomplish combat missions in mountainous and cold weather environments.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3326

Account: Combat Vehicle and Automotive Technology

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: MSU Campus, East Lansing, MI, 48824

Description of Request: Provide funding of $3,500,000 for advanced composite materials research Operating costs, salaries for researchers, purchase of research equipment, continued lease of the building housing CVRC. This broadly based ongoing program of basic research on composite materials and structures will support the U.S. army, navy, marines and air forces in the design, production, inspection, and repair of safe, durable, lightweight, energy-efficient tactical and strategic land, marine, and air vehicles that will function dependably in severe environments. Some specific service needs addressed include the repair or replacement of vehicles lost or damaged in the Middle East, the requirement for lightweight trailers and vehicles for the U.S. Marines, improvement of design and fabrication of aircraft and watercraft, the creation of deployable inspection techniques, and the furthering of development of heavy combat vehicles that can be easily transported on available cargo aircraft. The results will also contribute to improved exploitation of composites in light-weight personal armor for military and police personnel.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 3326

Account: Combat Vehicle And Automotive

Legal Name of Requesting Entity: NextEnergy

Address of Requesting Entity: 461 Burroughs, Detroit, MI 48202

Description of Request: Provide funding of $4,100,000 for The NextEnergy Center to work with the National Automotive Center to develop and deploy Smart Plug-In Hybrid Vehicle (PHEV) technology in support of Defense Department ("DoD") initiatives to reduce fuel consumption using vehicles with exportable high-quality electric power. Will fund associated operating expenses, construction and building maintenance, feasibility studies, equipment purchase, technician salaries, travel, and federal overhead. A smart PHEV will supplement electrical power generation via exportable electric power from the vehicle, and reduce emissions by the vehicle fleet. Funding will support continued development of new stationary and mobile charging and discharging infrastructure and technologies associated with smart Plug-In Hybrid Electric Vehicles with vehicle to grid (V2G) connectivity including power transfer and the associated communication to support integration of electric vehicles for military and commercial stationary power applications. NextEnergy will pursue technologies that have tactical and non-tactical utility.

EARMARK DECLARATION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that was included at my request in H.R. 3326, The Defense Appropriations Bill of Fiscal Year 2010:

Adaptive Diagnostic Electronic Portable Test Set (ADEPT)

Account: Department of Defense, Operations Navy Other Procurement

Legal Name of Requesting Entity: Mikros Systems

Address of Requesting Entity: 7887 Bryan Dairy Road, Suite 220, Largo, Florida 33777

Description of Request: Provides $1,000,000 for Department of Defense to conduct a competition for the Adaptive Diagnostic Electronic Portable Test Set (ADEPT). The Adaptive Diagnostic Electronic Portable Test Set (ADEPT®) program is an intelligent, automated, programmable electronic test tool designed to aid shipboard technical personnel in the maintenance, alignment, calibration, and error diagnosis of radar and other complex electronic systems.

Advanced Battery Technology (ABT)

Account: United States Army, RDT&E

Legal Name of Requesting Entity: Enser Corporation

Address of Requesting Entity: 5430 70th Avenue North, Pinellas Park, FL 33781

Description of Request: Provides $2,000,000 in funding for Advanced Battery

Technology (ABT) in the Fiscal Year 2010 Appropriations Bill. This program is intended to establish a United States owned thermal battery capability to support advanced weapon systems. There are only two companies in the world that can produce these products. Enser Corporation is the only domestic source. Advancement in thermal battery technology is required for next generation weapons systems for strategic defense and advanced guided munitions, smart bombs and missiles.

Advanced Conductivity Program (ACP)

Account: United States Army, RDT&E

Legal Name of Requesting Entity: Eclipse Energy Systems Inc.

Address of Requesting Entity: 2345 Anvil Street North, St. Petersburg, FL 33710

Description of Request: Provides $1,000,000 for the Advanced Conductivity Program (ACP). The United States Army has recognized the need for the manufacture of advanced nanotechnology film materials. These films reduce solar loading of vehicles and are transparent; electrically and thermally conductive and flexible; thereby enhancing the transparent and armor capability of avionic window systems. This allows the soldier increased situational awareness, survivability and effectiveness on the battlefield.

Advanced Detection of Explosives (ADE)

Account: United States Air Force, RDT&E.

Legal Name of Requesting Entity: Alaka'i Consulting & Engineering, Inc.

Address of Requesting Entity: 7887 Bryan Dairy Rd, Suite 220, Largo, FL 33777

Description of Request: $2,000,000 was requested for the United States Army to conduct a competition to provide for the Advanced Detection of Explosives (ADE). ADE will improve current counter-IED technology and detect improvised explosives devices (IEDs) at safe standoff distance thereby increasing survivability of warriors on the battlefield.

Advanced Electronic Components for Sensor Arrays

Account: United States Air Force, Aerospace Sensors

Legal Name of Requesting Entity: Custom Manufacturing & Engineering, Inc. (CME)

Address of Requesting Entity: 2904 44th Avenue North, St. Petersburg, FL 33714

Description of Request: $3,000,000 was requested for the United States Air Force to conduct a competition to provide for the Advanced Electronic Components for Sensor Arrays which will provide the Air Force with detailed designs and integration of advanced, lower cost electronic sensor components. These components will be used in large-scale phased array antenna architectures and other passive electromagnetic and EO/IR sensor arrays. These modular components for DC powered devices and critical power components effectively militarized will also support other highly integrated sensor arrays across the military services—air, space, ship, and shore assets.

AN/AAR–47B(V)2 Missile Warning System

Account: United States Navy, Aircraft Procurement

Legal Name of Requesting Entity: Alliant Techsystems (ATK), Inc.

Address of Requesting Entity: 13133 34th Street North, Clearwater FL 33762

Description of Request: $5,000,000 will be provided for the United States Navy for advancements in the AN/AAR–47B(V)2 Missile Warning System. The AN/AAR–47B(V)2 Missile Warning System is an extremely effective, low cost, missile warning system that provides significant timely warning of missile and laser threats to U.S. aircraft. This program will provide upgrades for new requirements based on emerging threats in the Global War on Terrorism, and it will address long-term performance improvements for emerging threats. This system is currently fielded in a wide variety of fixed wing and rotary wing aircraft currently being used in Iraq and Afghanistan. The lessons learned from years of combat operations and subsequent upgrades to this system which would enhance the ability of the aircraft to avoid being shot down.

Autonomous Marine Sensors and Networks for Rapid Littoral Assessment

Account: United States Navy, ONR RDT&E

Legal Name of Requesting Entity: University of South Florida

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa, FL 33620

Description of Request: Provides $3,000,000 for the continuation of the Autonomous Marine Sensors and Networks for Rapid Littoral Assessment. This program continues development of advanced underwater sensing systems and associated networks that provide rapid assessment of underwater threats along the shoreline, providing greater security to bases and ports both domestically and abroad.

Ballistic Missile Technology (BMT)

Account: Air Force RDT&E

Legal Name of Requesting Entity: Honeywell

Address of Requesting Entity: 13350 U.S. Highway 19 North, Clearwater, FL 33764

Description of Request: $2,000,000 for the United States Air Force to conduct a competition to provide for the Ballistic Missile Technology. This project will help develop and mature the current Minuteman III program, the Navy's Trident D–5 Life Extension and Prompt Global Strike mission.

BATMAV Program Miniature Digital Data Link (DDL)

Account: United States Air Force, RDT&E

Legal Name of Requesting Entity: Draper Labs

Address of Requesting Entity: 9900 16th St N, PO Box 22369, St Petersburg, FL 33742–2369

Description of Request: $2,000,000 for the United States Air Force to conduct a competition for the development of the BATMAV Program Miniature Digital Data Link (DDL). The U.S. Air Force is developing a small one-man packable and one-man operable Battlefield Air Targeting Micro Air Vehicle (BATMAV) for reconnaissance, surveillance, target acquisition and battle damage assessment. A MCM micro Digital Data Link (DDL) will be developed with an agile frequency capability (providing multiple frequencies for AFSOC UAV operations) controlled via a USB computer interface and encryption capabilities to protect command and control and sensor communications.

Battlefield Sensor Netting (BSN)

Account: United States Navy/Marine Corps, RDT&E

Legal Name of Requesting Entity: SAIC

Address of Requesting Entity: Central Avenue, Suite 1370, St. Petersburg, FL 33701

Description of Request: $3,000,000 for the United States Navy for the continuation of development for Battlefield Sensor Netting (BSN). BSN will provide the warfighter with unparalleled access to mission critical, real-time sensor data. Although tremendous progress has been made in the advancement of sensors, there has not been a corresponding advancement in data link network technologies that can effectively disseminate, display and exploit the tremendous amounts of data generated by modern sensor systems. The Battlefield Sensor Netting program bridges the sensor to shooter gap. It would provide a high bandwidth data network that combines the advantages of low cost, highly capable commercial wireless technologies with the extended range, jamming resistance and security provided by phased array antennas, military encryption systems and network software.

Advanced Development of CBRN Detection Payload for Unmanned Rotary Wing Aircraft

Account: United States Department of Defense, Defense Wide, RDT&E/DW

Legal Name of Requesting Entity: Constellation Technology Corporation

Address of Requesting Entity: Young-Rainey STAR Center, 7887 Bryan Dairy Road, Suite 100, Largo, Florida 33777–1452

Description of Request: $2,000,000 for the Department of Defense to conduct a competition for the development of an Advanced Development of CBRN Detection Payload for Unmanned Rotary Wing Aircraft. The New rotary wing unmanned aircraft offers many key benefits for CBRN detection in that they are capable of staying near a potential source (hovering) for extended periods. This effort is designed to take the lessons learned from fixed wing aircraft and develop a CBRN detection payload for rotary wing aircraft. Rotary wing aircraft offer a great potential improvement in the ability to detect CBRN from the air. The Rotary Wing UAV platforms are expected to be a more proficient means in addressing payload considerations associated with detector technology in the detection of Weapons of Mass Destruction (WMD).

Comprehensive Maritime Domain Awareness

Account: United States Department of Defense, Defense Wide, RDT&E/DW

Legal Name of Requesting Entity: SRI International

Address of Requesting Entity: 140 7th Avenue South, St. Petersburg, FL 33701

Description of Request: $4,000,000 for the Department of Defense to provide for the continuation of development for Comprehensive Maritime Domain Awareness. The current program is conducted in conjunction with the University of South Florida. This funding would continue an ongoing successful program to detect, deter or prevent terrorist attacks against our ports as well as support a broad group of local and regional law enforcement agencies, national and defense assets tasked with protecting ports, waterways, and the general maritime commerce. The program is developing a comprehensive, networked, waterside and landside port and maritime domain awareness system. The initiative applies the latest available technology and develops new capabilities to fill deficiencies in existing systems. Technology used to support the effort takes advantage of the latest advances in micro-systems and nano-materials for sensors and communications.

Cooperative Engagement Capability (CEC)

Account: United States Navy, RDT&E

Legal Name of Requesting Entity: Raytheon Company

Address of Requesting Entity: 7401 22nd Avenue North, Building D, St. Petersburg, Florida 33710

Description of Request: $5,000,000 for the United States Navy to conduct a competition to provide for improvements to the current Cooperative Engagement Capability (CEC) program. CEC is the premier anti-air warfare sensor networking system for the United States Navy. Additional research and development funding will support critical anti-tamper upgrades to safeguard CEC technology and modify the CEC algorithms to support fleet defense against emerging threats. The anti-tamper upgrades will allow CEC technology to be used by our closest allies (the U.K. and Australia; also possibly Canada), thereby fostering an interoperability between our navies.

Countermeasures to Chemical and Biological Controls—Rapid Response

Account: United States Department of Defense, Defense Wide, RDT&E Defense-Wide, Chemical and Biological Defense Program

Legal Name of Requesting Entity: University of South Florida

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa, FL 33620

Description of Request: Provides $3,500,000 for Countermeasures to Chemical and Biological Controls—Rapid Response. This project assists the Department of Defense to primarily focus in two important medical areas: (1) numerous sub-project investigations, studies and research which has led to the development of recognized diagnostics and vaccines that are used to treat infectious diseases and more rapid response to chemical and biological agents such as anthrax, and (2) a highly successful program of training and education for first responders both in and outside of Florida. Over 3,500 persons (law enforcement officers, firefighters, medical personnel and the media, to name a few) have been trained to act quickly and efficiently in the event of a terrorist attack or natural disaster condition which necessitates the highest level of productivity to protect affected communities.

Countermeasures to Combat Protozoan Parasites (Toxoplasmosis and Malaria)

Account: United States Department of Defense, Defense-Wide, RDT&E, Defense-Wide, DARPA, Defense Research Sciences

Legal Name of Requesting Entity: University of South Florida

Address of Requesting Entity: 4202 East Fowler Avenue, Tampa, FL 33620

Description of Request: Provides $2,000,000 for Countermeasures to Combat Protozoan Parasites (Toxoplasmosis and Malaria). There has been an increasing rate of difficulty to diagnose and treat infectious diseases occurring from battlefield experiences and exposure to multiple hazards. This project singularly focuses on specific molecular determinants of that threat and new research to lead to effective drug discovery treatments. The project also focuses on delivery and deployment of therapies directly to military personnel. This area of research is under funded in the U.S. military at present and is a growing and compelling need to protect our service members from long-term disability and death.

Expansion of the Forensic Intelligence Technologies and Training Support Center of Excellence in Largo, Florida

Account: Defense Wide, RDT&E Procurement

Legal Name of Requesting Entity: National Forensic Science Technology Center

Address of Requesting Entity: 7881 114th Avenue North, Largo, FL 33773

Description of Request: Provides $2,000,000 for Expansion of the Forensic Intelligence Technologies and Training Support Center of Excellence in Largo, Florida. This program currently has a strong working relationship with both SOCOM and CENTCOM. In addition the NFSTC works closely with the U.S. Army Criminal Investigation Laboratory (USACIL) which provides all the operational analysis and some reach back support to SOCOM. These factors along with over 65,000 sq ft of specifically designed training space make this an excellent regional training site for all Department of Defense forensic related training.

Florida Counterdrug Program

Account: United States Army National Guard, Operations and Maintenance

Legal Name of Requesting Entity: Florida Army National Guard

Address of Requesting Entity: 82 Marine Street, St. Augustine, Florida 32084

Description of Request: Provides $3,000,000 for the Florida Counterdrug Program. The Florida National Guard has the foremost Counterdrug Program in the nation. This funding would continue an ongoing successful program to detect, deter or prevent successful Drug Trafficking Organizations. This program continues to develop and resource innovative tactics to prevent penetration of our borders and reach our youth. The Florida National Guard is prepared to meet this challenge. In light of the ever emerging threats to our citizenry, this funding will sustain the Florida Counterdrug Program in its current capability in supporting our law enforcement and community-based program partners and defending the citizens of our Nation and State against the source of illegal drugs.

Florida National Guard (FLNG) Total Force Integration

Account: United States Air Force, RDT&E, Advanced Spacecraft Technology

Legal Name of Requesting Entity: Honeywell Aerospace, Space Systems

Address of Requesting Entity: 13350 U.S. Hwy 19 North, Clearwater, FL 33764

Description of Request: Provides $3,000,000 for Florida National Guard (FLNG) Total Force Integration. This project will enable Florida National Guard involvement in new range initiatives that will address the responsive space mission in addition to addressing a number of pressing Air Force and DOD range issues such as increasing launch costs, range infrastructure costs and range radar reliability, all of which have been challenges over the last decade. The Florida National Guard brings a unique perspective and expertise necessary to take full advantage of Total Force Integration; reducing the significant probability of failure of range instrumentation. The Guard provides safe and on-time launch range capabilities with lower costs and shorter cycle times, and provides lighter and leaner range operations.

High Performance Thermal Battery Infrastructure Project

Account: Defense Wide, Defense Production Act

Legal Name of Requesting Entity: Enser Corporation

Address of Requesting Entity: 5430 70th Avenue North, Pinellas Park, FL 33781

Description of Request: Provides $3,000,000 for the High Performance Thermal Battery Infrastructure Project. This project will greatly enhance the Defense Production Act Title III Program. The Battery Production Project is critical to meet production requirements of next generation weapon systems supporting the U.S. Homeland and U.S. War Fighters engaged in the Global War On Terror (GWOT). This DPA Title III Program Battery Production Project provides the Department of Defense the only manufacturing source available to meet production requirements of next generation weapon systems for the Missile Defense Agency (MDA) strategic defense weapons and advanced tactical guided munitions, smart bombs and missiles for the US Armed Forces. This facility is the only United States owned source of high performance cobalt disulfide thermal batteries.

Integrated Psycho-Social Healthcare Demonstration Project

Account: United States Navy, RDT&E.

Legal Name of Requesting Entity: Health Integrated.

Address of Requesting Entity: 10008 North Dale Mabry Highway, Tampa, FL 33618.

Description of Request: Provides $1,000,000 for the United States Navy to conduct a competition to provide for an Integrated Psycho-Social Healthcare Demonstration Project. This project proposes to enhance healthcare for US service members and their families, and to proactively address their unique psychological healthcare needs through the use of industry-leading targeted population management models. It will target a pilot population of DoD beneficiaries within a designated Military Treatment Facility area. The target population will be risk stratified.

Intelligence, Surveillance, and Reconnaissance Global Sensors Architecture (ISR-GSA) and Full Motion Video (FMV) Assessment Project

Account: Department of Defense, RDT&E.

Legal Name of Requesting Entity: National Interest Security Company (NISC) / Information Manufacturing Company (IMC).

Address of Requesting Entity: 11300 Dr. Martin Luther King, Jr. Street North, Suite 310, St. Petersburg, FL 33716.

Description of Request: Provides $2,000,000 for the Department of Defense to conduct a competition to provide for the Intelligence, Surveillance, and Reconnaissance Global Sensors Architecture (ISR-GSA) and Full Motion Video (FMV) Assessment Project. This project fulfills an urgent need by Special Operating Forces (SOF) to achieve near real-time data fusion for deployed sensor systems. This project will supplement and enhance the SOF Warfighter both in Iraq and Afghanistan.

Military / Law Enforcement Counterterrorism Test Bed

Account: United States Air Force RDT&E.

Legal Name of Requesting Entity: Pinellas County Sheriff Office.

Address of Requesting Entity: 10750 Ulmerton Road, Largo FL 33778.

Description of Request: Provides $3,000,000 for a Military / Law Enforcement Counterterrorism Test Bed. Civilian law enforcement professionals have unique skills in investigations, crime scene forensics and evidence gathering that are hard to find in the Department of Defense. The test bed program allows the Law Enforcement CT Test Bed to train Department of Defense Personnel in non-

traditional warfare skills associated with counter insurgency and counter terrorism missions through interaction and training with the local and federal law enforcement community. These non-traditional law enforcement skills are required in the military's nation building role in urban environments both in Iraq and Afghanistan.

Multi-Jurisdictional Counter-Drug Task Force Training (MCTFT)

Account: United States Army National Guard, Counter Drug Activities

Legal Name of Requesting Entity: St. Petersburg College.

Address of Requesting Entity: P.O. Box 13489, Saint Petersburg, FL 33733.

Description of Request: Provides $3,500,000 for Multi-Jurisdictional Counter-Drug Task Force Training (MCTFT). This program brings law enforcement, military and civilian personnel together to fight the war on drugs through the Multi-Jurisdictional Counter-Drug Task Force Training (MCTFT) Program. This is the most comprehensive counter-drug training program today and is a federally funded partnership with the Department of Defense's National Guard Bureau, the Florida National Guard and St. Petersburg College. MCTFT provides unique counter-drug training for local, state, federal, and military criminal justice professionals as well as awareness training for community leaders. MCTFT offers in-depth courses covering aspects of counter-drug law enforcement using conventional classroom and scenario models as well as distance learning technologies.

National Functional Genomics Center

Account: United States Army, RDT&E, Advanced Medical Technology.

Legal Name of Requesting Entity: H. Lee Moffitt Cancer Center and Research Institute

Address of Requesting Entity: 12902 Magnolia Drive, Tampa, FL 33612

Description of Request: Provides $6,000,000 for the National Functional Genomics Center. This program will accelerate the discovery of new cancer drugs and save lives and burdensome dislocation of the fighting soldier and support personnel. This adds an enormous financial burden on the Department of Defense Tri-Care program utilized by our DoD veterans, their spouses and dependents. Medical R&D that will improve care, reduce morbidity, be cost specific and bring quality to the system is relevant to the Department of Defense mission and the taxpayer.

National Terrorism Preparedness Institute Anti-Terrorism/Counter-Terrorism Technology Development and Training project

Account: United States Navy, RDT&E.

Legal Name of Requesting Entity: St. Petersburg College.

Address of Requesting Entity: 6021 142nd Avenue North, Largo FL 33760.

Description of Request: Provides $3,500,000 for the National Terrorism Preparedness Institute Anti-Terrorism/Counter-Terrorism Technology Development and Training project. This project provides the DOD with technology and training development in the four pillars of combating terrorism: intelligence support, counterterrorism, anti-terrorism, and consequence management. The National Terrorism Preparedness Institute (NTPI) will continue to provide training to the DOD, emergency responders, and policy makers. This program will continue research and development of technology and training.

Next Generation Scalable Lean Manufacturing Initiative—Phase Two

Account: United States Navy, RDT&E.

Legal Name of Requesting Entity: Revenge Advanced Composites.

Address of Requesting Entity: 12705 Daniel Drive, Clearwater, FL 33762

Description of Request: Provides $3,000,000 for the continued development of the Next Generation Scalable Lean Manufacturing Initiative—Phase Two. The second phase of this program could potentially revolutionize the ship building industry taking advantage of modern techniques, current technologies, and advanced materials such as composites. Specifically, this initiative will solve current and immediate operational needs/requirements to develop large-scale, high strength, light-weight structures. There is increasing demand at all levels within the Department of Defense for such modernizations today.

Reduced Manning Situational Awareness project

Account: United States Army, RDT&E.

Legal Name of Requesting Entity: DRS Technologies

Address of Requesting Entity: 6200 118th Avenue North, Largo, FL 33773

Description of Request: Provides $5,000,000 for the Reduced Manning Situational Awareness project. This program is a Command and Control (C2) system of integrated smart sensors, 3D visualization, video analytics, and bandwidth management. This system automates the monitoring of a wide array of sensors thereby reducing manning requirements and operator fatigue. These capabilities reduce operator costs and increase detection probability and response with increased protection of critical assets. This project will enhance the military capability to perform real-time battle surveillance as well as battle damage assessments.

Regional Emergency Response Network Emergency Cell Phone Capability

Account: United States Army National Guard, Operations and Maintenance

Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 82 Marine Street, St. Augustine, Florida 32084

Description of Request: $5,000,000 for the United States Army to provide for competition for a Regional Emergency Response Network Emergency Cell Phone Capability program. This program helps military managers and leaders improve efficiency by providing cellular service during the crucial hours after a disaster occurs. This would allow first responders to communicate with already existing hand held equipment thus providing a much quicker and focused coordinated recovery effort.

Second Civil Support Team for Weapons of Mass Destruction in Florida

Account: United States Army National Guard, Operations and Maintenance

Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 400 South Monroe St., Tallahassee, FL 32399.

Description of Request: Provides $2,000,000 for a Second Civil Support Team for Weapons of Mass Destruction in Florida. This appropriation would allow for continued Operations and Maintenance funding for a second Civil Support Team in Florida. This capability provides the citizens of Florida an increased response capability to match the potential terrorist and natural disaster threats in the state.

Second Civil Support Team for Weapons of Mass Destruction in Florida.

Account: United States Army National Guard, Personnel

Legal Name of Requesting Entity: Florida Army National Guard.

Address of Requesting Entity: 400 South Monroe St., Tallahassee, FL 32399.

Description of Request: Provides $1,200,000 for a Second Civil Support Team for Weapons of Mass Destruction in Florida. This appropriation would allow for continued personnel funding for a second Civil Support Team in Florida. This capability provides the citizens of Florida an increased response capability to match the potential terrorist and natural disaster threats in the state.

Super High Accuracy Range Kit (SHARK) Precision Guided Artillery Round—105mm

Account: United States Army, RDT&E.

Legal Name of Requesting Entity: General Dynamics.

Address of Requesting Entity: 11399 16th Court North, St. Petersburg, FL 33716.

Description of Request: Provides $5,000,000 for the United States Army to conduct a competition for the Super High Accuracy Range Kit (SHARK) Precision Guided Artillery Round—105mm. This program is a promising technology for providing precision accuracy for 105mm artillery projectiles for use by the Infantry Brigade Combat Team (IBCT) in order to reduce collateral damage. This technology utilizes Global Positioning System (GPS) guidance and rear steering fins packaged in a module that can be used on the newly type classified M1130 Pre-Formed Fragment (PFF) artillery projectiles. This technology incorporates a gun hardened Control Actuator System (CAS) that has been successfully demonstrated on the 155mm Excalibur program.

United States Special Operations Command—SOCOM/STAR–TEC Partnership Program

Account: Defense-Wide, RDT&E, Counter-Drugs

Legal Name of Requesting Entity: CTC Tampa Bay, Inc. (STAR–TEC)

Address of Requesting Entity: Young-Rainey STAR Center, 7887 Bryan Road, Suite 220, Largo, Florida 33777.

Description of Request: Provides $2,000,000 for the United States Special Operations Command—SOCOM/STAR–TEC Partnership Program. This project would establish an ultra-responsive, local resource, tied to academia, science and industry to meet unique Special Operations Forces (SOF) requirements. STAR–TEC will research and share concepts and information under development by similar Department of Defense organizations and other rapid deployment forces combating the Global War On Terrorism (GWOT).

United States Special Operations Command "SOCRATES" High Assurance Platform Program

Account: Defense-Wide, RDT&E,

Legal Name of Requesting Entity: National Information Assurance Corporation (NIACORP)

Address of Requesting Entity: 7887 Bryan Road, Suite 320, Largo, Florida 33777.

Description of Request: Provides $1,000,000 for the United States Special Operations Command ''SOCRATES'' High Assurance Platform Program. This project would establish The High Assurance Platform (Trusted Virtual Environment) that will provide the capability for a secure solution allowing the user to access multi-level information (TS/SCI) to unclassified as well as a multi-domain information (NATO, Coalition) on a single desktop/laptop. Significant cost savings will be realized by the DOD throughout the life cycle of this technology while combating the Global War On Terrorism (GWOT).

X-Band/W-Band Solid State Power Amplifier

Account: Defense Wide, RDT&E.

Legal Name of Requesting Entity: Global Technical Services (GTS)

Address of Requesting Entity: 6901 Bryan Dairy Road, Largo, FL 33777.

Description of Request: Provides $1,000,000 for an X-Band/W-Band Solid State Power Amplifier. This program will design, develop and test a solid state power amplifier at X-Band/W-Band to replace the current Traveling Wave Tubes (TWT), in order to provide a higher mean time before replacement thereby reducing overall costs.

IN SUPPORT OF H.R. 3200

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BLUMENAUER. Madam Speaker, I submit the following regarding H.R. 3200:

PHYSICIANS

''As a geriatrician who specializes in care of older adults, the more power and choice we can put in the hands of patients the better! My patients are afraid of being overtaken by the health care system. Advance care planning restores the focus to where it belongs—on the patient's goals, the patient's wishes, and putting the patient—not the system—in the drivers seat.''—Diane. E. Meier, MD, Gaisman Professor of Medical Ethics, Director, Center to Advance Palliative Care, Mount Sinai School of Medicine.

''Patients and families have suffered too much and for too long and needlessly. Adjusting the system so that providers know what the patient's goals for care are allows us what we all want: the chance for every person to live by our values—including when sick. With palliative care we can live life to its fullest till the very last drop—including while curative treatment continues. People make the best decisions when the decisions are their own. When that happens, as individuals and as a nation, we will be paying for what is right, not for what is wrong. This bill gives us the right to do what is right.''—Linda L Emanuel, MD, PhD, Buehler Professor of Medicine, Director, Buehler Center on Aging, Health & Society at Feinberg School of Medicine.

''As a physician, I strongly believe in advance planning for life threatening illness and end of life care. Patients deserve the opportunity to have voluntary yet candid conversations with their physicians about who they want involved and how they want their care managed during a serious illness. A provision in H.R. 3200 encourages and supports physicians to open the door for these important discussions as their patients deal with unexpected illness and anticipate natural life cycles. Thoughtful planning can only help bring peace, comfort and healing to patients and their families during a difficult time.''—Glenn Rodriguez, M.D., Chief medical officer, Providence Health & Services—Oregon.

''Understanding patient preferences for care at the end of life is a key component of patient centered care. Substantial literature indicates that discussing care preferences improves quality of life for patients and reduces caregiver grief. These conversations require skill and time. The Advanced Planning provisions in H.R. 3200 provide training and reimbursement to deliver these essential care components.''—Robert A. Gluckman, MD, FACP.

''As a palliative medicine physician and geriatrician who cares for healthy older adults and those living with serious illness and their families, I wanted to express my unqualified support for efforts to promote advance care planning and palliative care in the House health reform bill [H.R. 3200]. These provisions will help ensure that older adults get the care that they want and need by supporting physicians' efforts to identify their patients' goals for medical care and by allowing them to help their patients to select treatments that meet those goals. Too often, my patients are not aware of their options, receive treatments that will not meet their goals, or do not receive treatments that they want and need. The result is unnecessary patient and family suffering. These provisions will make a real difference in addressing this problem.''—R. Sean Morrison, MD, Mount Sinai—School of Medicine.

''. . . Conversations with patients and their loved ones that clarify goals of care, surrogate medical decision makers, and resuscitation preferences help physicians develop plans of care that offer only therapies that will be beneficial and consistent with a patient's wishes. These help tremendously in ''focusing'' therapies on what the patient would want, reassuring loved ones that care is consistent with that desired, and limiting inadvertent application of unwanted precious medical resources. They are win-win experiences for patients, providers, and payers.''—Jeanne Lewandowski, MD, Director of Palliative Medicine, St. John Hospital and Medical Center.

''We cannot change that people for whom we care will die, but we can give them the choice of how they wish to live at the end of their life. Some prefer the support of a hospital, some prefer the comfort of the familiar in their home. Some tolerate extreme discomfort in order to be alert while others will compromise their alertness for relief of pain. We cannot know what people will choose without having the discussion about their choices. Further support for these discussions only improves the care we can tailor for each individual. Thoughtful consideration of these issues takes time. Patients deserve our full attention when we address these issues.''—Elizabeth Weiss, MD, Bangor, Maine.

''Most Americans will live for some years with a serious chronic condition such as heart failure or dementia before dying, and most of that time will be covered by Medicare. The responsibility falls to Medicare to ensure that this phase of life is rewarding, comfortable, and meaningful by making sure that citizens get the information to make choices that serve us well—and making sure that the services we need then are reliable and efficient. For far too long, Medicare has paid attention mainly to the issues and treatments that matter most earlier in life—Medicare has to take the lead in good care for the last years of life. Only one American in five dies before becoming eligible for Medicare. We have the opportunity to build the care system we can trust to serve us well in the last years of life, and we should seize it.''—Joanne Lynn, MD, Author of The Handbook for Mortals.

The focus of health care should be what is the best care for patients as related to their life values and personal goals. As a physician, I often find that evidenced-based clinical care falls short of the dignity and comfort when the disease is non-curable and in time, result in death. Empowering people to make the best decisions related to their health care requires much discussion about their diseases. It is, in fact, allowing people to make their own decisions, to be heard, to be respected, and to be cared for to the best of our abilities regardless of disease treatment and or symptom management. I support the advance care planning provisions in H.R. 3200 because health care decision-making is American. It is the patient's right to make an informed decision and not for the government to decide what choices to make.—Mark A. Fox, MD, Florence, South Carolina.

It takes a great deal time to discuss advanced directives with patients. This time spent should be compensated through the Medicare program. Euthanasia is never part of the discussion. Most physicians are ethically opposed to euthanasia, either active or passive. It is also illegal in 98% of the states.—Martin A. Grossman, MD, New York.

NURSES

''As trusted patient advocates, the nursing members of the Hospice and Palliative Nursing Association witness the suffering experienced by patients and family members during difficult times when advance care planning does not occur. We are, therefore, very pleased to see the specific language of this bill [H.R. 3200] assuring the patient's right to express their wishes through open discussions and know this change will indeed allow for improvement in patient care.''—Judy Lentz, RN, MSN, NHA, CEO, Hospice and Palliative Nurses Association.

''As an advanced practice nurse working in palliative care I know we improve lives of patient and families daily. I can not emphasized how critical advance care planning and palliative care is to the American health care system and fully support the provisions of H.R. 3200 that provide for Medicare coverage of these important conversations between patients and their health care providers.''—Patrick J. Coyne, MSN, APRN Richmond, Virginia.

''What is important for health care reform and for the ninety million Americans living with serious illness is that care is focused on quality of life, management of the symptoms that accompany chronic disease, and facilitation of care that reflects patient goals and values. As a geriatric nurse practitioner and palliative care program director, I strongly support inclusion of advance care planning and palliative care—the medical specialty that focuses on preventing and treating the debilitating effects of serious and chronic illness—as a solution to achieving quality health care.''—Lyn Ceronsky, APRN, MS, Director, Palliative Care Program at the Fairview Palliative Care Leadership Center

PATIENT ADVOCATES

''This measure would not only help people make the best decisions for themselves, but also better ensure that their wishes are followed. To suggest otherwise is a gross, and even cruel, distortion—especially for any family that has been forced to make the difficult decisions on care for loved ones approaching the end of their lives. AARP is committed to improving the quality, effectiveness, and affordability of health care for our 40 million members and their families. We will fight any measure that would prevent individuals and their doctors from making their own health care decisions. We will

also fight the campaign of misinformation that vested interests are using to try to scare older Americans in order to protect the status quo.''—John Rother, Executive Vice President, AARP.

''The goal of this measure is to honor an individual's choice to have or to limit life-sustaining treatments. By developing tools to help people with Medicare and their families make educated decisions about treatments, we can assure that an individual's preferences for care are respected.''—Paul Precht, Director of Policy and Communications, Medicare Rights Center.

''In La Crosse, health professionals taking time to fully inform their patients and their patient's family about future choices better assures that the patient receives the best care possible in light of that patient's health condition, religious and cultural values and that these decisions are really known by the family. Such a process benefits everyone involved and better assures that our utilization of health resources are actually matched with patient goals. This is a far better method of distribution of resources than the society deciding what is best for the patient.''—Bud Hammes, Ph.D, Director of Medical Humanities, Gundersen Lutheran Medical Foundation.

''The National Coalition for Cancer Survivorship supports the advance care planning provisions of H.R. 3200, which will help patients make well-informed decisions about the care they want and need at the end of life. A first step toward patient-centered care is productive dialogue between patients and their caregivers, communication that is not adequately valued in the current health care system. The practice of advance care planning gives patients more control over their health care than currently exists.''—Ellen L. Stovall, 37-Year Cancer Survivor and Acting President & CEO, National Coalition for Cancer Survivorship.

''Make no mistake. Living wills and proxies (advance directives) ensure that we—as opposed to just the doctors—have a clear voice and a choice in our care should we reach that most vulnerable stage where we can't advocate for ourselves. This is why I've chosen to have a health care proxy, and I applaud [Representatives] Levin and Blumenauer's efforts on this matter.''—Joseph Rickards, Patient Advocate, New York City.

FAITH COMMUNITY

''The Supportive Care Coalition is a nationwide collaborative of 20 Catholic health care organizations that assists Catholic health ministries in addressing the physical, emotional, psychosocial and spiritual needs of those suffering from life-threatening and chronic illness, as well as those approaching the end of life. We have long supported measures that improve palliative care and end-of-life services, eliminate barriers and build a more connected health care experience across the continuum of care. Central to achieving patient-centered, quality care is strong communication between patients and their health care providers and for these reasons, we strongly support the advance care planning provisions in H.R. 3200.''—Sister Karin Dufault, SP, PhD, RN, Executive Director, Supportive Care Coalition: Pursuing Excellence in Palliative Care.

''Reflection about the end of life, including elements in medical care, is important for all of us. Such discernment and discussion with loved ones can be enhanced by conversations with thoughtful and caring physicians. Actual decisions are always our own informed by our values and moral perspectives.''—Msgr. Charles J. Fahey,

COAST GUARD ACQUISITION REFORM ACT OF 2009

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 2009

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 1665, the ''Coast Guard Acquisition Reform Act of 2009.''

The Coast Guard is a valiant agency, one that is dedicated to saving lives and securing our nation's maritime borders.

Last year, Coast Guard men and women:

Responded to more than 24,000 search and rescue cases;

Saved more than 4,000 lives;

Interdicted nearly 5,000 individuals attempting to enter the United States illegally;

Deployed 400 personnel to protect Iraq's maritime oil infrastructure, train Iraqi naval forces, and enforce U.N. sanctions in the Arabian Gulf;

Boarded more than 1,500 high interest vessels bound for the United States for security inspections; and

Provided waterside security and escorts for nearly 500 military vessels that deliver supplies to support Operation Iraqi Freedom and Operation Enduring Freedom.

The Coast Guard did all of this on ships that are thirty (30) to forty (40) years old.

Currently, the Coast Guard is building new assets, including the ''National Security Cutters'' and the ''Fast Response Cutters'' under the $24 billion Deepwater fleet modernization program.

Initially, when Deepwater first began in 2002, the Coast Guard delegated responsibility as lead system integrator to a private firm.

By all accounts, this delegation of responsibility led to poor workmanship, skyrocketing costs, and ships that didn't float.

In response, in 2007, Coast Guard Commandant Thad Allen took the helm of this struggling program and assumed the lead integrator role.

Over the past two years, Admiral Allen has made significant changes to the acquisition and procurement processes within the Coast Guard.

This was a good development, but as recent Government Accountability Office reports note, it is not enough.

GAO found that the current contracts are not in full compliance with the Department of Homeland Security's acquisition directives.

Additionally, GAO found that critical logistical support plans have not been completed.

Logistical support plans are necessary for the Coast Guard to understand the out-year costs associated with the new cutters.

If enacted, H.R. 1665 can help steer the Deepwater program on the right course.

Specifically, the bill revises the Coast Guard acquisition policy by mandating the development and regular updating of life-cycle cost estimates and a master plan for testing and evaluation.

The bill also requires ''full and open competition'' for any acquisition contract, unless otherwise excepted under Federal acquisition laws and regulations.

Lastly, the bill establishes a Chief Acquisition Officer and requires that program managers for certain acquisitions hold a specified acquisition certification.

These important reforms to the acquisitions process at the Coast Guard will not only ensure that taxpayer dollars are used wisely but that the Coast Guard has the assets it needs to continue to fulfill all its critical missions.

I urge all my colleagues to support H.R. 1665.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act, 2010:

Name: Advanced Autonomous Robotic Inspections for Aging Aircraft

Bill #: H.R. 3326

Account: Operations & Maintenance, Air Force

Legal Name of requesting entity: Veracity Technology Solutions, LLC

Address of requesting entity: 2701 Liberty Parkway, Suite 311; Midwest City, OK 73110

Description: Provide an earmark of $1 million for the purposes of providing military aviation with an inspection system vehicle which will be utilized for the autonomous gathering of nondestructive inspection (NDI) data for the detection of corrosion and cracking on the KC–135 wing skins as well as other aging aircraft. This funding will allow Veracity Technology Solutions (VTS) to complete development and implement a precise and cost-effective autonomous vehicle that can provide these needed inspection results. This system will allow for condition assessment of aircraft structures, as well as continuous assessment through the historical comparison of previous and present inspection results. Currently the method for inspecting the wing skins of the KC–135 aircraft is with traditional NDI methods that are both antiquated and time consuming. Veracity, in collaboration with the Air Force have proven the ability to reduce the time of inspection on the KC–135 wing skin by a factor of 5X through the successful demonstration of a semi-autonomous automated inspection vehicle. With the addition of these congressional funds, Veracity will be able to implement a fully automated autonomous robotic vehicle that has the capability to inspect for corrosion as well as crack detection around fasteners. This system will allow maintenance personnel to set up the automated vehicle, perform the scan, analyze data real time, and perform visual inspection of fasteners which is currently not available to maintenance personnel. This system will decrease the maintenance downtime and unnecessary refurbishment of serviceable components. Without this system there is the increased risk of the catastrophic failure of these critical components. This project will provide a state-of-the-art NDI system and training that have the potential to decrease costs while assuring safety and airworthiness. This plan provides information regarding the development and deployment of two platforms. The first 60% of

the granted earmark funds will be utilized on the deployment of the Autonomous Robot with the Eddy Current and Ultrasonic Inspection capabilities. The remaining 40% will be utilized for the deployment of additional proof of project concept between the KC–135 program office and Veracity. These inspections will help eliminate the need for hazardous x-ray technology, reduce idle workers, due to the use of x-ray technology, reduce flow delays, and greatly improve efficiency. There are as many as 126 inspections on the KC–135 that are meeting these criteria according to Boeing and Air Force officials, which are expected to save more than $1.5 million annually. If this inspection were to be deployed fleet-wide the savings could grow to more than $55 million. These requirements are based upon US Air Force's needs for a more reliable and sensitive inspection system.

Name: Joint Fires and Effects Trainer System Enhancements

Bill #: H.R. 3326

Account: RDT&E, Army

Legal Name of requesting entity: Creative Technologies, Inc.

Address of requesting entity: 6255 W. Sunset Blvd., Suite 716; Los Angeles, CA 90028

Description: Provide an earmark of $2,500,000 for the purpose of testing and developing a handheld interactive application that will develop the capability of the Artillery branch to export the JFETS Training capability to forces not located at Fort Sill, OK. The application of precision fires and effects is an essential capability not only in current theaters of war, but in virtually the entire spectrum of conflict for which US defense forces prepare. Live fire training cost and environmental impact are limiting factors in the volume and frequency of Soldier training in this domain. Virtual simulation training for Joint Fires and Effects is intended to mitigate these limitations, for both initial training and currency, by reducing total cost and increasing the total number of training repetitions Soldiers may experience. The Joint Fires and Effects Trainer System (JFETS) at the Fires Center of Excellence (FCoE), Fort Sill, Oklahoma has received funding to develop an excellent prototype; Joint Forces Command rates the JFETS Close Air Support Module as the best in existence. The current system design, however, limits throughput and, as a result, Instructors at the FCoE are unable to use the system to its fullest potential for their classes. Accordingly, the FCoE Fires Battle Lab in 2008 commissioned a study to increase throughput in the JFETS Open Terrain Module (OTM): a key venue for Call For Fire Training. The results of this study propose a technological enhancement that will allow a single Instructor to manage nine concurrent discrete call for fire training sessions in the OTM facility: an 800% increase in efficiency over the current configuration. While the underlying technology in the proposed solution is mature and sound, the question remains as to whether the enhancement will work as planned. In effect, there is a need to determine whether a single instructor will be able to manage nine concurrent sessions as predicted. Notwithstanding this increase in efficiency, the JFETS OTM will still be, relatively speaking, a scarce resource at the FCoE. Additionally, students will need to review training received on the OTM and other JFETS modules in the field after training in the school house. To maximize the value of Soldier training time in the JFETS, an interactive application is required to drill Soldiers in the five essential elements of accurate predictive fires to prepare them before they train in the immersive environment and reinforce that training once they leave. An extension to the JFETS suite of capabilities, the application will be designed to work on a variety of platforms. FCoE leadership has expressed interest in an application to work on a Personal Digital Assistant (PDA), Smartphone or other portable platform in addition to a desktop computational environment.

Name: Tactical Metal Fabrication System (TACFAB)

Bill #: H.R. 3326

Account: RDT&E, Army

Legal Name of requesting entity: IMTEC

Address of requesting entity: IMTEC Plaza, 2401 North Commerce; Ardmore, OK 73401

Description: Provide an earmark of $1 million for TacFab. 63% will be used for a Shelterized Integration of a Low-End (TacFab) Capability. An additional 37% will be used for the Integration of Full-Up Deployable (TacFab) Capability. TacFab demonstrates a tactically mobile, rapid metal fabrication capability that will be a companion unit to the MPH to provide spare and replacement parts to our Warfighters in theater, and also as a standalone metal casting resource provided to domestic organic Army depots and industrial facilities in support of RESET activities. TacFab provides a containerized, mobile foundry to the U.S. Army, allowing deployed forces to produce spare and replacement parts in the field. This cuts the order time from weeks or months to 24 hours. The Army uses its Rapid Manufacturing System to provide deployed forces with critical spare and replacement parts to keep its tanks, helicopters, guns and other systems operating under the extreme wear and tear of battle. The system provides troops on the ground with parts that they would otherwise need to wait weeks or months for, if they were being ordered through the standard supply chain and shipped to the front. However, because the existing system does not include a mobile foundry, the system cannot address the need for cast parts, which make up a large percentage of needs. The Tactical Metal Fabrication (TacFab) System will provide a complementary capability to the RMS to cut the time required to produce parts by 90%.

Name: UAV/UAS Test Facility

Bill #: H.R. 3326

Account: RDT&E, DefenseWide

Legal Name of requesting entity: University Multispectral Labs

Address of requesting entity: 500 West South Avenue; Ponca City, OK 74601

Description: Provide an earmark of $3 million to advance the National Unmanned Aerial Vehicles/System (UAV/S) Test Facility initiated in FY2009. The test facility is located adjacent to restricted Fort Sill, Oklahoma airspace and established on behalf of the United States Special Operations Command. 68% is for material, engineering support, range equipment and renovations, and 32% is for further creation of high-technology jobs consisting of technicians, engineers and scientists. Facility will also support Army Fires Center of Excellence and foster a positive impact on the surrounding areas. The UML has a fully executed Memorandum of Agreement with the Garrison Commander supported by the Fort Sill Commanding General.

Name: Infrared Materials Laboratory

Bill #: H.R. 3326

Account: RDT&E, Navy

Legal Name of requesting entity: Amethyst Research Inc.

Address of requesting entity: 1405 4th Ave. NW, Box 345; Ardmore, OK 73401

Description: Provide an earmark of $3.5 million for advanced infrared systems development. Approximately 83% is for research, development, testing and evaluation; approximately 14% is for research equipment lease, and approximately 3% is for building lease. This project has the support of key officials within the Department of Defense and from U.S. suppliers of key defense-related technologies to the U.S. Government. This request is consistent with the intended and authorized purpose of the ONR, RDTE, N account. While not required to do so, the State of Oklahoma and the host community City of Ardmore have committed non-federal dollars toward this national priority. The Infrared Materials Laboratories are overcoming the technical and financial barriers preventing the use of HgCdTe (Mercury Cadmium Telluride) on large-format Si (Silicon) substrate infrared focal plane arrays (IRFPAs) and also are resolving related DoD challenges of the highest national priority. This research, performed by a highly respected team of former NVESD, Oak Ridge National Lab, Sandia National Labs, General Electric, ONR, and USAF scientists at Amethyst Research Inc. as well as at collaborating research universities and DoD equipment manufacturers will: (1) dramatically lower the cost of high-performance IR devices for DoD applications, (2) create a stable, domestic supply of wafers for IRFPA fabrication at all major U.S. infrared houses, and (3) put superior technologies into the hands of the U.S. warfighter more quickly. DOD requirement for funds is: "Passivation of Dislocation Defects by Hydrogenation for High Performance LWIR HgCdTe on Si"—NVESD W15P7T–05–C–F401; "Si Based Large Area Substrates for HgCdTe Infrared Detectors"—ARO W911 NF–06–0074; "Defect Mapping of Wafers for Increasing Yield and Operability of Infrared Focal Plane Arrays"—MDA, Pending; "Passivation Technologies for Improved Operability and Radiation Hardness of VLWIR HgCdTe Focal Plane Arrays—MDA HQ006–07–C–7705, B063–025–044. This program will eliminate complete DoD dependency on a single, foreign source for a key component of infrared sensors. Further, this program will reduce DoD's cost to acquire and deploy high-performance IRFPAs (including 3D LADAR technologies) and improve the ability of DoD assets to distinguish, track, and target well-camouflaged enemy assets in highly cluttered environments and in space. The goal of this program is to reduce by a factor of five (5) DoD's current —$200,000 cost per IRFPA. DoD estimates that the program's integral proprietary defect characterization system alone will result in taxpayer savings of $100,000,000 over 10 years. This effort is rooted in proprietary hydrogenation, wafer mapping and repair techniques that dramatically improve the operability and yield of infrared focal plane arrays used in military and homeland security applications. It will result in the production of large-area HgCdTe on Si wafer substrates and defect mapping and repair/mitigation on existing CdZnTe wafer substrates. The major U.S. infrared manufacturing houses are collaborating

with Amethyst Research Inc. on this effort. The President of the United States has determined that certain components of this program are of the highest national priority.

HONORING JACKIE S. ROWLES, CRNA, MBA, MA, FAAPM, PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BUYER. Madam Speaker, today I pay tribute to Jackie S. Rowles, CRNA, MBA, MA, FAAPM, of Indiana. Ms. Rowles will soon complete her year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that a fellow Hoosier served as the 2008–2009 President of this prestigious national organization.

Celebrating its 78th Anniversary, the AANA is the professional organization that represents more than 40,000 practicing Certified Registered Nurse Anesthetists (CRNAs). Founded in 1931, the AANA is the professional association representing CRNAs nationwide. As you may know, CRNAs are advanced practice nurses who administer more than 27 million anesthetics in the United States each year. CRNAs practice in every setting in which anesthesia is delivered: traditional hospital surgical suites and obstetrical delivery rooms; critical access hospitals; ambulatory surgical centers; the offices of dentists, podiatrists, ophthalmologists, plastic surgeons, the U.S. military, Public Health Services, Department of Veterans Affairs healthcare facilities, and finally, like Ms. Rowles, some are specialists in the management of pain.

Ms. Rowles was educated in the art and science of Nurse Anesthesia, at the Truman Medical Center, in Kansas City, Missouri. She earned her Bachelor of Science in Nursing (BSN) from Ball State University, in Muncie, Indiana. In addition, Ms. Rowles also holds a Master of Arts (MA) degree in Biology from the University of Missouri at Kansas City, and a Master of Business Administration (MBA) from Memphis State University in Memphis, Tennessee. Currently, she is an Anesthetist within the Meridian Health Group, which provides pain management services in and around the Indianapolis area.

Ms. Rowles has held numerous leadership positions in the AANA as Regional Director, Vice-President, and President-elect before becoming the National President of the AANA in 2008. In addition, Jackie has served terms as President, President-Elect, and Secretary, for the Indiana Association of Nurse Anesthetists (INANA). She has received the Excellence Award from the Indiana Association of Nurse Anesthetists; the Outstanding Nursing Alumni Award from Ball State University; and the AANA Alice Magaw Outstanding Clinical Practitioner Award. Ms. Rowles has been a Member of the Indiana Commission on Health Care Excellence; a Member of the Accreditation Association Ambulatory Health Care; Associate Member in the American Society of Interventional Pain Physicians and Indiana Society of IPP; a Member of the Society of Pain Management; and finally, a Fellow and Member of the Board of Directors in the American Academy of Pain Management (AAPM). Considered an expert in interventional pain management, Jackie Rowles developed a nationally recognized system of CRNA skill competency assessment that has served as a tool in patient safety initiatives.

Adding to her professional accomplishments, Ms. Rowles has been recognized for speaking on anesthesia- and pain management-related topics over the years. During her AANA Presidency, Ms. Rowles advocated for CRNAs and patients before the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Food and Drug Administration, and other federal agencies. In addition, Ms. Rowles directed that the AANA be represented before this Congress to testify about the contributions of CRNAs in the Veterans Affairs and military health systems. Finally, Ms. Rowles has been an invaluable advocate for the value of CRNAs in health reform.

Madam Speaker, I rise to ask my colleagues to join me today in recognizing the outgoing President of the American Association of Nurse Anesthetists, Ms. Jackie S. Rowles, CRNA, MBA, MA, FAAPM, for her notable career and outstanding achievements. And, on a personal note, Jackie, stay out of the sand traps and enjoy the fairways and greens.

EARMARK DECLARATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, FY 2010 Department of Defense Appropriations Act:

1. Project Name—Lightweight Munitions and Surveillance System for Unmanned Air and Ground Vehicles

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 3326, FY 2010 Department of Defense Appropriations Act

Account—RDT&E (Army), Shipboard Systems Component Development

Requesting Entity—Imperial Machine & Tool Company, 8 West Crisman Road, Columbia, NJ 07832

Description of the Project—The Hybrid Projectile program's goal is to produce low-cost guided munitions capable of reaching targets faster than a traditional UAV. These munitions will be more efficient and effective than current guided projectiles of the same caliber with larger payloads and the ability to change targets or be recalled mid-flight. With additional taxpayer funding, current early phase research can be accelerated, completed, and transferred to other caliber weapons. The Hybrid Projectile program will offer a wide range of forward-looking, advanced weapons and surveillance capabilities to not only Army personnel, but also members of all branches of the Armed Services.

Description of the Spending Plan—($4,800,000)

$900,000—Design/Study: Design and study costs are associated with the intense engineering and drafting of the various hybrid projectiles. Imperial dedicates personnel solely to this project.

$1,100,000—Personnel/Salaries: This cost is for the salaries of employees at Imperial Machine & Tool Co. and subcontractors (if required) that will be working on the program for FY10.

$800,000—Equipment: Equipment purchases are associated with hardware and electronics necessary to continue development of Hybrid Projectiles. Imperial Machine & Tool Co. owns state of the art manufacturing equipment. Therefore, there are no capital equipment purchases necessary.

$2,000,000—Manufacturing: This allows for the advanced manufacturing of hybrid projectiles through novel machining practices and cutting edge technology.

Total—$4,800,000.

2. Project Name—Landing Craft Composite Lift Fan

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 3326, FY 2010 Department of Defense Appropriations Act

Account—RDT&E (Navy) Weapons and Munitions Advanced Technology

Requesting Entity—Curtiss-Wright Flow Control/Engineered Pump Division, 222 Cameron Drive, Suite 200, Phillipsburg, NJ 08865

Description of the Project—This project will support the design, development, and manufacture of two sets of prototype composite material lift fans for application on current and next generation Navy landing craft vessels. The initiative will address an ongoing problem the Navy has been experiencing with current generation metal lift fan blades that have to be replaced every few months at a cost of approximately $1.4 million a year. This technology will extend the life of landing craft lift fans, reducing failures, maintenance, and life cycle costs. The proposed fan improvement utilizes state of the art composite materials, fiber-reinforced matrix composites. Similar composite materials have proven themselves in pumps used in sea water applications onboard U.S. Naval Ships. This funding would complete the development of landing craft composite lift fan initiated in FY09, providing final design and production ready capability to replace current generation landing craft lift fans.

Description of the Spending Plan—($1,500,000)

$750,000—prototype installation on Navy LCAC

$525,000—US Navy testing of prototype on LCAC

$225,000—final design modifications as identified in testing

Total—$1,500,000.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Account: RDTE, AF

Legal Name of Requesting Entity: L–3 Communications Integrated Systems

Address of Requesting Entity: 10001 Jack Finney Boulevard, Greenville, Texas 75403

Description of Request: I have secured $2,500,000 for the Rivet Joint Services Oriented Architecture (SOA) with L–3 Communications Integrated Systems. Funding for this project will fully implement the RC–l35 SOA, which will ensure full RIVET JOINT integration in the ISR Enterprise, thus meeting USAF/DoD/DNI requirements for making ISR data and information discoverable, accessible, and to enable information sharing. RIVET JOINT requires continuous, current access to other ISR nodes, databases, and special processing to accomplish current and projected missions. At the same time, the ISR Enterprise will benefit greatly from RC–135 provision of ISR services, both intra- and post-mission. This will be achieved by building on current ongoing RC–135 ground systems, extending the number and performance of ISR services available through these systems, and fully meeting USAF/DoD/ DNI SOA tenets. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Account: RDTE, A

Legal Name of Requesting Entity: Denison Industries

Address of Requesting Entity: 22 Fielder Street, Denison, Texas 75020

Description of Request: I have secured $2,000,000 for the Predictive Casting Process Modeling for Rapid Production of Critical Defense Components with Denison Industries. Funding for this project will develop and implement new casting technologies and materials that will give the Department of Defense lightweight alternatives and the lowest cost options for producing vehicles that can survive against many of today's threats. It will help reverse the trend of U.S. foundries closing or moving overseas by leading the transition of new technologies that will solidify manufacturing in America and secure high skilled jobs and growth markets. It will establish a working research facility to further educate the next generation of engineers. For an often fragmented industry, it will coordinate resources and funding and help assure a continued source of American casting producers for both the military and commercial applications. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Account: RDTE, A

Legal Name of Requesting Entity: Raytheon Company

Address of Requesting Entity: 2501 West University Drive, McKinney, Texas 75071

Description of Request: I have secured $2,000,000 for the Current Force common Active Protection System Radar with the Raytheon Company. Funding for this project will be used to integrate a critical FCS technology, the Active Protection System (APS), into the Army's Current Force combat vehicles. Vehicle survivability and protection of our Soldiers are paramount concerns for the Army, especially in ongoing operations in Iraq and Afghanistan. The Army's Abrams, Bradley, and Stryker vehicle programs all have requirements for APS. Additional federal funding is warranted to meet these requirements and enhance force protection. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3326, the Department of Defense Appropriations Act of FY 2010:

Account: RDTE, N

Legal Name of Requesting Entity: Mustang Technology Group

Address of Requesting Entity: 400 West Bethany Drive, Suite 110, Allen, Texas 75013.

Description of Request: I have secured $1,000,000 for the Moving Target Indicator (MTI) Scout Radar with the Mustang Technology Group. The Navy lacks an all-weather airborne unmanned air vehicle (UAV) surveillance capability to detect and track high value targets that move, stop for a while, and then move again (Move Stop Move: MSM). Not having this capability allows suspected fast boat attackers to become untraceable when stopped within littoral regions and terrorists that stop and plant mines and IEDs along the shoreline to evade surveillance. Existing UAV radars possess a multi target track all-weather capability but do not have the ability to detect and track targets that move, stop, then move again. However, a new affordable Active Electronic Scanned Array (AESA) based radar is being developed for the Navy. The MTI Scout AESA radar hardware has been designed to support MSM and funding for this project will help develop, integrate, and test the MSM mode software. This radar capability offers the low lifecycle costs afforded by solid state reliability, has over twice the performance of similar systems, and is upgradeable with simple software updates. The light weight and low power of the MTI Scout radar make it ideal for many other airborne manned and unmanned surveillance platforms including the Predator, Fire Scout and MC–12W Adding the MSM function within the size, weight, and power of a UAV airborne platform will give field commanders a new lifesaving surveillance tool to win the global war on terror. I certify that I do not have any financial interest in this project.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the two earmarks I secured as part of H.R. 3326, Department of Defense Appropriations Act, 2010

My first request, totaling $4 million, will come from the Air Force Research and Development Appropriations account (RDT&E) under Budget Line Title "Aerospace Propulsion" for the Thermal and Energy Management for Aerospace (THEMA) II program. This program will enable improved performance and range for the next air vehicles while making key steps towards national environmental and domestic energy goals. The initiative is comprised of discrete technology, system optimization and integration elements that provide the enabling foundation for future air vehicles and capabilities. The basic and applied research to be performed under the THEMA II initiative is necessary to ensure that the technologies needed for high power, high performance, cost effective, energy efficient secondary power thermal and energy management systems are ready and available as these future vehicles and vehicle capabilities are developed and matured. Previously, THEMA received $3.5 million in FY 2008. The entity to receive funding for the THEMA II program is the Air Force Research Laboratory (AFRL) Power Division at Wright-Paterson Air Force Base in Dayton, Ohio, for a "plus-up" of an already existing contract competitively won by Hamilton-Sundstrand, a division of United Technologies Company, located at 4747 Harrison Avenue in Rockford, Illinois, 61125.

My second request, totaling $2 million, will come from the Army RDT&E Appropriation Account under the Budget Line Title "Combat Vehicle & Automotive Advanced Technology" for the Fuel System Component Technology Research program at Northern Illinois University (NIU). NIU, under the current Rapid Optimization of Commercial Knowledge (ROCK) program, has worked with a number of small companies in the Rockford, Illinois area to develop new products for improved processing of precision small parts as well as parts fabricated out of titanium. The Fuel System Component Manufacturing Technology Improvement program will have NIU work with small manufacturers in Rockford to develop improved manufacturing processes for fuel handling and similar components to enable more affordable, longer lasting lighter weight components for new and retrofit applications. The program will enable the cost-effective production of precision fuel-fluidic system components in small quantities such as are needed for replacement parts or typical military small order quantities. These manufacturing technologies will also enable higher fuel efficiency engines in vehicles ranging from trucks and cars to railroad locomotives all the way to aircraft turbines. The entity to receive funding for the Fuel System Component Manufacturing Technology Improvement program is Northern Illinois University located at 1120 East Diehl Road in Naperville, Illinois 60563.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the Chairman of the Defense Appropriations Subcommittee, Representative JOHN MURTHA, and the Ranking Minority Member, Representative C.W. BILL YOUNG, for working with me in a bipartisan manner to include these two critical requests in this spending bill.

COMMENDING THE 100TH ANNIVERSARY OF THE TILLAMOOK COUNTY CREAMERY ASSOCIATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. SCHRADER. Madam Speaker, I rise today to honor the 100th anniversary of the

Tillamook County Creamery Association. The Tillamook Creamery Association and its world famous cheese factory is an institution in Tillamook County, Oregon, and now, for 100 years, has been one of the oldest farmer co-operatives in my state.

The roots of the Tillamook County Creamery Association date back to those pioneers who ventured out West on the Oregon Trail. When they arrived in Oregon, many established farms after seeing that the fertile lands and cool ocean breeze of Tillamook County were appealing for dairy production. In 1894, an entrepreneur named T.S. Townsend took 30 cows from local Tillamook farmers and created the first commercial cheese plant in Tillamook County. His cheese, and specifically his cheddar cheese recipe, gained fame across the west and Townsend eventually became known as the ''Cheese King of the Coast.''

As more local dairy owners followed Townsend's lead and founded their own cheese plants, 10 came together in 1909 to form the Tillamook County Creamery Association (TCCA). The goal of the association was to promote their community by marketing all of the cheese from Tillamook as being from the county, instead of from individual farmers. That cooperative ensured that all profits from the sale of dairy products from Tillamook would go back to the farmers and everyone else who ensured its production.

By the late 1940s several of the larger independent cheese production plants merged and by 1968, all of the small cheese plants had combined and together built a centralized co-operative plant in Tillamook known as the Tillamook Cheese Factory. As the factory and its delicious cheese became known across the country, the owners built a visitors center where tourists could watch the cheese making process, taste homemade fudge and ice cream and of course, sample the cheese. The factory eventually became the largest attractor of tourism in Tillamook County, with now close to 1 million people visiting annually.

Even today, Tillamook cheese is still being internationally recognized. It won six awards in cheddar cheese at the 2008 National Milk Producers Federation cheese contest and five at the 2009 Oregon Dairy Industries. In 2009, for the third year in the row the factory was ranked by the Portland Business Journal as one of the Most Admired Companies in Oregon for forestry or agriculture products. It's owned, of course, by 110 local Tillamook dairy families.

While 100 years have now passed since the establishment of the association, the guiding principles that the founders promoted remain the same. In the association, it's called ''The Tillamook Tradition.'' That ''tradition'' always ensures a commitment to quality, cooperation, integrity, stewardship, responsiveness, and a dedication to their local community dairy industries. The association also supports that tradition by annually donating to more than 200 organizations across the state of Oregon. I know, that those original pioneers would be proud to see that even after 100 years, two things have stayed constant: the notion of community first, and of course, the cheese.

UNITED STATES ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT CHANGE OF COMMAND

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MEEK of Florida. Madam Speaker, I would like to take this opportunity to recognize the service and contributions of Colonel Paul Grosskruger of the United States Army Corps of Engineers—Jacksonville District as he passes Command to Colonel Pantano and prepares to retire from military service. He has had a long and admirable career, worthy of distinction and worthy of our gratitude.

Colonel Grosskruger assumed command of the Jacksonville District on July 25, 2006 and it has been my distinct pleasure to work closely with him for these past several years. Most notably, I have worked with Colonel Grosskruger on the Merrill-Stevens Expansion Project and was also fortunate to assist the U.S. Army Corps of Engineers as they completed the restoration of Virginia Key Beach. Each time, Colonel Grosskruger impressed us with his clarity, candor and fairness. Colonel Al Pantano has large new responsibilities to fill, but from reading his resume and noting his experiences, I am confident that he will be more than up to the task.

Below is a brief biographical sketch of Colonel Grosskruger's long and distinguished career. We have come to expect nothing less than great things of this career officer and we look forward to hearing from Colonel Grosskruger again, though as a private citizen. I know that many members of Florida's delegation join me in wishing him the best as he enters this new stage of life and we have every confidence that Colonel Pantano will continue the U.S. Army Corps of Engineers—Jacksonville District's fine tradition.

Born and raised in eastern Iowa, Colonel Grosskruger was commissioned into the Corps of Engineers upon graduation from the United States Military Academy in 1983. Colonel Grosskruger is a graduate of the U.S. Army Engineer Basic and Advance Courses, the Combined Arms and Services Staff School, the U.S. Army Command and General Staff College, and the U.S. Army War College. He holds a Bachelor of Science degree in engineering mechanics from the United States Military Academy and a Master of Science degree in civil engineering from Iowa State University. He is a registered professional engineer in the both the Commonwealth of Virginia and the State of Florida.

His assignments include platoon leader, battalion S2 officer and company executive officer in the 317th Engineer Battalion, Eschborn, Germany; company commander and battalion S4 officer in the 82d Engineer Battalion, Bamberg, Germany; company commander of the 535th Engineer Company (Combat Support Equipment), Grafenwoehr, Germany; project officer and deputy resident engineer in the Omaha Engineer District, U.S. Army Corps of Engineers, Colorado Springs, Colorado; battalion executive officer, 317th Engineer Battalion, Fort Benning, Georgia; group operations officer, 36th Engineer Group, Fort Benning, Georgia; Instructor, U.S. Army Command and General Staff College, Fort Leavenworth, Kansas; Chief of Engineer Operations and Assistant Corps Engineer, V Corps, Heidelberg, Germany; Commander of the 94th Engineer Combat Battalion, Vilseck, Germany, where he planned and conducted operations in support of Operation Iraqi Freedom. His prior assignment was as the Chief of Staff of the U.S. Army Engineer School, Fort Leonard Wood, Missouri. Colonel Grosskruger's awards include the Bronze Star, the Meritorious Service Medal (seventh award); the Army Commendation Medal (three awards and the ''V'' device); the Joint Commendation Medal; the Army Achievement Medal (fifth award); the NATO Medal; the Joint Meritorious Unit award; and the Humanitarian Service Medal. He has earned medals from Nicaragua and Poland. He has the U.S. and German parachutist badge and the air assault badge. His battalion earned the Presidential Unit Citation for service with the 3d Infantry Division during Operation Iraqi Freedom.

I.would be remiss if I did not also take this opportunity to thank Colonel Grosskruger's wife and family for their support and dedication. It is a well known fact that the hardest job in the military is that of the military spouse; our service men and women would not be able to do what our country asks of them without the backbone of a loving family. Claudia Grosskruger is to be commended as much as Colonel Grosskruger for their work in service to this country and for their efforts in raising Jerry, 20 and Jennifer, 18.

HONORING SSGT JUAN ROLDAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. PASCRELL. Madam Speaker, I rise today in honor of a true American hero, SSGT Juan Roldan of the United States Army. On December 29, 2006, SSGT Roldan of Paterson, New Jersey, lost both of his legs in an EFP explosion. SSGT Roldan is now fighting his next war as he must learn to walk again. Like so many other soldiers who come home from war, SSGT Roldan relies on his loved ones to help him win this and his precious daughter Rian, who just turned two years old, is now the driving force behind his recovery. SSGT Roldan is not only an inspiration to his daughter, but his experience teaches all of us courage in the face of great adversity. The following poem, written by Albert Carey Caswell, is a tribute to SSGT Roldan.

FOR MY DAUGHTER!

I went off to war, all for her future to so ensure . . .
And all for God and Country Tis of Thee, as were my burdens, my burdens bore . . .
And for all of those daughters, whose fine daddies won't be coming home no more . . .
And oh yes, I have lost my two fine strong legs . . . but I won't moan, and I won't beg . . .
For I have something to so live for . . . for My Daughter, I will win this battle, this war . . .
For I have one of the greatest gifts from above, Rian, which came from such seeds of love . . .
For I must teach her, for I must reach her . . . to show her all that it is she so needs each year . . .

All to help her grow up, and about life and what she needs to know . . . and what really counts so . . .
As I will inspire her by my love . . . as in my heart, I hold her close and so very high above . . .
As I will show her, how to lift up her head each morn, even though such pain is worn . . .
To cherish each new shining day, to touch all hearts along her way . . . as I live on . . .
Showing her how not to be bitter and afraid, as out and along life's road as made . . .
For I know she needs me so very much, for her this my battle . . . for her I do so much . . .
Because so many children . . . will never know, and grow up with such loving daddies so . . .
And never have such a best friend . . . who will stick with them, through thick and thin . . .
Who at night will tuck them in, and tell bedtime stories . . . as together, our two hearts blend . . .
Who from them so much can learn, as it's for her and her future, that this my heart so burns . . .
As she will learn all from me, how great a heart can truly be . . . as to her, mine so speaks . . .
Showing her, arms and legs yes we may need . . . but, without hearts we can not live indeed . . .
And what really counts, all in the end . . . is what's in your heart, as where it all so begins . . .
So for my daughter I will wake . . . as each new day for her, these most courageous steps I take . . .
As I fight through all of my pain, as I venture out upon heartache's way . . . my soul will remain.
All so I can see those smiles upon her face, and watch her grow up with such happiness and grace . . .
And for all of my buddies who died, who shall never so look into their children's eyes . . .
It's for you too I wake, and to Be the Best Father our Lord God could make . . .
As I will tell your children, all about your love . . . and how you spoke of them, so high above.
Recalling, all of those words of love you spoke . . . and all about them, as their names you invoked . . .
For I stand stronger on this day, all because of this child who before me so lays . . .
For you Rian . . . give me a reason to live, at night as I watch sleep in your crib . . .
Daughter, all of this . . . I do, for you . . . my gift from God, that will help see me through . . .
And if I ever have a son, Juan, I but hope and pray he is like you the one!
For my Daughter, all this I'll do!

IN RECOGNITION OF SGT STEVE MAY

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. CARDOZA. Madam Speaker, it is with a heavy heart that I rise today to recognize the passing of a great public servant, Sergeant Steve May of the Modesto Police Department who died from medical complications sustained from a 2002 accident that occurred while on duty. As a 23 year veteran of the Department, Sergeant May gave the ultimate sacrifice to our community.

Sergeant May was hired by the Modesto Police Department on February 6, 1979 and promoted to Corporal on January 28, 1992. He was then promoted to Sergeant on September 20, 1994. Sergeant May was a respected member of the Department who was a consummate professional who served his community with distinction. The accident that took Sergeant May from his family and our community occurred on July 29, 2002. Stanislaus County Sheriffs Deputies saw a black pickup that they believed to be suspicious, and after the vehicle attempted to evade officers, it rammed the deputies' patrol car and sped off. Sergeant May was on patrol and spotted the suspect's vehicle in downtown Modesto. He followed the vehicle and pursued it vigorously as the vehicle reached high rates of speed. The suspect ran two stop signs and was evading police. While running a stop sign, Sergeant May's patrol car was struck and pushed into a tree as the suspect's vehicle hit a house. Sergeant May was trapped inside his car and freed by firefighters. Suffering severe injuries, he was rushed to the hospital for treatment.

Sergeant May's family and our community are deeply saddened by this loss. He leaves behind his wife Diana and their two children—Corinne and Michael. I offer my prayers and condolences as they grieve.

Sergeant May was clearly a remarkable individual, public servant and law enforcement officer who remained dedicated to public safety and service throughout his impressive career. Through his dedicated work, he touched the lives of many and helped change the face of our community. Madam Speaker, it is with respect and gratitude that I ask my colleagues to join me in this posthumous recognition of Police Sergeant Steve May for his dedicated service.

RECOGNIZING PIZZA 4 PATRIOTS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to honor and recognize the extraordinary efforts of the Pizza 4 Patriots Organization, Uno Chicago Grill, and DHL, in teaming up to provide Chicago-style deep dish pizzas on Independence Day to our service men and women serving in both Iraq and Afghanistan. The cumulative effort brought 28,000 pizzas to the troops, allowing them to celebrate our nation's day of independence with a taste and feel of home.

The initiative of retired Air Force Master Sergeant Mark Evans, Pizza 4 Patriots is a non-profit organization that seeks to honor the service of the United States' Armed Forces in Iraq and Afghanistan. With pizzas provided by Uno Chicago Grill and international delivery service provided by DHL, Operation Pizza Surge broke the record for the ''World's Largest Pizza Party,'' and will go down in the Guinness Book of World Records as such.

As our service men and women continue to courageously protect our freedom and liberties throughout the Middle East, the services provided by Pizza 4 Patriots, Uno Chicago Grill, and DHL are of the utmost importance. In garnering donations from individuals and organizations to make Operation Pizza Surge possible, they have helped raise awareness and recognition of the outstanding and courageous job that the United States' military continues to do to protect the liberty and safety of the American people.

We must always remember and pay tribute to the courage and sacrifice of those proud men and women who serve and protect the American people. The efforts of Pizza 4 Patriots, Uno Chicago Grill, and DHL remind us that as we celebrate our independence at home, it is the efforts of our armed forces that allow us to do so.

Madam Speaker, today we congratulate Pizza 4 Patriots, Uno Chicago Grill, and DHL for a successful completion of Operation Pizza Surge, and we thank them for providing our brave troops with a slice of home while they protect our country and our freedoms abroad.

EARMARK DECLARATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BURGESS. Madam Speaker, pursuant to the U.S. House of Representatives Republican Leadership standards on earmarks, I am submitting the following information regarding one earmark I received as part H.R. 3326, The Department of Defense Appropriations Act, 2010:

(1) Institute for Science and Engineering Simulation (ISES), University of North Texas—$6 million—Account: 0602102F Materials—$4,500,000.

ISES at the University of North Texas is currently working closely with the U.S. Air Force to remedy a critical requirement. Due to increased operations as a result of the wars in Iraq and Afghanistan during the past 5 yrs, Air Force aircraft are often pushed to perform beyond their intended design criteria: this has created serious concerns for safety of both the aircraft and personnel. The Air Force requires modeling and simulation research of the performance and lifecycles of materials in aircraft in order to extend the life of current military aircraft and to perform testing on future aircraft structures and material. Utilizing state-of-the-art facilities and equipment at the University of North Texas, the research conducted at ISES will be used to predict/identify and reduce the risk of catastrophic failure in aircraft structural components, extend the life of current aircraft and increase the safety of pilots and personnel.

University of North Texas is located at Hurley Administration Building 175, Denton, TX 76203–2979.

HONORING THE SERVICE OF FORT GRATIOT FIRE CHIEF RONALD B. NICHOLS

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mrs. MILLER of Michigan. Madam Speaker, I rise today to pay tribute to Fire Chief Ronald

B. Nichols from the Fort Gratiot Fire Department in St. Clair County, Michigan. This year marks the 50th year Mr. Nichols has been a member of the department—and during 31 of those years he has proudly served as Chief.

Chief Nichols has consistently raised the bar and set a high standard during his outstanding career in the fire service. The State of Michigan and the 10th Congressional District truly have been very fortunate to have him as one of our fire chiefs. During his tenure, the Fort Gratiot Fire Department experienced tremendous growth and commercial expansion. Through his continued leadership, he has been able to administer safe and effective fire codas while keeping pace with the latest technological advancements and changes in local fire prevention ordinances.

Chief Nichols has stepped forth to fulfill numerous leadership roles and positions. He is a 26 year member of the International Association of Fire Chiefs, a member of the St. Clair County Fire Chiefs Association, a member of the St. Clair County Firefighters Association, and a member of the National Fire Protection Association. In 1992, he was recognized by his community, earning the St. Clair County Firefighters Association Firefighter of the Year Award.

First responders are often under-appreciated and taken for granted until crisis strikes and the public reaches out for help and rescue. Against all common sense and natural instinct, firefighters rush to the scene of an emergency and into harm's way without the slightest hesitation.

Firefighters are the backbone of our communities. Without the promise of any fame, fortune, or so much as a simple ''thank-you'', firefighters remain constantly vigilant and ready to serve. I know sometimes younger people idolize professional athletes and cheer for their favorite sports teams. And the same could be said for some adults too. But if you really want to see true teamwork search no further than your local fire station. It is here where men and women work together and count on each other to protect lives. Their service demonstrates courage, camaraderie, and bravery.

I am extremely proud of all the men and women who risk so much to protect our safety and well-being, so it is my honor to offer my sincere gratitude to Chief Nichols for his 50 years of service. His leadership, integrity, and dedication are greatly appreciated. I wish him, his family, and his wife, Carole, all the best as he continues to serve the citizens of Fort Gratiot. Thank you, Chief Ronald B. Nichols, for dedicating your life to a noble cause. And thank you for ignoring fear and always demonstrating incredible bravery. That is what a real hero does.

H.R. 3377, THE DISASTER RESPONSE, RECOVERY, AND MITIGATION ENHANCEMENT ACT OF 2009

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H.R. 3377, the ''Disaster Response, Recovery, and Mitigation Enhancement Act of 2009''. This bill makes amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to improve the assistance that the Federal Government provides to States, local governments, and communities after major disasters and emergencies. I thank Full Committee Ranking Member MICA, as well as the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. DIAZ-BALART), Chair and Ranking Member of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, for joining me in sponsoring this bill.

H.R. 3377 is a consolidation of many issues brought to the attention of the Committee on Transportation and Infrastructure in the last two and a half years and contains a series of proposals to enable the Federal Emergency Management Agency (FEMA) to carry out its programs and activities related to preparedness, response, recovery, and mitigation more effectively. Several provisions of this bill incorporate proposals put forth by Members on both sides of the aisle.

This bill reauthorizes core FEMA programs and activities, including the Pre-Disaster Mitigation program; codifies programs that FEMA is currently administering under the authority of the Stafford Act but which are not expressly authorized in statute, such as the National Urban Search and Rescue System and Citizen Corps; restores an essential program, the Mortgage and Rental Assistance program, which was eliminated in 2000; and amends eligibility under certain FEMA programs, including the Hazard Mitigation Grant Program, by creating incentives for better building codes.

Congress made changes to the Stafford Act in 2000 with the Disaster Mitigation Act of 2000, and in 2006 with the Post-Katrina Emergency Management and Reform Act. FEMA is still working to implement the changes required in these Acts. This bill makes a number of positive changes to FEMA's authority which, together with prior reforms that FEMA is still implementing, will enable it to become a more effective agency.

H.R. 3377 is a continuation of the Committee's work to address ongoing emergency management and disaster relief needs. In the 110th Congress, the Committee on Transportation and Infrastructure ordered reported a similar bill, H.R. 6658. We are reintroducing this bill, which is an updated version of H.R. 6658, with the intent to move it through Committee and the House as expeditiously as possible.

Specifically, H.R. 3377 reauthorizes the Pre-Disaster Mitigation (''PDM'') program, a program to provide cost-effective technical and financial assistance to State and local governments to reduce injuries, loss of life, and damage to property through fiscal year 2012 at a level of $250 million per year. While a one-year extension was included in the Department of Homeland Security

Fiscal Year 2009 Appropriations Act to keep this vital program alive, Congress must act. If we do not, this worthy program will sunset on September 30, 2009. The bill also reauthorizes the Emergency Management Assistance Compact (EMAC), which expired at the end of fiscal year 2008, to provide form and structure to interstate mutual aid and allows a State impacted by a disaster to request and receive assistance from other states quickly and efficiently.

The bill also specifically authorizes two existing FEMA programs that are not expressly authorized in statute but rely on broader language in the Stafford Act. The National Urban Search and Rescue System (US&R), is a robust system of 28 teams composed of state and local emergency responders who work together to respond to both local incidents and major disasters and emergencies, and codifies workers' compensation and other protections for US&R teams currently provided administratively by FEMA. The bill also specifically authorizes FEMA's existing citizen preparedness program, known as ''Citizen Corps'', to help coordinate volunteer activities to better prepare communities to respond to a disaster or emergency, as well as the Citizen Emergency Response Team Program.

The legislation directs the President to modernize the integrated public alerts and warning system to help ensure that our Nation's warning systems are prepared for all hazards, which is currently authorized by the Stafford Act. It also amends section 404 of the Stafford Act by providing for additional assistance under the Hazard Mitigation Grant Program for States that actively enforce an approved building code throughout the State.

H.R. 3377 also authorizes the Disaster Relief Fund and Disaster Support Account, which provide funding for FEMA's Federal Disaster Programs authorized by titles IV and V of the Stafford Act. Since its inception, how the Disaster Relief Fund is set up and administered and what it can be used for has been determined by appropriations; this provision remedies this deficiency and gives the authorizing statute and the authorizing committee in the House and Senate an appropriate role.

The bill also takes small steps to address two very pressing issues that face our nation: health care and housing. This legislation makes temporary employees hired by FEMA in response to a disaster eligible to enroll in the Federal Health Benefits Program. Most of the employees that FEMA sends to disasters—many of whom have been employed by FEMA for years—do not have access to employer sponsored health insurance. This legislation would also restore the Mortgage and Rental Assistance program, which was eliminated in the Disaster Mitigation Act of 2000 (P.L. 106–390). The program provides assistance for up to 18 months in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, are at imminent risk of dispossession or eviction. This will protect communities and citizens who have been impacted by disaster from taking an additional hit by exacerbating the current housing crisis in those communities.

H.R. 3377 further provides new authority to allow FEMA to sell excess materials, supplies, and equipment to States, local governments, and relief or disaster assistance organizations to assist victims of smaller-scale natural disasters and other incidents that do not result in the declaration of a major disaster or emergency. This bill also authorizes FEMA to include household pet and service animal rescue, care, and sheltering to activities during emergency declarations under Title V of Stafford Act. Currently, such activities are only authorized under a Major Disaster Declaration under Title IV of the Stafford Act.

Finally, this legislation addresses an important issue from the aftermath of the response

to Hurricane Katrina by requiring FEMA to assess the number of temporary housing units necessary for the agency to effectively respond to future disasters and emergencies. FEMA must, within six months, develop a plan to store any units needed for future disasters and to dispose of, through sale, transfer, donation, or other means, those units the agency does not need to keep in stock. This legislation provides FEMA the flexibility to provide temporary housing units in its current inventory to victims of disasters that do not rise to the level of a Presidential disaster declaration, if the Governor of the State certifies that there is an urgent need for the housing and meets other requirements.

I urge my colleagues to join me in supporting H.R. 3377, the "Disaster Response, Recovery, and Mitigation Enhancement Act of 2009".

HONORING THE FORMER TEXAS STATE LEGISLATOR LEO ALVARADO, JR.

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. RODRIGUEZ. Madam Speaker, I rise today to pay tribute to my colleague in the Texas Legislature, former State Representative Leo Alvarado, Jr., of San Antonio, who passed away on June 5, 2009. I served with Mr. Alvarado at the State Capitol in Austin during the 1990s, both of us representing districts in Bexar Country.

Madam Speaker, during the recently concluded 1st Called Session of the 81st Texas Legislature, the Texas House of Representatives adopted House Resolution No. 21 in memory of Mr. Alvarado, offered by my former colleague State Representative Delwin Jones of Lubbock, joined by Bexar County members Trey Martinez Fischer, Mike Villarreal, Joe Farias, Joaquin Castro, and Valerie Ryder Corte.

THE STATE OF TEXAS HOUSE OF REPRESENTATIVES

RESOLUTION H.R. NO. 21

Whereas, The passing of former state representative Leopoldo ''Leo'' Alvarado, Jr., on June 5, 2009, at the age of 70, has profoundly saddened the legal and legislative communities and citizens throughout San Antonio and brought a great loss to his family and friends; and

Whereas, Born in San Antonio on April 23, 1939, Leo Alvarado was the son of Maria del Refugio Parias de Alvarado and Leopoldo Alvarado, Sr.; he grew up on the West Side and graduated from Jefferson High School before enlisting in the United States Air Force; following his service to his country, he enrolled in St. Mary's University, where he earned his bachelor's degree in political science and accounting and went on to receive his law degree in 1974; and

Whereas, This dedicated community activist helped organize the J.F.K. Community Forum, which laid the groundwork for West San Antonio agencies engaged in the war on poverty, and served as a consultant to the Inner City Apostolate and as a director of the Mexican American Unity Council and of Project Health and Viable Economics; he was vice chair of the board of the Bexar County Hospital District and worked toward the purchase and reopening of Lutheran General Hospital to serve downtown residents; and

Whereas, Highly respected in his legal career, Mr. Alvarado handled many complex injury and public interest cases; he played an important role in landmark Edgewood ISO cases involving the redistribution of funds from wealthy to poorer school districts, which ultimately led to increased support for education in lower income communities; he was a partner in Weir & Alvarado, P.C., before forming Alvarado & Alvarado, P.L.L.C., with his daughter, Rosemarie Alvarado-Hawkins; and

Whereas, Mr. Alvarado was first elected to the Texas House of Representatives in 1992 and served the people of District 116 for eight years; during his tenure, he was chair of the Freshman House Caucus and was a valued member of the civil practices, house administration, state affairs, redistricting, insurance, and judicial affairs committees; a man of principle and integrity, he worked to improve the lives of all Texans, and he introduced bills relating to high school education and redlining in the insurance industries, among numerous others; and

Whereas, A devoted and loving father, Mr. Alvarado most enjoyed spending time with his family, whom he placed first in all matters; he was also fond of hunting, fishing, playing guitar, cooking, painting, gardening, and travel; and

Whereas, Leo Alvarado leaves a legacy of accomplishments that will continue to benefit people in this state for years to come, and he will long be remembered with deep affection and admiration by all who were fortunate enough to share in the richness of his life; now, therefore, be it

Resolved, That the House of Representatives of the 81st Texas Legislature, 1st Called Session, 2009, hereby pay tribute to the memory of Leopoldo ''Leo'' Alvarado, Jr., and extend sincere sympathy to the members of his family: to his brother, Carlos Alvarado; to his first wife, Gloria Acosta Farias, and their son, Leopoldo Alvarado Acosta III; to his second wife, Charlene Alvarado, and their children, Rosemarie Alvarado-Hawkins, Christina Lisa Morales, Miguel Antonio Alvarado, and Carlos Andres Alvarado; to his grandchildren, Maria and Sharet Castillejos and Evangeline and Chloe Hawkins; and to the other family members and friends of this esteemed Texan; and, be it further

Resolved, That an official copy of this resolution be prepared for his family and that when the Texas House of Representatives adjourns this day, it do so in memory of Leopoldo ''Leo'' Alvarado, Jr.

Joe Straus, Speaker of the House.

I certify that H.R. No. 21 was unanimously adopted by a rising vote of the House on July 2, 2009.

Robert Haney, Chief Clerk of the House.

INTRODUCTION OF THE CONGRESSIONAL RESPONSIBILITY AND ACCOUNTABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Congressional Responsibility and Accountability Act. This bill requires Congress to specifically authorize via legislation any proposed federal regulation that will impose costs on any individual of at least $5,000, impose costs on a business or other private organization of at least $10,000, or impose aggregate costs on the American people of at least $25,000, or cause any American to lose his or her job.

According to some legal experts, at least three-quarters of all federal laws consist of regulations promulgated by federal agencies without the consent, or even the review of, Congress. Allowing unelected, and thus unaccountable, executive agencies to make law undermines democracy and violates the intent of the drafters of the Constitution to separate legislative and executive powers. The drafters of the Constitution correctly viewed separation of powers as a cornerstone of republican government and a key to protecting individual liberty from excessive and arbitrary government power.

Congress's delegation of law-making authority to unelected bureaucrats has created a system that seems to owe more to the writings of Franz Kafka than to the writings of James Madison. The volume of regulations promulgated by federal agencies and the constant introduction of new rules makes it impossible for most Americans to know with any certainty the federal laws, regulations, and rules they are required to obey. Thus, almost all Americans live with the danger that they may be hauled before a federal agency for an infraction they have no reasonable way of knowing is against the law.

While it is easy for members of Congress to complain about out of control federal bureaucrats, it was Congress that gave these agencies the ability to create laws. Since Congress created the problem of lawmaking by regulatory agencies, it is up to Congress to fix the problem and make certain that all federal laws are passed by the people's elected representatives. Therefore, Madam Speaker, I urge my colleagues to cosponsor the Congressional Responsibility and Accountability Act.

EARMARK DECLARATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. REICHERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of the Fiscal Year 2010 Department of Defense Appropriations Act, H.R. 3326.

(1) $2,300,000 for the Washington National Guard for the Tactical Operations Center

Requesting Entity: Washington State Military Department, Building One, Camp Murray, WA 98430–5000

Agency: NGB/WAARNG, Domestic Operations

Account: National Guard Equipment, Army Guard—P–1/Line # 094

Funding Requested by: Rep. DAVE REICHERT, Rep. BRIAN BAIRD, and Rep. JIM MCDERMOTT

Project Summary: This funding would help develop a rapidly deployable mobile command center, interoperable communications, and a forward domestic response command headquarters capable of providing defense support to civil authorities. This capability is needed to respond to state/interstate/national domestic emergencies, including terrorism and natural hazards like earthquakes, flooding, and fires. It would include tentage, vehicles, power, and communications to relocate support to any

community to assist in the event of an emergency and to help in facilitating receipt and control of reinforcing support and supplies necessary to respond to protect citizens' life, property and the economy in the event of an emergency or a disaster. The Washington National Guard is frequently called upon to protect lives and property during state emergencies, however, we do not have any assets dedicated to domestic operations. The federal equipment that they do operate can be (and is) deployed on a regular basis making it unavailable for state emergencies. Acquisition of the Domestic Operations Response Equipment will enable the Military Department to fulfill their mission to the people of the state of Washington.

Finance Plan: Cost of Domestic Operations Response Equipment—Finance Plan

1. The Washington Military Department's stated mission is to minimize the impact of emergencies and disasters on people, property, environment, and the economy of Washington State and the region; provide trained and ready forces for state and federal missions; and provide structured alternative education opportunities for at-risk youth.

2. Estimated costs of the equipment are as follows:

a. Deployable Field Shelter—$817,493.00

b. Command & Control Vehicle—$325,000.00

c. Truck Mounted Incident Site System—$1,157,500.00

Total—$2,299,993.00

3. The Washington Military Department's mission is to protect lives and property while minimizing the disaster impact on communities, the environment, and the economy of Washington State. They provide a trained and ready force for state and federal missions and offer structured alternative education opportunities for at-risk youth.

Acquisition of the Domestic Operations Response Equipment will enable the Military Department to fulfill their mission to the people of the state of Washington.

(2) $2,000,000 for B.E. Meyers & Co for Thermal Pointer/Illuminator for Force Protection

Requesting Entity: B.E. Meyers & Co., 14540 NE 91st St., Redmond, WA 98052

Agency: Special Operations Forces, U.S. Navy, RDT&E

Account: R–1/PE#1160479BB; P–1/Line #243; Special Operations Forces Visual Augmentation

Funding Requested by: Rep. DAVE REICHERT

Project Summary: This project would develop a prototype for testing a Long-Range, Day and Night, Covert Thermal Target Designator for ground-based and airborne applications, compatible with thermal imagers presently in use by U.S. Armed Forces. This rapid research and development program would result in the delivery of 50 field ready, handheld, targeting devices to the Navy Special Warfare community. There is a demonstrated need for a thermal target designator that is compatible with thermal imagers presently in use by U.S. Armed Forces. The Long-Range, Day and Night, Covert Thermal Target Designator would enable rapid and simple target acquisition while remaining invisible to the human eye and night vision goggles and would operate well in adverse environmental conditions such as fog, rain and dust. This target designator could also be easily and rapidly integrated into existing military operations with minimal additional training required. Infrared (IR) pointing lasers are routinely used for targeting in darkness but are ineffective during bright daylight because the IR wavelength is invisible to the naked eye, and night vision goggles are not typically used during the day. The warfighter could benefit from this thermal target designator capability because it will enable pointing, illuminating and targeting when coupled with the thousands of thermal imagers currently employed by the U.S. Military.

Finance Plan: The proposed development effort is 12 months in duration at a total cost of $4.15 M. 50 production units will be delivered to the U.S. government at the conclusion of the 12 month effort. Travel is included.

The funding plan is as follows:

Cost Component Burdened Cost

Labor—57.1%

Materials—42.7%

Travel—0.2%

Source of funds is planned as follows:

Cost Component Burdened Cost

Total Government Funding—75%

BE Meyers Funded—25%

3) $1,000,000 for Stellar Photonics, LLC for Dynamic Eye-Safe Imaging Laser (DESIL)

Requesting Entity: Stellar Photonics, LLC, 14797 NE 95th Street, Redmond, WA 98052

Agency: U.S. Marine Corps: Joint Non-Lethal Weapons Directorate (JNLWD), RDT&E

Account: R–1/PE #0603651M; P–1/Line #21

Funding Requested by: Rep. DAVE REICHERT

Protect Summary: The purpose of funding is to support the existing EYE-SAFE (DESIL, Dynamic Eye-Safe Imaging Laser) laser research program and to improve the capabilities to the non-lethal Plasma Acoustic Shield System (PASS) in terms of making it safer for eyes and increasing the range, higher repetitions and coverage area. The PASS system can be used at check points for riot control and to visually intimidate opponents from entering a restricted area. By operating in the EYE-SAFE laser wavelength and spectrum, the DESIL technology could enable the military to operate their desired laser systems and applications without being in violation of the United Nations' "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" Protocol IV on Blinding Laser Weapons, Vienna, 13th, October 1995.

Finance Plan:

	CY 2010	CY 2011	FY 2010 Total
Total dollar amount of the proposal:	2,027,225.60	1,832,076.83	3,859,302.43
Total Direct Materials	505,545.00	505,545.00	1,011,090.00
Total Estimated Direct Labor	221,050.00	200,375.00	421,425.00
Total Estimated Direct Costs	898,850.83	812,323.89	1,711,174.72
General & Administrative Expenses	1,031,840.21	932,511.19	1,964,351.40
Total Estimated Cost and Fee	2,027,225.60	1,832,076.83	3,859,302.43

This office conducted site visits to meet with representatives from all five of the projects listed above. Enclosed with this disclosure are statements from the military demonstrating the need and use for these specific projects.

DEPARTMENT OF THE NAVY,
NAVAL SPECIAL WARFARE COMMAND,
San Diego, CA, April 6, 2009.

Mr. BRUCE WESTCOAT,
Vice President, Business Development, BE Meyers Corporation, Redmond, WA.

DEAR MR. WESTCOAT: The information provided by BE Meyers email of March 31, 2009 has been reviewed. Naval Special Warfare is very interested in a Thermal Pointer. The proliferation of Night Vision on the battlefield has allowed the enemy combatant to track the use of U.S. forces current Infrared lasers. This emerging technology will allow U.S. Special Operations Forces the ability to mark targets while minimizing the ability to be compromised based on enemy forces current NVG technology.

Your company's continued interest in developing better products for Naval Special Warfare is greatly appreciated. The product as described in the email is very desirable and appears to be an attainable solution in support of Miniature Day/Night Sight (MDNS), Annex to U.S. Special Operations Command Special Operations Peculiar Modification (SOPMOD), of December 16, 2004. Additionally, the Thermal Pointer may have application to other Special Operation Forces and conventional units. The Thermal Laser Pointer, if developed, would enhance our ability to engage opposing forces, in the prosecution of the Global War on Terrorism. Regrettably, funding is not currently available to fund the development of the Thermal Pointer System.

My points of contact for this matter are Mr. Bruce Holmes and Mr. Calvin Hastings.

Sincerely,

T. H. DEGHETTO,
Captain, U.S. Navy.

UNITED STATES MARINE CORPS,
JOINT NON-LETHAL WEAPONS DIRECTORATE,
Quantico, VA, March 27, 2009.

Stellar Photonics, LLC,
NE 95th Street,
Redmond, WA.

TO STELLAR PHOTONICS LLC (MS. INGRID FUHRIMAN): The Joint Non-Lethal Weapons Directorate (JNLWD) supports Stellar Photonics, LLC's request for appropriation in the FY2010 Department of Defense Appropriations Bill for the development of a 1.55 microns (a retina-safe wavelength) laser system. I am aware that Stellar Photonics has made some progress at 1.55 microns which bodes well for the successful completion of this project.

We are currently developing non-lethal weapons which employ this special type of ultra-short pulse lasers systems. Given that this non-lethal technology is very new, the US industry-base is not very large. It would be beneficial to the US Government to fund a limited number of US industry partners to

develop this new non-lethal weapon technology.

The JNLWD is confident that Stellar Photonics can leverage their existing laser work performed for the US Army to support this new non-lethal technology. This new nonlethal technology has many useful military and non-military applications.

I feel confident that Stellar Photonics, with the appropriate additional funding, can complete development of such a system and therefore I ask you to consider supporting the Stellar Photonics request for FY10.

DAVID B. LAW,
JNLWD Technology Division Chief.

A SALUTE TO LEAH GANSLER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise to recognize and salute Ms. Leah Gansler, a very special person in the Washington metropolitan region, recognized as a Washingtonian of the Year for her leadership and commitment to helping others, especially disadvantaged children. We are graced by her commitments and accomplishments which have helped so many.

Ms. Gansler launched a nonprofit, CharityWorks, in 1999, after volunteer work showed her the great need in this area among children and families. Leah brought together a team of dedicated friends and community leaders to create this nonprofit and local philanthropic organization. Her vision has been to transform the lives of families and children in the Washington metropolitan area, to try to break the cycle of poverty, to enhance local educational programs, and to enable families to overcome critical health issues, through the philanthropy of the CharityWorks organization. Her plan was a terrific success: CharityWorks' first $375,000 went to Habitat for Humanity for 20 plots of land and one house, which Gansler's members built. When President Carter learned of the partnership between Habitat for Humanity and CharityWorks, he praised Leah's efforts as ''unique in Habitat's history and a sample for other communities.'' Since 1999, Leah has spearheaded CharityWorks' partnerships that have made an extraordinary impact in our community by distributing a net of more than $10,000,000.

Wanting to include friends but not stay with the same charity every year, Leah devised two networks: one of 125 volunteers, who would screen charities and work with those chosen, and one of 40 CEOs and others who could give and raise money and would choose the recipient groups. This unique combination of efforts has led to signal accomplishments that have changed and transformed many lives and enriched our greater community. Among some of her greatest accomplishments are: creating 24 college scholarships, opening and expanding literacy programs, supporting after school child literacy programs, and building the Fisher House at the Veteran's Medical Center here in the nation's capital.

Appalling statistics convinced Leah that education is the key to breaking the cycle of dependency on welfare, so CharityWorks partnered with The Orphan Foundation of America to change the lives of twenty-four local foster teens by sending them to college. That same commitment to disadvantaged children led Leah to open and expand child literacy programs in Washington, D.C., Maryland, and Virginia. Through her personal efforts, hard work, and generosity, Everybody Wins, the largest grassroots literacy and mentoring program, serving 3,600 children was awarded $450,000 by CharityWorks in 2002.

Ms. Gansler also supported after-school and summer programs of The Fishing School in two of the most crime-ridden, depressed neighborhoods of Northeast D.C. Leah's tireless fundraising allowed CharityWorks to raise over $650,000, providing 120 at-risk elementary school children a safe harbor from violence, addiction and abuse. Similarly, her efforts were key in 2004 to CharityWorks' partner, See Forever, opening a second campus of the Maya Angelou Public Charter School for 150 teens. Leah was the leading light to raise $700,000 for the school, providing what The NewsHour with Jim Lehrer called ''their last shot at success.'' Because of Leah's dedication, CharityWorks was also able to grant Heads Up more than $750,000 for after-school and summer programs in some of Washington, D.C.'s most under-resourced neighborhoods. More than 900 at-risk children attend enrichment programs in 10 local schools. Perceiving the need for the Center City Consortium to expand its program, Leah, thru CharityWorks, was able to support 2,400 at-risk children so that they could achieve significant academic gains.

Through the generosity of all whose lives Leah has touched, CharityWorks last year was successful in raising $2 million to construct the 50th Fisher House on the grounds of the Veteran's Medical Center in Washington, D.C. Fisher House provides a comfort home for families of patients receiving medical care at major military and veteran medical centers.

This year Leah is celebrating 10 years of CharityWorks and partnering with Friendship Public Charter School. They are joining hands to design and build Early Childhood Centers of Excellence at the school and to support students enrolled in Friendship's award winning program.

Madam Speaker, we are fortunate and graced to have a person of such vision and leadership.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010:

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Air Force, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: Advanced Projects Research, Inc., located at 1925 McKinley Avenue, Suite B, La Verne, CA 91750

Description of Request: Provide an earmark of $1.5 million which will be used to continue testing and development for the production of the Wavelength Agile Spectral Harmonic (WASH) Oxygen Sensor which continually measures oxygen concentration in military high-performance fuel tanks, and the Cell Level Battery Controller that monitors and controls charge and temperature at the cell level of military battery energy storage systems. Approximately $146,000 will be used for project management; $220,000 for engineering analysis; $512,000 for engineering design; $275,000 for hardware fabrication and assembly; $329,000 for test engineering; and $18,000 for material and hardware. This request is consistent with the intended and authorized purpose of the Air Force RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Defense-Wide, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: AeroVironment, located at 181 West Huntington Drive, Suite 202, Monrovia, CA 91016

Description of Request: Provide an earmark of $1 million to develop the Hand-Held Lethal Small Unmanned Aircraft System (SUAS). Air Force Special Operations Command stated its need for a capability to engage fleeing enemy combatants on the battlefield. The Hand-Held SUAS will help protect U.S. troops by providing an efficient tool to encounter a target quickly with minimum collateral damage using an on-board explosive. Controlled with common ground-control devices, this precision system will provide unparalleled situational awareness and combat effectiveness in urban and mountainous environments. Approximately $600,000 is for test production, including procurement of parts for manufacturing. $300,000 is for engineering costs and $100,000 is for flight testing and range costs. This request is consistent with the intended and authorized purpose of the Defense-Wide RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Army, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: Chang Industry, located at 968 Palomares Avenue, La Verne, CA 91750

Description of Request: Provide an earmark of $4 million to develop Fire Shield, an Active Protection System (APS), with the cooperation of the U.S. Army Tank Automotive Research, Development and Engineering Center (TARDEC) in Warren, Michigan. Fire Shield would be used to protect armored vehicles from the blast effects and the plasma jet of rocket propelled grenades by detecting and destroying incoming projectiles. Approximately $800,000 is for directional warhead blast and fragment effects characterization and optimization. $600,000 will be used for static threat defeat characterization, test and evaluation with directional warhead. $600,000 will be used for threat defeat test and evaluation on a controlled moving platform with directional warhead. $1 million will be allocated to integrate the system for use on optimal vehicles, such as Mine Resistant Ambush Protected and Joint Light Tactical vehicles, and protection

system deployment configurations (vehicle geometry dependant) for overall vehicle protection using sensor/warhead components. The remaining $1 million will be used for the preliminary incorporation of Insensitive Munition and development of proper Safe & Arm for the Fire Shield system and conducting preliminary interaction with the Army Fuse Board. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Navy, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: City of Hope National Medical Center, located at 1500 E. Duarte Road, Duarte, CA 91010

Description of Request: Provide an earmark of $1 million for the City of Hope National Medical Center's Advanced Molecular Medicine Initiative (AMMI), which furthers the mission and goals of the Navy's Division of Molecular Medicine program, performing a variety of basic and translational research programs investigating human disease mechanisms. The Navy's Medical Development Program is directed to develop biomedical equipment and related techniques to reduce morbidity and enhance medical care for combat casualties. The AMMI directly complements these efforts by improving therapeutic treatments for the Department of Defense and civilian populations. This research will also develop expertise and technologies directly applicable to defense against biological, chemical or radiological attacks. $750,000 is for continued research and $250,000 is for genotyping. This request is consistent with the intended and authorized purpose of the Navy RDT&E account.

Requesting Member: DAVID DREIER

Bill Number: H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010

Account: Army, Research, Development, Test and Evaluation

Legal Name and Address of Entity Receiving Earmark: Tanner Research, Inc., located at 825 South Myrtle Avenue, Monrovia, CA 91016

Description of Request: Provide an earmark of $2,500,000 to continue development of a Dual-Mode Micro Seeker (radio frequency/electro-optical (RF/EO)) for use in improving the accuracy of gun-launched and small missile interceptors used with current and emerging defensive weapons systems. The funding includes: $300,000 for RF signal processing development; $850,000 for Monolithic Microwave Integrated Circuits and Complementary Metal-Oxide-Semiconductor integrated circuit development; $600,000 for EO avalanche photodiode (APD) circuit development; $450,000 for RF seeker integration; and $300,000 for EO seeker integration. This request is consistent with the intended and authorized purpose of the Army RDT&E account.

INTRODUCTION OF THE PROTECT AMERICA'S WILDLIFE ACT OF 2009

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to introduce the Protect America's Wildlife (PAW) Act. This legislation is a narrowly crafted amendment to the Airborne Hunting Act, which has been on the books for decades.

Simply put, the PAW Act will stop the unnecessary and unscientific air assault on wolves and other wildlife that is occurring in Alaska, and it will prevent other states from following Alaska's lead.

In 1971, as a response to public outcry over airborne wolf hunting in Alaska, Congress took decisive action by passing the Airborne Hunting Act. The law was a direct result of the national outcry over brutal and needless wolf hunting conducted by airplane in Alaska, brought to the public's attention by a television documentary.

At the time, Congress recognized that this unsportsmanlike practice should only be used in extreme situations—as in the defense of humans, livestock, and wildlife—which is why the Airborne Hunting Act banned the practice and made narrow exceptions for those extreme situations.

The CONGRESSIONAL RECORD reflects that these exceptions, and in particular the wildlife exception, were not intended as a carte-blanche to the states. In the 92nd Congress, the House Committee on Merchant Marine and Fisheries prepared a report on "Shooting Animals From Aircraft" that clearly articulated that the states should not "utilize or permit the utilization of aircraft to achieve a balance in wildlife, which should be left to nature or to other more sportsmanlike hunting practices."

Unfortunately, the State of Alaska has spent the last several years defying congressional intent. The state is granting permits to individuals who are harassing and shooting wolves and other wildlife from planes to artificially boost game species, even though the state has no credible scientific evidence to show that the relevant prey populations are actually at risk.

Hundreds of scientists, the esteemed American Society of Mammalogists, and wildlife managers in Alaska have all spoken out against the State's airborne "predator control" programs as unnecessary, unscientific, and in violation of the clear objective of the Airborne Hunting Act. In addition, I recently received a letter, which I will enter into the record, from nine former Alaska Board of Game members that strongly supports the PAW Act and notes that "Alaska's current predator control programs . . . clearly circumvent the federal Airborne Hunting Act (AHA) of 1972."

Wolves are now being shot from airplanes on more than 60,000 square miles of Alaska, including federal lands administered by the Bureau of Land Management and on lands adjacent to several national parks, preserves, and national wildlife refuges. This past spring, state employees targeted wolves that were known to den inside the Yukon Charley Rivers National Preserve, and which were part of a long-term National Park Service study.

Let me be very clear: the exceptions that Congress provided in the Airborne Hunting Act gave states the right to use an extreme measure in extreme circumstances. But instead, the state of Alaska has exploited that exception and violated the intent of the law. Since 2003, more than 1,000 wolves have been killed through these practices. The state's program of hunting predators from the air has spiraled out of control; it is unscientific and goes far beyond any recognizable form of legitimate wildlife management.

Proponents of these practices will say that the state's program is run for the benefit of those who rely upon moose and caribou for food. But the reality is that the state continues to allow moose and caribou hunting by out-of-state hunters and non-local resident hunters, in the same regions they claim airborne wolf hunting is needed to boost moose and caribou populations.

One final note on the pressing need for this legislation. Now that wolves in the Northern Rockies have been removed from the endangered species list, there is a threat that other states may attempt to misuse the same exception that Alaska has misused, to hunt wolves in the lower 48 states from airplanes in order to boost game populations.

The Protect America's Wildlife Act, which I am introducing today, is carefully and narrowly crafted. It specifically addresses the ongoing misuse of the wildlife management provision as I outlined above, while maintaining the ability of states to address legitimate biological emergencies in the wild, as Congress intended.

Specifically, this legislation:

Clarifies the conditions under which states can use airplanes and helicopters to kill wolves and other predators. For example, they may still be used to address legitimate biological emergencies in prey populations;

Requires states to provide a scientific foundation for their use of the wildlife management exception as part of the report to the Department of the Interior which they are already required to submit; and

Maintains the ability of states to use aerial gunning to protect land, water, wildlife, livestock, domesticated animals, human life, or crops.

I urge my fellow Members of Congress to take a stand for wildlife and for proper use of our wildlife laws by supporting the Protect America's Wildlife Act.

JULY 14, 2009.

Re The Protect America's Wildlife Act

DEAR REPRESENTATIVE MILLER: As former members of the Alaska Board of Game, we endorse the modest but crucial changes to the Federal Airborne Hunting Act (16 USC 742j1) contained in the Protect America's Wildlife Act, which you are sponsoring in the U.S. House of Representatives.

The Alaska Board of Game (hereafter Board) is a seven member citizen board appointed by Alaska's governor and confirmed by the state legislature. The Board promulgates Alaska's hunting and trapping regulations and establishes wildlife policies including those for predator control.

The Protect America's Wildlife Act is largely a response to Alaska's current predator control programs, which clearly circumvent the federal Airborne Hunting Act (AHA) of 1972. The legislation would clarify the intent of the AHA so that the exception that allows a state to authorize the use of aircraft to shoot wildlife must be based on the finding of a biological emergency and not used to increase prey populations just to meet increasing hunter demand. It further

provides that when a state authorizes aircraft shooting under the exception, it must be supported by adequate scientific data and the shooting must be conducted by government personnel only.

The Protect America's Wildlife Act is in conformance with the laws that Alaskan voters passed by initiative in 1996 and 2000. The state legislature reversed the will of the people both times.

Extensive wolf control is being conducted in Alaska at present. Aerial predator control is now occurring on more than 60,000 square miles of Alaska—the largest predator control program since statehood. Since 2003, more than 1,000 wolves have been killed by private hunters through shooting directly from airplanes or from the land and shoot practice. This past spring, the Alaska Department of Fish and Game killed 84 wolves in 5 days in eastern Alaska. In March, the Board reauthorized aerial predator control for five more years and has eased the regulations further by allowing private aerial gunning teams to now use helicopters to kill wolves.

Many Alaskans object to using state personnel for ongoing airborne wolf control as a standard game management tool unless there is a serious biological problem. And even more strongly object to the use of private pilots for these activities because of the long, well documented history of abuses and violations of the AHA.

We also note that the long, detailed history of predator control in Alaska and elsewhere clearly demonstrates that control is often poorly supported by sound science, ignores other options, and often becomes institutionalized and perpetual. The Protect America's Wildlife Act would help curb these problems by restricting lethal control programs to those that are well justified and truly necessary. We are aware that other control options are available and effective including non-lethal control and habitat management.

In summary, we strongly support The Protect America's Wildlife Act and believe that it would improve the management of wildlife in Alaska as well as settle some longstanding, controversial issues related to predator control.

Sincerely,

Former Alaska Board of Game Members

Vic Van Ballenberghe, Joel Bennett, Leo Keeler, Tom Meacham, George Matz, R.T. Skip Wallen, Bruce Baker, Nicole Whittington-Evans, Jack Lentfer.

EARMARK DECLARATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. ROYCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Department of Defense Appropriations Act, 2010.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 3326

Account: Operations & Maintenance—Defense Wide

Legal Name of Requesting Entity: California State University

Address of Requesting Entity: 401 Golden Shore, Long Beach, CA 90802–4210

Description of Request: To provide $3,600,000 for the Strategic Language Initiative. Our nation's defense, diplomatic, and business employers need affordable, accessible strategic language instruction programs. The five California State University (CSU) campuses originally comprising the Strategic Language Initiative (SLI) Consortium worked collaboratively between 2005 and 2007 to create an effective model capitalizing on campus language expertise, student heritage language diversity, and local linguistic communities in Arabic, Mandarin, Korean, Persian, and Russian.

No single university has the resources to meet this rapidly changing need for global and regional expertise in a wide range of world languages. National efforts have concentrated on developing flagship programs in languages such as Chinese, Arabic, Russian, and Korean, and creating demonstration materials for offering languages online. These efforts have not adequately tapped into the diverse heritage language communities in California, home to the densest concentration of linguistic and cultural diversity in the nation. Collectively, through the establishment of the CSU Consortium for the Strategic Language Initiative, the southern California campuses of the CSU system have collaborated to provide an innovative approach to intensive language learning that can be a model for other metropolitan consortia. These universities serve the most linguistically diverse populations in the country, with large heritage communities near different campuses, and collectively enroll over 100,000 students each year. Initial participating campuses are CSU Long Beach, Fullerton, Los Angeles, Northridge and San Bernardino. Preliminary assessment data collected from SLI participants showed an average language development progress that significantly exceeds traditional classroom and course-based program in Arabic, Korean, Mandarin, and Persian. Compared to other models of critical language development, the SLI Model is very cost-efficient and effective in advancing a large group of undergraduate and graduate students through several language proficiency levels across multiple campuses in a relatively short time period, for a fraction of the funding available to other programs. The Consortium's success in southern California can be enhanced by developing a similar model in northern California. This request would build the programs within the current Consortium, and add CSU campuses in San Francisco and San Jose. Lessons learned from the current 5 programs will shape the 2 new programs. The legacy of this federal investment will be an instructional model sustained by the CSU system that effectively responds to the national challenge to graduate more professionals with language and cultural knowledge and skills for an increasingly interdependent global world.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 3326

Account: U.S. Army, Research, Development, Test & Evaluation (RDT&E) Legal Name of Requesting Entity: California State University, Fullerton

Address: 800 N. State College Boulevard, Fullerton, California 92831

Description of Request: Provide $2,000,000 to continue the Prader-Willi Syndrome (PWS) Research project being led by the California State University, Fullerton. This funding would allow for the continuation of vital research on Prader-Willi Syndrome, which will help the Department of Defense and its many military families, with children affected by this disorder. More importantly, the research will serve as a resource to the Department for the treatment and study of obesity in general. The strong manifestation of obesity in children with PWS makes it an excellent model for the study and control of obesity in general. Military health experts have characterized the growing problem of obesity amongst active duty and potential recruits as a national security issue because of its overall impact on the health, performance, and readiness of our armed forces. Furthermore, obesity places a significant cost burden on the military and veterans' health care systems. This request is consistent with the intended and authorized purpose of the Army, RDT&E Account and consistent with the DoD mission.

Funding will be used to provide better understanding of how individuals with PWS progress from an initial failure to thrive to morbid obesity. Improved understanding of the various nutritional phases of PWS will not only benefit the treatment and management of PWS, but also provide valuable insights into obesity in general. Researchers will also test the effectiveness of various intervention programs.

HONORING KARI DOMBROVSKI AT TALAHI ELEMENTARY SCHOOL IN ST. CLOUD, MINNESOTA FOR THE 2008 PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Kari Dombrovski of Talahi Elementary School in St. Cloud, Minnesota. Kari was awarded the Presidential Award for Excellence in Mathematics and Science Teaching this July for her work as a second grade teacher.

This award is the highest recognition that an elementary school teacher may receive. She was selected first by a statewide committee and then by a National Science Foundation Committee. Kari's dedication to instilling the building blocks of learning in students may have earned her the award, but the real winners are the kids. The young children that get to spend time with her in her classroom already know she is one of the nation's finest teachers.

I rise to congratulate and honor Kari Dombrovski's dedication to the children of Talahi Elementary School. The Presidential Award for Excellence in Mathematics and Science Teaching is a public recognition of her passionate work in the second grade classroom. The faculty, parents and students that she works with know what a special teacher she is and it is my honor to highlight her accomplishments to this Congress.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3326, Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3326

Account: Research and Development, Defense Wide, Joint Experimentation

Legal Name of Requesting Entity: Deputy Assistant to the Governor for Commonwealth Preparedness

Address of Requesting Entity: Patrick Henry Building, 1111 East Broad Street, Richmond, VA 23218

Description of Request: Provides $2,900,000 to enhance the Commonwealth of Virginia's interdiction, response and recovery capabilities to a WMD event through the conduct of a multiple agency, maritime full scale exercise.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3326

Account: Research and Development, Defense Wide, Defense Technology Analysis

Legal Name of Requesting Entity: Old Dominion Research Foundation

Address of Requesting Entity: 4111 Monarch Way, Suite 204, Norfolk, VA, 23801

Description of Request: Provides $800,000 to Virginia Modeling and Simulation Center in Suffolk, Virginia to formulate modeling and simulation standards for model research, development and use by the government, academic and industry sectors. This is the second year of a three year study.

TRIBUTE TO DR. DAVE RUDY

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to congratulate Dr. David R. Rudy, Associate Provost and Dean at Morehead State University, who is retiring this fall after 29 years of service. I want to recognize his record of excellence as a teacher, scholar, mentor, and public servant, and for his distinguished career.

Dr. Rudy has a prominent record as a Professor of Sociology at Morehead State University, publishing numerous articles and books. His books on drug abuse, alcoholism, and the social struggles they entail are valuable tools to fight the challenges that many Americans face with these troubles, including southern and eastern Kentuckians. Dr. Rudy has published numerous scholarly articles including those in Sociological Analysis and the Journal of Studies on Alcohol. He has received funding to support his research from, among others, the Alcohol Beverage Medical Research Foundation at Johns Hopkins University, the National Science Foundation, U.S. Department of Education, and U.S. Department of Housing and Urban Development. Among numerous service and outreach efforts, Dr. Rudy is a graduate of Leadership East Kentucky, served as a researcher for the Kentucky League of Cities ''New Cities'' program, and serves on the Board of the Advanced Manufacturing Partnership (AMP).

Dr. Rudy has a long track record of mentoring young scholars and supporting excellence in their academic endeavors, with several of his students going on to receive Ph.D.s. He has given them an excellent example to follow. As a tenured professor at Morehead State University he was chosen to serve as Dean of a newly established Program of Distinction. The Institute for Regional Analysis and Public Policy (IRAPP) was then founded by Dr. Rudy in 1999 and over ten years he led the development of IRAPP as a research intensive unit that serves the eastern region of Kentucky. Dr. Rudy has been honored with the Distinguished Researcher Award and Distinguished Service Award by Morehead State University for these and other significant contributions to the campus and community.

Under Dr. Rudy's leadership, Morehead State and the IRAPP program can take pride in his accomplishments. The impact of his career will be felt far and wide, as his students use what they have learned from him, and have their own impacts on eastern Kentucky, our nation and the world. As they do this, they will know that they have Dr. Rudy to thank.

ON TELEWORK DAY IN VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise in support of Monday, August 3, as Telework Day in Virginia and applaud Governor Tim Kaine on this initiative.

On this day, thousands of Virginians will perform a full day's work from their houses rather than their places of work. This practice empowers workers who feel that they can fulfill their obligations to their employer equally well from home as in a brick and mortar office.

My colleagues, teleworking provides enormous benefits to employers and employees alike, as well as positive social and economic impacts. Teleworking, a practice which dates to the 1960s and then was dramatically expanded in the '90s, thanks to a host of networking innovations, can save employers premises costs and office overhead fees.

If all eligible Federal employees teleworked 2 days per week, the Federal Government could realize $3.3 billion in savings in commuting costs annually and eliminate the emission of 2.7 million tons of pollutants each year. Furthermore, it would provide an easy and necessary means of operational continuity should the Nation's Capital be the target of another horrific terror attack.

Teleworking can also increase productivity, typically 10 percent to 40 percent per person in large programs, by eliminating the often distressing and frustrating commute to and from work. For example, it eliminates commuting costs for employees because they do not have to pay for gas or public transportation. Given that the average round trip commute is 50 miles and commuters spend an average of 264 hours per year commuting (66 minutes per day), Americans would be relieved of the burden of spending so much time on the road that could be better spent with their families.

Through this practice, employees are allowed the freedom of working at their optimal times; some might be more productive in the morning while others might be more productive late at night. Telework allows the workers to get into a personal daily rhythm and work when they please, thus maximizing individual liberty and occupational productivity.

At this time, States and localities all around the Nation are grappling with ways in which congestion on the roadways can be reduced. We could facilitate greater capacity for mass transportation—but that requires heavy infrastructure investment and the vision to plan long-term. We could also build more roadways—but that would simply invite more cars and more traffic, while doing nothing to improve the quality of life for millions of hard-working Americans.

Those options taken together do indeed form a necessary component of traffic mitigation, but they take both time and money. Teleworking is simple to implement, economical to operate, and reflects the many ways in which technology has allowed the spheres of personal and professional life to blend together. It allows for a young professional to care for her newborn child or a son to care for his ailing mother in the comfort of their own homes, without worrying what would happen should they have to spend a portion of their day in an office, away from those who depend on their presence.

I am proud to say that at the end of 2005, Fairfax County in Virginia was able to meet the region-wide target of having 20 percent of eligible workers engaged in teleworking. I would invite my colleagues to take note of teleworking's success and stand up for a worker's ability to set his or her own schedule, with the expectation that it will allow for a more flexible lifestyle without compromising productivity. Rather than relying on the desks, chairs, and file cabinets that defined the average employee's office a generation ago, telework allows Americans to bring the workplace to them, not the other way around.

HONORING MASTER SGT. LORENE KITZMILLER

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WAMP. Madam Speaker, the Volunteer State continues to produce the best of the best in our military! Today, I am privileged to rise and honor Master Sgt. Lorene Kitzmiller of the Tennessee Air National Guard who was selected as the 2009 First Sergeant of the Year for the Air National Guard. She was also recognized as an Outstanding Airman of the Year along with five other Airmen nationwide.

Master Sgt. Kitzmiller is serving with the 118th Aeromedical Evacuation Squadron in Nashville. Each year, the States and territories select and submit top performers from the Air Guard's 88 flying units and 579 mission support units to compete for this prestigious award. Out of more than 93,000 enlisted Airmen in the Air National Guard, only six are selected for the final competition.

Kitzmiller has participated in multiple overseas deployments including Operation Northern Watch (Macedonia), Operation Southern Watch (Saudi Arabia), Operation Iraqi Freedom (Kuwait, Baghdad, and twice in Balad), and Operation Enduring Freedom. She also is very active improving her local community and volunteers with the Tennessee Drug Task Force Team and YMCA, serving as a drill instructor during summer camps for troubled youth. She has spent countless hours volunteering with Military Kids Support Programs and Homeless Veterans Associations helping veterans find shelter and employment.

Master Sgt. Kitzmiller hails from Springfield, Tenn., and is currently studying at Austin Peay State University working toward her bachelor's degree. She attended Dickson County High School and left for Navy basic training 10 days after graduation. Upon discharge 4 years later, she joined the Army Reserve, served in several units before transferring to the Tennessee Army National Guard, and then finally to the State's Air National Guard. In December 2005, she was selected as a First Sergeant, fulfilling a dream to follow in her father's footsteps.

Tennessee is very proud of the accomplishments and service of Master Sgt. Lorene Kitzmiller and I proudly recognize her today in the U.S. House of Representatives. Individuals like Kitzmiller continue to give the United States military a reputation of excellence and commitment to their State and their Nation while at home or deployed around the world. On behalf of the great State of Tennessee, I honor Master Sgt. Lorene Kitzmiller for her accomplishments and dedication to Tennessee and the United States of America.

RESTORING CONFIDENCE IN ABSENTEE VOTING

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mrs. MILLER of Michigan. Madam Speaker, before I came to Congress, I had the privilege of serving 8 years as Michigan's Secretary of State. In that job, one of my key responsibilities was to serve as the state's Chief Elections Officer. During my tenure, we made great strides in improving the accuracy and security of the elections system in our state.

However, as any former or current Secretary of State can tell you, one of the greatest challenges you have is convincing non-voters—those who are eligible to vote, and may be registered, but fail to participate in the electoral process. One of the common challenges in changing the views of these citizens is countering the belief that the system doesn't work either due to corruption or negligence or some other issue. So, these citizens fail to exercise their Constitutionally-given rights to choose their government, and they don't vote.

As elected officials, we need to take whatever measures we can to increase the public's confidence in the voting system. One of the greatest achievements of my tenure as Secretary of State was the creation of the Qualified Voter File, which provided for easy determination of who is and is not a registered voter. In fact, the Ford-Carter Commission on Federal Election Reform cited Michigan as a national model in this area. This device was critical to ensuring that we have full voter participation and that no one is needlessly disenfranchised.

Absentee ballots, historically, have been an area that has contributed to this perception. Many have seen these ballots as ripe for corruption and many voters are unsure what happens with their ballots after they mail them in. The bill we are considering today will go a long way towards correcting these perceptions.

H.R. 2510, the Absentee Ballot Track Receive and Confirm Act, authorizes grants to states that choose to establish procedures to track absentee mail-in ballots. These systems would allow voters to find out for themselves the status of their absentee ballot. Voters will now be able to determine when their ballot should arrive, if the elections office received it and whether it was counted.

Additionally, this measure protects the secrecy of the ballot by only marking the outside ballot envelopes. No other information about the voter or how that vote was cast will be recorded.

The right to vote is one of the most cherished rights that we have as citizens. This measure will reduce the potential for fraud and restore confidence in absentee voting among the public. Furthermore, absentee voters will gain the knowledge that their vote has been counted and they are not being disenfranchised through the process.

I urge my colleagues to support the measure.

INTRODUCING HEALTH FREEDOM LEGISLATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. PAUL. Madam Speaker, I rise to introduce two pieces of legislation restoring the First Amendment rights of consumers to receive truthful information regarding the benefits of foods and dietary supplements. The first bill, the Health Freedom Act, codifies the First Amendment by ending the Food and Drug Administration (FDA)'s efforts to censor truthful health claims. The second bill, the Freedom of Health Speech Act, codifies the First and Fifth Amendment by requiring the Federal Trade Commission (FTC) to prove that health claims are false before it takes action to stop manufacturers and marketers from making the claims.

The American people have made it clear they do not want the federal government to interfere with their access to dietary supplements, yet the FDA and the FTC continue to engage in heavy-handed attempts to restrict such access. The FDA continues to frustrate consumers' efforts to learn how they can improve their health even after Congress, responding to a record number of constituents' comments, passed the Dietary Supplement and Health and Education Act of 1994 (DSHEA). FDA bureaucrats are so determined to frustrate consumers' access to truthful information that they are even evading their duty to comply with four federal court decisions vindicating consumers' First Amendment rights to discover the health benefits of foods and dietary supplements.

FDA bureaucrats have even refused to abide by the DSHEA section allowing the public to have access to scientific articles and publications regarding the role of nutrients in treating diseases by claiming that every article concerning this topic is evidence of intent to sell an unapproved and unlawful drug.

Because of the FDA's censorship of truthful health claims, millions of Americans may suffer with diseases and other health care problems they may have avoided by using dietary supplements. For example, the FDA prohibited consumers from learning how folic acid reduces the risk of neural tube defects for four years after the Centers for Disease Control and Prevention recommended every woman of childbearing age take folic acid supplements to reduce neural tube defects. This FDA action contributed to an estimated 10,000 cases of preventable neutral tube defects.

The FDA also continues to prohibit consumers from learning about the scientific evidence that glucosamine and chondroitin sulfate are effective in the treatment of osteoarthritis; that omega-3 fatty acids may reduce the risk of sudden death heart attack; that calcium may reduce the risk of bone fractures; and that vitamin D may reduce the risk of osteoporosis, hypertension, and cancer.

The Health Freedom Act will force the FDA to at last comply with the commands of Congress, the First Amendment, numerous federal courts, and the American people by codifying the First Amendment prohibition on prior restraint. Specifically, the Health Freedom Act stops the FDA from censoring truthful claims about the curative, mitigative, or preventative effects of dietary supplements. The Health Freedom Act also stops the FDA from prohibiting the distribution of scientific articles and publications regarding the role of nutrients in protecting against disease. The FDA has proven that it cannot be trusted to protect consumers' rights to make informed choices. It is time for Congress to stop the FDA from censoring truthful health information.

The Freedom of Health Speech Act addresses the FTC's violations of the First Amendment. Under traditional constitutional standards, the federal government bears the burden of proving an advertising statement false before censoring that statement. However, the FTC shifted the burden of proof to industry. The FTC presumes health advertising is false and compels private parties to prove the ads (and everything the regulators say the ads imply) to be true to a near conclusive degree. This violation of the First and Fifth Amendments is harming consumers' by blocking innovation in the health foods and dietary supplement marketplace.

The Freedom of Health Speech Act requires that the government actually prove that speech is false before the FTC acts against the speaker. This is how it should be in a free society where information flows freely in order to foster the continuous improvement that benefits us all. The bill also requires that the FTC warn parties that their advertising is false and give them a chance to correct their mistakes before the FTC censors the claim and imposes other punishments.

Madam Speaker, if we are serious about putting people in charge of their health care, then shouldn't we stop federal bureaucrats from preventing Americans from learning about simple ways to improve their health. I therefore call on my colleagues to stand up for

good health and the Constitution by cosponsoring the Health Freedom Act and the Freedom of Health Speech Act.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 24, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 3293) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes:

Mr. KENNEDY. Mr. Chair, I want to commend your hard work on this bill which shows our strong commitment to America's children, seniors, families, and others in most need.

In particular, I want to thank the Chairman for increasing funding for the NIH, CDC and SAMHSA.

When it comes to medical research the bill moves our nation forward. It provides $500 million over the President's Budget for the National Institutes of Health so that NIH can get us closer to the cures that we all wait for.

When it comes to addressing our national security from the H1N1 virus it moves our nation forward. The bill gives $545 million total for critical pandemic flu activities at NIH, CDC and the Office of the Secretary.

When it comes to public and preventative health the bill moves our nation forward. It provides increases to health professions and nursing education, which have been starved in recent years. This year instead, we will be able to train the doctors, nurses, and other health professionals the country needs to ensure that more people get quality health care.

When it comes to mental health and substance abuse services the bill moves us forward. In particular, I want to commend the new initiative funded by the Chairman in SAMHSA regarding the effects of the economic downturn on mental health. There is $5 million provided for a Community Resilience Initiative.

Nowhere are our economic hard times felt more than in Rhode Island, where we have over twelve percent (12%) unemployment and a state in budget crisis. This new initiative will help workers across the nation and in my state, to better cope with the stress this economy is placing on them.

I also would like to commend the Chairman for his commitment to funding the Senator Edward M. Kennedy Serve America Act. Named after my father, the senior Senator from Massachusetts, this bill provides the public and volunteer service roadmap for the Twenty-first Century, much like my uncle's call to service over 40 years ago.

Named after a steadfast leader of so many of the programs that are funded in this bill, from vocational education to AmeriCorps, from NIH research to the Corporation for National and Community Service, it is only fitting that funding for the Senator Edward M. Kennedy Institute for the Senate be included in this Labor, HHS, Education and Related Agencies Appropriations bill. I thank the Chairman for his support for what will be a part of a tremendous legacy.

Again, I want to thank the Gentleman from Wisconsin and his staff, for their unwavering commitment to the vital programs in this bill.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 3326—Department of Defense Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: Southern Research Institution

Address of Requesting Entity: 757 Tom Martin Drive, Birmingham, AL 35211

Description of Request: Provide $3,000,000 to provide a needed testbed platform for evaluation of advanced sensor technologies in a cost-effective and countermeasure development for threat systems. The Captive Carry Sensor Testbed addresses the unfunded requirement for enhancing weapon system effectiveness through the development and integration of a UAV-based captive carry sensor testbed and characterization of realistic flight conditions. The project's total budget is $4,000,000. Specifically within the budget, $600,000 will go toward system procurement, $200,000 will go toward system integration, $1,500,000 will go to an Alabama subcontractor for software and systems, $900,000 will go toward SRI Program Management, and $800,000 will go toward Army project management and administration. This request is consistent with the intended and authorized purpose of the Research, Development, Test and Evaluation, Army Account. The Southern Research Institute will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: University of Alabama at Birmingham

Address of Requesting Entity: 1802 6th Avenue South, Birmingham, AL 35249

Description of Request: Provide $1,500,000 for development of a medical training simulation using a supercomputer based, immersive virtual environment to train military personnel in medical skills. The simulation will focus on combat search and rescue, mass casualty, confined space, and other challenging environments and scenarios to enhance training. The training simulation capability would allow military personnel to quickly and cost effectively adapt, train, and develop responses for a variety of emerging threats and emergencies. The project's total budget is $3,837,000. Specifically within the budget, $1,500,000 will go toward personnel, $1,200,000 will go toward IT equipment, $200,000 will go toward software, $75,000 will go toward administrative expenses, $25,000 will go toward travel, and $837,000 will go toward indirect costs. This request is consistent with the intended and authorized purpose of the Research, Development, Test and Evaluation, Army Account. The University of Alabama at Birmingham will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall, Auburn University, AL 36849

Description of Request: Provide $1,500,000 to develop and demonstrate logistical fuel processor-fuel cell combinations that operate at significantly higher efficiencies than currently used by the Army. System improvements include: overall efficiency, fuel flexibility, activity maintenance and poison tolerance of the various catalysts, startup/shutdown timescales, process strength, reliability, safety, thermal/acoustic signature and integration, and reductions in overall weight and volume. This project directly supports the war fighting capabilities of the entire U.S. military. Moreover, it focuses on more efficient power generation from readily available existing fuels, and develops and underpins dual use technologies critical to the energy security of the U.S. The project's total budget is $6,970,000. Specifically within the budget, $2,230,000 will go toward Auburn personnel costs, $1,200,000 will go toward research expense and supplies, $900,000 will go toward supplies, $1,090,000 will go to a subcontractor, $300,000 will go to Anniston Army Depot for tech support for Army vehicle retrofits, and $1,250,000 will go toward Army project management and administration. This request is consistent with the intended and authorized purpose of the Research, Development, Test and Evaluation, Army Account. Auburn University will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3326—Department of Defense Appropriations Act, 2010

Account: Research, Development, Test and Evaluation, Army

Legal Name of Requesting Entity: University of Alabama at Birmingham

Address of Requesting Entity: 1530 3rd Avenue South, AB 720E, Birmingham, AL 35294

Description of Request: Provide $1,500,000 to focus on rapid development and application insertion of emerging design, materials, and manufacturing technologies to provide solution options for many important military needs. Particular research projects will focus on encapsulated-ceramic armor using metallic thermoplastic matrices, metal matrix composites, modeling of casting and deformation processing for non-ferrous and ferrous alloys, and

thermo-mechanical processing of magnesium and other alloys. The project's total budget is $4,000,000. Specifically within the budget, $1,200,000 will go toward engineering, $1,800,000 will go toward equipment, $100,000 will go toward travel, $300,000 will go toward supplies, $500,000 will go toward component fabrication, and $100,000 will go toward services. This request is consistent with the intended and authorized purpose of the Research, Development, Test and Evaluation, Army Account. The University of Alabama at Birmingham will meet or exceed all statutory requirements for matching funds where applicable.

TESTIMONY GIVEN BY ROGER WINTER ON U.S. SUDAN POLICY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues testimony that Roger Winter, former U.S. State Department special representative on Sudan, gave today before the House Foreign Affairs Subcommittee on Africa and Global Health on the critical issue of U.S. Sudan policy, specifically as it relates to implementation of the Comprehensive Peace Agreement (CPA).

I deeply respect Roger's viewpoint as a consummate Sudan expert and plan to submit the testimony of the other highly qualified witnesses from today's hearing, in the days ahead.

Chairman Payne, Ranking member Smith and Members of the Subcommittee, thank you for inviting me to be here with you today. And to you, Mr. Payne, your consistent and persistent leadership on Sudan has honestly made you one of my heroes. I mean that sincerely.

To paraphrase one of my favorite authors, I often wonder with awe at the willingness of good people, especially Americans, to suspend all their protective instincts and to accept some of the worst killers in the human race into their midst. I remembered that thought when seeing photos of the Khartoum delegation that arrived recently to discuss Sudan's Comprehensive Peace Agreement (CPA). Perhaps I have seen too much in the Sudan over these last 28 years and have become jaundiced. Still, a necrology of three million dead civilians in Sudan, targeted victims of the policies and actions of the National Congress Party (or National Islamic Front) since its coup in 1989, has got to be noteworthy, especially as the leadership of the NCP have as yet never been held accountable for their crimes. Surely three million is unambiguously a Holocaustic number. The gentleman who headed the NCP delegation to Washington recently and received substantial public exposure (e.g. in the Washington Times) has one of the worst track records of all. Surely three million deaths is unambiguously a Holocaustic number, a reality for which he makes no apology whatsoever.

Not only has the NCP not paid a price for that body count, its leadership now controls much of Sudan's economy; its indicted President is politically protected by the morally-challenged leadership of the African Union and the Arab League; and it continues to undermine both the CPA itself and also the Sudan Peoples Liberation Movement, its ''Partner'' in the National Unity government established by the CPA. The NCP has a 100% perfect record. It NEVER ever keeps the agreements it signs with its opponents. The pattern is clear. Take, for example, the issue of the volatile town of Abyei. President Bashir's three-year-long refusal to implement the Abyei Protocol of the CPA after signing it on multiple occasions was followed by his Sudan Armed Forces 31st Brigade's destruction of Abyei town in May of last year. Again, he and his Party have paid no price. In fact, he's essentially been rewarded and now is now threatening to undermine the CPA's promised Referendum on Abyei's future.

Just one month ago, President Bashir celebrated his twentieth anniversary as President. He came to power by coup and, ever since, he and his Party have been at war with the Sudanese people, North, South, East and West. The National Islamic Front/NCP leadership team has been the same since it took power. Since then that able and well-experienced team has confronted a revolving door of U.S. diplomats and ''special envoys'' who do their best to end Khartoum's destructive behavior. Often they think that Khartoum can be successfully appealed to ''to do the right thing'' on behalf of the marginalized people of Sudan. It's just not so. Khartoum reads us very well.

Personally, I have changed my perspective on Sudan. As someone who worked for our Government on the CPA, I believed in the vision of ''New Sudan''. I believed the ''democratic transformation'' of Sudan had a chance to succeed. I believed that ''maybe'' there was a faint chance the NCP ''might be'' willing to ''make unity attractive'' and so sustain a unified state of Sudan. But Khartoum has killed all that. Those goals are not in any way achievable any longer. In my view there are only two general directions that are supportable by the people of South Sudan at this point: (1) The South will vote overwhelmingly for separation in the Referendum provided for by the CPA or (2) The South will be forced into unilaterally declaring its independence because its CPA-mandated Referendum is frustrated by Khartoum's actions and/or the hollow commitments of the International Community. The International Community's wishy-washy approach to the CPA has helped assure that either option will be messy. However, delay or abandonment of the Referendum would be the worst-possible outcome. I believe, in such a case, return to war would be essentially guaranteed.

Because I believe the Referendum must happen timely and in at least reasonably good form in order for there to be any viable chance for peace and development in the region, I believe it is mandatory that the U.S. fully embrace the people of the South and Abyei, and that we escalate our efforts to achieve a soft-landing as the result of a successfully-held Referendum. The U.S. must be clear and upfront that we will support and protect the outcome of that Referendum; many people died to achieve that right.

It is no secret that South Sudan and Abyei are plagued with serious problems but, under the circumstances, they have come a long way against incredible odds.

For twenty years I was the CEO of a non-profit which was then was called the U.S. Committee for Refugees. In that role I was personally exposed to virtually every human rights and humanitarian disaster in the world. I can assert with great confidence my view that, before the CPA, South Sudan and Abyei were the most destroyed places in the entire world. For more than 80% of the time Sudan has been an independent state Khartoum has fostered war in South Sudan and Abyei. Khartoum has not been a genuine government but has generally functioned partisanly on behalf of a narrow range of Arab interests. As a clear result, calling the South ''marginalized'' became an understatement. It is amazing what forty-seven years of war can do to people. I would visit Abyei which was essentially denuded of its population and overgrown by bush. I would travel during the war throughout the South seeing the unspeakable conditions, but survivors had to live in it. I'll not focus on it except to say it wasn't only infrastructure that was destroyed, it was much of humanity and human society.

At the time the CPA was signed, there was great optimism about the future. The international community made many promises. Khartoum was playing charades and winning. The SPLM and the newly created Government of Southern Sudan were hopeful. The problems they faced were overwhelming and mostly man-made. Because the South had become quiet and Darfuris were being exterminated in growing numbers by Khartoum forces, attention shifted away from the implementation of the CPA and the delivery of an adequate peace dividend for the South's war-affected civilians. Khartoum, despite signing the CPA, has consistently undermined it. Supporting violence in the South, destroying Abyei in May 2008, regularly withholding funds due the South and Abyei to cripple the functioning of governance, and activating its friends and 'fellow travelers' in the South to foster civil unrest have all been part of Khartoum's pattern of behavior.

Despite Khartoum, the South has come a very long way and has received substantial international assistance, including major support from the U.S. The South has a functional government, substantial growth in education, health services, roads, and other critical services, all in fifty-five months since the CPA was signed. Candidly, however, the South's progress is also being undermined by internal forces, especially in terms of some civil violence, some official corruption, and some serious weaknesses in governance. My use of the word 'some' here, is to be fair. These problems are serious, especially as they erode popular confidence, but they do not eclipse the progress that has been made, given where they started from and the constant undermining by Khartoum. Let me mention one example of how Khartoum routinely works: Abyei.

Khartoum signed the CPA, including the Abyei Protocol, on January 9, 2005. Khartoum never implemented the Protocol. That meant there was NO government in Abyei and no government services for three years. In May 2008, Khartoum forces completely burned to the ground the market place and all residential areas. One hundred percent of the population, who were all returned displaced people, were again displaced. Subsequently Khartoum forces blew up the SPLM facilities in Abyei. Forced by international neglect of these developments in Abyei, the SPLM agreed to international arbitration by the Permanent Court of Arbitration (PCA) in the Hague. While the PCA was moving forward, an Abyei administration was finally created. That administration was intended to provide services to the population funded by a percentage of oil revenues as specified in the CPA. The Abyei administration's budget was to begin October 1, 2008; it never happened. After much pressure, the Abyei administration got only a small ''advance'' in February 2009 and another in April. Effectively Abyei administration personnel have not been paid since last January; there is little money for services; the hospital is basically empty. There is still no approved budget for Abyei for the fiscal year now almost over. This is how Khartoum implements the CPA in the single most volatile location in Sudan, with clear intention to undermine

stability. This is also typical of how Khartoum has dealt with every important issue in the CPA. To top it off, many of the officers of the 31st Brigade (now renamed) and related militias that destroyed Abyei in May 2008 were promoted, and today hundreds of those men, commanded by thugs like Lt. Col. Thomas Thiel Malual Awak, Major Moyak Mobil Ajak and Captain Joseph Garang Nyoul, among others, are just a short distance north of Abyei town waiting for the next instruction from President Bashir to do their evil deeds. And, in my view, he is preparing to do just that. He has already announced in a very threatening way how he will try to torpedo the Abyei Referendum in 2011.

This is how Khartoum behaves across the board on every important issue. This is the Government our Administration is seeking to ''make nice'' with. Comparing the problems of the GOSS with those of Khartoum, which really is the failed state? Is it Khartoum, the one rolling in cash, thoroughly corrupt, a killer regime whom WE have accused rightly of genocide, the 'government' that undermines all the marginalized populations in Sudan and never keeps its agreements? Or is it the four-and-a-half year old GOSS, struggling to reconstruct a war-devastated South with an almost 100% war-traumatized population of survivors minus several million that didn't survive? Morally, by any assessment, the South wins hands down. And morally, that's where America's heart should be.

Why? I believe that with all their shortcomings, the SPLM and the GOSS politically are fundamentally democrats and genuinely want to provide development for all the populations for which they have governing responsibility. In my view it is in advancing precisely those commitments that U.S. national interests are ultimately located.

To me that requires a U.S. surge in coming along side in a full-blown partnership with the struggling GOSS to improve its performance in terms of governance quality so it can deliver services to and inspire the hopes of the people of South Sudan and Abyei. While I cannot be comprehensively prescriptive on specific programmatic solutions, there are some that are obvious: improved financial management, establishment of corruption detection and prosecution mechanisms, preparation for managing the South's petroleum sector, enhancing their public information capacity so the public is well-informed, increased training of police, and capacity-building in reducing inter-community violence. For the remaining timeline of the CPA and for sometime thereafter, the U.S. should stimulate capacity transfer by an infusion of capable American, Indian and other nationality expertise to work along side their Sudanese counterparts. It also means Washington confronting Khartoum when in big or little ways they obstruct CPA requirements and undermine GOSS capacity.

To me this is an approach of which the American people ultimately will be proud. It will free the people of Abyei and the South and will also best secure our own fundamental interests.

RECOGNIZING GAIL BELMONT FROM VALLEY SPRINGS, CA

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am honored to recognize a constituent of mine, Gail Belmont from Valley Springs, CA. Gail is an Operation Officer in the Quilts of Valor Foundation. She will be in Washington, DC next month.

A ''Quilt of Valor'' is a wartime quilt made to honor our War Wounded. It is given to all wounded service men and women to show these brave young men and women how much their sacrifice and service is appreciated. These quilts are meant to provide comfort, love and healing to those who have given so much. It is a tangible way to say, ''Thank you for your sacrifice and service for our country.'' It is not a charity quilt nor a service quilt. It is a beautifully pieced and quilted wartime quilt. It is a wartime quilt made by wartime quilters. Over 22,000 quilts have been given to the wounded. Gail has quilted over 350 of those herself.

Gail is a native Californian, born in Dos Palos. After graduation from High School she entered the Women's Army Corp Band playing trumpet. She served 7 years active and reserve. She then spent 25 years in civil service; law enforcement; warehousing and production control at Sharp Depot.

Shortly after leaving Sharp Depot, Gail's parents had purchased a longarm quilting machine and curiosity had Gail trying her hand at running it. It was an instant success and led to establishing a full-time business, at first in the family garage. Quickly outgrowing the garage necessitated a move to the present location on Stabulis Road in Valley Springs.

Gail has won numerous awards at Machine Quilters Showcase and all the local Fairs and Quilt Shows. Her work is well known in this community in all charity affairs. Quilts have come to her from all over the nation for her special expertise which is free hand quilting and then have been sent all over the world.

When Gail left Valley Springs for camp Lejeune NC, she and others had 200 Quilts of Valor with them. They stopped at different towns across the country picking up quilts and delivered them to Camp Lejeune, North Carolina where they awarded 1,354 quilts to the 3rd Battalion, 8th Marines who just returned from Afghanistan. While in DC, Gail will join Catherine Roberts who founded this organization as they award the Women's Veterans Memorial at Arlington a quilt and will be honored at the Commandant's evening Parade at the Marine Corps Barracks.

On a previous trip to Washington, Gail awarded the Pentagon a quilt she had quilted which is called the ''Pentagon Pride Eagle of Valor Quilt of Valor''. This quilt is on display at the Pentagon in the 9/11 display case.

IDLING REDUCTION TAX CREDIT ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 2009

Mr. BLUMENAUER. Madam Speaker, each year, long-duration idling of truck engines consumes over 1 billion gallons of diesel fuel and emits 11 million tons of carbon dioxide, 200,000 tons of oxides of nitrogen, and 5,000 tons of particulate matter into the air. Also, idling can increase engine maintenance costs, shorten engine life, adversely affect driver well-being, and create elevated noise levels. Some surveys show that trucks idle anywhere from 6–8 hours a day for as many as 250 to 300 days each year.

This legislation provides an important incentive to protect our environment, reduce fuel consumption, and ease the burden of compliance on the trucking community.

The Idling Reduction Tax Credit Act of 2009 provides a 50% credit for the purchase of an idling reduction unit, capped at $3,000. These units are part of the Environmental Protection Agency's ''Smartway'' program, which is geared toward improving energy efficiency, reducing greenhouse gas and air pollutant emissions, and improving energy security for our transportation system.

According to the EPA, idling reduction units can reduce fuel consumption by 8% each year and generate additional air quality savings by eliminating up to 2,400 hours of idling time each year. Unfortunately, these units can cost up to $8,500. While there are loan programs available for some truckers to help defray this cost, most are unable to take advantage of those programs. The Idling Reduction Tax Credit Act would make the federal government a full partner in this effort. I look forward to working with my colleagues to pass this important legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 30, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 3

2 p.m.
Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine protecting the Chesapeake Bay, focusing on reauthorizing the Chesapeake Bay Program.
SD–406

3 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine eliminating wasteful contractor bonuses.
SD–342

AUGUST 4

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider pending nominations.
Room to be announced

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine strengthening and streamlining Prudential Bank supervision.
SD–538

10 a.m.
Environment and Public Works
To hold hearings to examine the nomination of Gary S. Guzy, of the District of Columbia, to be Deputy Director of the Office of Environmental Quality.
SD–406

Finance
To hold hearings to examine climate change legislation, focusing on allowance and revenue distribution.
SD–215

10:30 a.m.
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold hearings to examine children in disasters, focusing on evacuation planning and mental health recovery.
SD–342

11 a.m.
Intelligence
To receive a closed briefing on certain intelligence matters from officials of the intelligence community.
S–407, Capitol

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings to examine Georgia one year after the August war.
SD–419

Health, Education, Labor, and Pensions
To hold hearings to examine protecting patients from defective medical devices.
SD–430

Banking, Housing, and Urban Affairs
Housing, Transportation and Community Development Subcommittee
To hold hearings to examine rail modernization, focusing on transit funding.
SD–538

Judiciary
To hold hearings to examine the Performance Rights Act and parity among music delivery platforms.
SD–226

AUGUST 5

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine proposals to enhance the regulation of credit rating agencies.
SD–538

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Kelvin J. Cochran, to be Administrator, United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security.
SD–342

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

AUGUST 6

10 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the nominations of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, and Peggy E. Gustafson, of Illinois, to be Inspector General, both of the Small Business Administration.
SR–428A

CANCELLATIONS

Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine comprehensive immigration reform, focusing on employment-based immigration to propel America's economy while protecting America's workforce.
SD–226

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3183, Energy and Water Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S8215–S8500

Measures Introduced: Ten bills and five resolutions were introduced, as follows: S. 1530–1539, and S. Res. 226–230. **Pages S8271–72**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2010". (S. Rept. No. 111–62)

S. 1533, to provide an extension of public transportation programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. (S. Rept. No. 111–61)

Report to accompany S.J. Res. 17, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. (S. Rept. No. 111–63) **Page S8269**

Measures Passed:

Energy and Water Appropriations Act: By 85 yeas to 9 nays (Vote No. 248), Senate passed H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, as amended, after taking action on the following amendments proposed thereto: **Pages S8216–8263**

Adopted:

Reid Amendment No. 1846 (to Amendment No. 1813), to modify provisions relating to the Department of the Interior. **Pages S8216, S8221**

Dorgan Amendment No. 1844 (to Amendment No. 1813), to provide a technical correction to a Corps of Engineers project. **Pages S8221–22**

Dorgan Amendment No. 1845 (to Amendment No. 1813), to provide transfer authority for the Corps of Engineers and the Bureau of Reclamation. **Pages S8221–22**

Dorgan Amendment No. 1855 (to Amendment No. 1813), to require all agencies to include a separate category for administrative expense when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter. **Pages S8234–35**

Sanders Amendment No. 1903 (to Amendment No. 1813), to provide additional amounts for technical assistance grants. **Pages S8243–44**

Coburn Modified Amendment No. 1878 (to Amendment No. 1813), to require public disclosure of reports required in appropriations bills. **Page S8245**

By 79 yeas to 18 nays (Vote No. 246), Dorgan/Bennett Amendment No. 1895 (to Amendment No. 1813), to provide requirements regarding the authority of the Department of Energy to enter into certain contracts. **Pages S8244, S8250–51**

Hutchison Modified Amendment No. 1864 (to Amendment No. 1813), of a perfecting nature. **Pages S8251–52**

Dorgan (for Boxer/Feinstein) Modified Amendment No. 1859 (to Amendment No. 1813), to permit certain water transfers. **Pages S8253–59**

Dorgan (for Merkley) Modified Amendment No. 1867 (to Amendment No. 1813), to clarify that the Secretary of Energy is required to consider low-risk finance programs that substantially reduce or eliminate upfront costs for building owners to renovate or retrofit existing buildings to install energy efficiency or renewable energy technologies as eligible for certain loan guarantees. **Page S8253**

Dorgan (for Tester) Amendment No. 1842 (to Amendment No. 1813), to extend the period for offering certain leases for cabin sites at Fort Peck Lake, Montana. **Page S8253**

Dorgan (for Landrieu/Vitter) Modified Amendment No. 1888 (to Amendment No. 1813), to require the Secretary of the Army to conduct a study

of the residual risks associated with the options relating to the project for permanent pumps and closure structures, Lake Pontchartrain, Louisiana. **Page S8253**

Dorgan (for Kaufman/Carper) Amendment No. 1891 (to Amendment No. 1813), to prevent Federal preemption of the planning processes of the State of Delaware regarding the Delaware River Main Channel Deepening Project. **Page S8250**

Dorgan (for Kyl/Collins) Amendment No. 1892 (to Amendment No. 1813), to prohibit funds appropriated for the Strategic Petroleum Reserve from being made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran. **Pages S8253–54**

Nelson (FL)/Martinez Amendment No. 1852 (to Amendment No. 1813), to provide for the Federal share of the cost of Ten Mile Creek Water Preserve Area. **Page S8259**

Nelson (FL)/Martinez Modified Amendment No. 1893 (to Amendment No. 1813), to ensure that previously appropriated funding for the Tampa Harbor Big Bend Channel project is used for the original intended purpose of the funding and not reprogrammed. **Pages S8259–62**

Dorgan Amendment No. 1813, in the nature of a substitute. **Page S8216**

Rejected:

By 35 yeas to 62 nays (Vote No. 245), Coburn Amendment No. 1879 (to Amendment No. 1813), to reduce the appropriation for Departmental Administration of the Department of Energy so that the Department can set an example for all Americans by reducing unnecessary energy usage. **Pages S8244–50**

By 26 yeas to 71 nays (Vote No. 247), Coburn Amendment No. 1884 (to Amendment No. 1813), to prohibit no bid contracts by requiring the use of competitive procedures to award contracts and grants funded under this Act. **Pages S8245–46, S8251**

During consideration of this measure today, Senate also took the following action:

By 38 yeas to 59 nays (Vote No. 244), 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 Alexander Amendment No. 1862 (to Amendment No. 1813), to limit disbursement of additional funds under the Troubled Asset Relief Program to certain automobile manufacturers, to impose fiduciary duties on the Secretary of the Treasury with respect to shareholders of such automobile manufacturers, to require the issuance of shares of common stock to eligible taxpayers which represent the common stock to eligible taxpayers which represent the common stock holdings of the United States Government in such automobile manufacturers. Subsequently, the point of order that the amendment would increase mandatory spending, was sustained, and the amendment thus fell. **Pages S8216, S8223–25**

Chair sustained a point of order against Nelson (NE) Amendment No. 1874 (to Amendment No. 1813), to express the sense of the Senate that the investment by the Federal Government in the automotive industry of the United States is temporary, as being in violation of rule XVI of the Standing Rules of the Senate, pursuant to the precedent of May 17, 2000 (Lott Precedent), which prohibits legislation on an appropriation bill, and the amendment thus fell. **Pages S8222–23, S8227**

Chair sustained a point of order against Corker Modified Amendment No. 1865 (to Amendment No. 1813), to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, as being in violation of rule XVI of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, and the amendment thus fell. **Pages S8217–21, S8227**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Dorgan, Byrd, Murray, Feinstein, Johnson, Landrieu, Reed, Lautenberg, Harkin, Tester, Inouye, Bennett, Cochran, McConnell, Bond, Hutchison, Shelby, Alexander, and Voinovich. **Page S8263**

National Direct Support Professionals Recognition Week: Senate agreed to S. Res. 228, designating the week beginning September 14, 2009, as "National Direct Support Professionals Recognition Week". **Page S8499**

National Historically Black Colleges and Universities Week: Senate agreed to S. Res. 229, designating the week beginning August 30, 2009, as "National Historically Black Colleges and Universities Week". **Pages S8499–S8500**

Richard A. Baker, Historian Emeritus of U.S. Senate: Senate agreed to S. Res. 230, designating Richard A. Baker as Historian Emeritus of the United States Senate. **Page S8500**

Highway Trust Fund Act—Agreement: A unanimous-consent-time agreement was reached providing that on Thursday, July 30, 2009, at a time to be determined by the Majority Leader, following consultation with the Republican Leader, Senate begin consideration of H.R. 3357, to restore sums to the

Highway Trust Fund, and that when the bill is considered, it be considered under the following limitations: that there be general debate of 20 minutes equally divided and controlled in the usual form, with the time under the control of the two Leaders, or their designees; that the only amendments in order be the following and that debate time on each amendment be limited to 60 minutes equally divided and controlled in the usual form; that no other amendments be in order; that upon disposition of the listed amendments, the bill, as amended, if amended, be read a third time, and Senate vote on passage of the bill: Ensign amendment relative to unemployment benefits; Bond amendment relative to SAFETEA–LU; Vitter amendment relative to highway trust fund; and DeMint amendment relative to offset ui/highway/housing substitute; provided further, that upon disposition of the bill, Senate begin consideration of H.R. 2997, Agriculture, Rural Development, Food and Drug Administration and Related agencies programs; that once the bill is reported, Senator Kohl be recognized to offer a substitute amendment, which is the text of the Senate committee reported bill, S. 1406. **Page S8262**

Nominations Received: Senate received the following nominations:

Robert D. Hormats, of New York, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

1 Marine Corps nomination in the rank of general. **Page S8500**

Messages from the House: **Page S8268**

Measures Referred: **Page S8268**

Executive Communications: **Pages S8268–69**

Executive Reports of Committees: **Pages S8269–71**

Additional Cosponsors: **Pages S8272–74**

Statements on Introduced Bills/Resolutions: **Pages S8274–79**

Additional Statements: **Pages S8267–68**

Amendments Submitted: **Pages S8279–86**

Authorities for Committees to Meet: **Page S8286**

Privileges of the Floor: **Page S8286**

Text of H.R. 2647 as Previously Passed: **Pages S8287–S8499**

Record Votes: Five record votes were taken today. (Total—248) **Pages S8225, S8250, S8251, S8251, S8263**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:57 p.m., until 9:30 a.m. on Thursday, July 30, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8500.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies approved for full committee consideration an original bill making appropriations for Transportation, Housing and Urban Development for fiscal year 2010.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 5,946 nominations in the Army, Navy, Air Force, and Marine Corps.

PUBLIC CONFIDENCE IN CORPORATE GOVERNANCE

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine protecting shareholders and enhancing public confidence by improving corporate governance, after receiving testimony from Meredith B. Cross, Director, Division of Corporation Finance, United States Securities and Exchange Commission; John C. Coates IV, Harvard Law School, Cambridge, Massachusetts; and Ann Yerger, Council of Institutional Investors, John Castellani, Business Roundtable, J.W. Verret, George Mason University School of Law, and Richard Ferlauto, American Federation of State, County and Municipal Employees, all of Washington, D.C.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Christopher P. Bertram, of the District of Columbia, to be Assistant Secretary for Budget and Programs, and Chief Financial Officer, who was introduced by Senator Thune, Daniel R. Elliott, III, of Ohio, to be a Member of the Surface

Transportation Board, who was introduced by Senator Brown, Susan L. Kurland, of Illinois, to be Assistant Secretary for Aviation and International Affairs, who was introduced by Senator Durbin, and Christopher A. Hart, of Colorado, to be a Member of the National Transportation Safety Board, who was introduced by Senator Udall (CO), all of the Department of Transportation, and Patricia D. Cahill, of Missouri, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, who was introduced by Senator McCaskill, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Environment and Public Works: Committee concluded a hearing to examine the nomination of John R. Fernandez, of Indiana, to be Assistant Secretary of Commerce for Economic Development, after the nominee, who was introduced by Senators Lugar and Bayh, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the nomination of Samuel D. Hamilton, of Mississippi, to be Director of the United States Fish and Wildlife Service, Department of the Interior.

PAKISTAN'S INTERNALLY DISPLACED PERSONS CRISIS

Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs concluded a hearing to examine Pakistan's internally displaced persons (IDP) crisis, after receiving testimony from Eric P. Schwartz, Assistant Secretary of State for Population, Refugees, and Migration; Jon C. Brause, Deputy Assistant Administrator for Democracy, Conflict and Humanitarian Assistance, United States Agency for International Development; Wendy J. Chamberlin, Middle East Institute, and Imtiaz Ali, United States Institute of Peace, both of Washington, D.C.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Aaron S. Williams, of Virginia, to be Director of the Peace Corps, after the nominee, who was introduced by former Senator Harris L. Wofford, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

S. 1261, to repeal title II of the REAL ID Act of 2005 and amend title II of the Homeland Security Act of 2002 to better protect the security, confidentiality, and integrity of personally identifiable information collected by States when issuing driver's licenses and identification documents, with an amendment in the nature of a substitute;

S. 372, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, with an amendment in the nature of a substitute;

H.R. 885, to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978, with an amendment;

S. 1510, to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code;

S. 1288, to authorize appropriations for grants to the States participating in the Emergency Management Assistance Compact, with an amendment in the nature of a substitute;

S. 736, to provide for improvements in the Federal hiring process and for other purposes, with an amendment in the nature of a substitute;

S. 1508, to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars, with an amendment;

S. 872, to establish a Deputy Secretary of Homeland Security for Management, with an amendment;

S. 806, to provide for the establishment, administration, and funding of Federal Executive Boards, with an amendment in the nature of a substitute;

S. 748, to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office";

S. 1211, to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building";

S. 1314, to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office";

H.R. 774, to designate the facility of the United States Postal Service located at 46–02 21st Street in

Long Island City, New York, as the ''Geraldine Ferraro Post Office Building'';

H.R. 987, to designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the ''John Scott Challis, Jr. Post Office'';

H.R. 1271, to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the ''Elijah Pat Larkins Post Office Building'';

H.R. 1397, to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the ''Caroline O'Day Post Office Building'';

H.R. 2090, to designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the ''Frederic Remington Post Office Building'';

H.R. 2162, to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the ''Herbert A Littleton Postal Station'';

H.R. 2325, to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the ''Laredo Veterans Post Office'';

H.R. 2422, to designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the ''Kile G. West Post Office Building'';

H.R. 2470, to designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the ''Lieutenant Commander Roy H. Boehm Post Office Building''; and

The nominations of Tara Jeanne O'Toole, of Maryland, to be Under Secretary of Homeland Security for Science and Technology, Christine M. Griffin, of Massachusetts, to be Deputy Director, Office of Personnel Management, and Stuart Gordon Nash, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Rafael Borras, of Maryland, to be Under Secretary of Homeland Security for Management, Ernest W. Dubester, of Virginia, to be a Member, and Julia Akins Clark, of Maryland, to be General Counsel, both of the Federal Labor Relations Authority, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Beverly Baldwin Martin, of Georgia, to be United States Circuit Judge for the Eleventh Circuit, who was introduced by Senators Isakson and Chambliss, Jeffrey L. Viken, of South Dakota, to be United States District Judge for the District of South Dakota, and David J. Kappos, of New York, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, who was introduced by Senator Johnson, after the nominees testified and answered questions in their own behalf.

VETERAN'S DISABILITY COMPENSATION

Committee on Veterans' Affairs: Committee concluded a hearing to examine veteran's disability compensation, focusing on the steps the Department of Veterans Affairs is taking to improve disability claims processing, after receiving testimony from Patrick W. Dunne, Under Secretary for Benefits, and Thomas J. Pamperin, Deputy Director for Policy, Compensation and Pension Service, both of the Veterans Benefits Administration, Department of Veterans Affairs; Noel Koch, Deputy Under Secretary of Defense for Transition Policy and Care Coordination; Daniel Bertoni, Director, Education, Workforce and Income Security, Government Accountability Office; Michael P. Allen, Stetson University College of Law, Gulfport, Florida; and John Wilson, Disabled American Veterans, Washington, D.C.

MEDICAL RESEARCH AND EDUCATION

Special Committee on Aging: Committee concluded a hearing to examine medical research and education, after receiving testimony from Lewis Morris, Chief Counsel, Office of the Inspector General, Department of Health and Human Services; Steven E. Nissen, Cleveland Clinic, Cleveland, Ohio; Eric G. Campbell, Massachusetts General Hospital, and Thomas P. Stossel, Brigham & Women's Hospital, both of Boston, Massachusetts; Jack Rusley, American Medical Student Association, Providence, Rhode Island; James H. Scully Jr., American Psychiatric Association, Arlington, Virginia; and Murray Kopelow, Accreditation Council for Continuing Medical Education, Chicago, Illinois.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 29 public bills, H.R. 3370–3398; and 7 resolutions, H. Con. Res. 171; and H. Res. 689–690, 692–695 were introduced. **Pages H9054–56**

Additional Cosponsors: **Pages H9056–57**

Reports Filed: Reports were filed today as follows:

H.R. 2749, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, with an amendment (H. Rept. 111–234) and H. Res. 691, providing for consideration of the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market (H. Rept. 111–235). **Page H9040**

Speaker: Read a letter from the Speaker wherein she appointed Representative Jackson (IL) to act as Speaker Pro Tempore for today. **Page H8963**

Chaplain: The prayer was offered by the Guest Chaplain, Rev. Jonathan Falwell, Thomas Road Baptist Church, Lynchburg, Virginia. **Page H8963**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Improved Oversight by Financial Inspectors General Act of 2009: H.R. 3330, to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to provide more effective reviews of losses in the Deposit Insurance Fund and the Share Insurance Fund by the Inspectors General of the several Federal banking agencies and the National Credit Union Administration Board; **Pages H8967–70**

Rural Homeowners Protection Act of 2009: H.R. 2034, to permit refinancing of certain loans under the Rural Housing Service program for guaranteed loans for rural housing; **Page H8971**

Neighborhood Preservation Act: H.R. 2529, amended, to amend the Federal Deposit Insurance Act to authorize depository institutions and depository institution holding companies to lease foreclosed property held by such institutions and companies for up to 5 years; **Pages H8971–73**

Extending the authorization of the National Flood Insurance Program: H.R. 3139, amended, to extend the authorization of the National Flood Insurance Program; **Pages H8973–75**

Amending the Federal securities laws to clarify and expand the definition of certain persons under those laws: H.R. 2623, to amend the Federal securities laws to clarify and expand the definition of certain persons under those laws; **Pages H8975–76**

Congratulating Continental Airlines on its 75th Anniversary: H. Res. 631, to congratulate Continental Airlines on its 75th Anniversary; and **Pages H8988–90**

Restoring sums to the Highway Trust Fund: H.R. 3357, amended, to restore sums to the Highway Trust Fund, by a ⅔ yea-and-nay vote of 363 yeas to 68 nays, Roll No. 659. **Pages H9016–23**

Privileged Resolution: The House agreed to table H. Res. 690, raising a question of the privileges of the House, by a yea-and-nay vote of 244 yeas to 173 nays with 11 voting "present", Roll No. 656. **Pages H8986–88**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Food Safety Enhancement Act of 2009: H.R. 2749, amended, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, by a ⅔ yea-and-nay vote of 280 yeas to 150 nays, Roll No. 657. **Pages H8990–H9016**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 28th:

Providing for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958: S. 1513, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958; **Page H8988**

Coast Guard Acquisition Reform Act of 2009: H.R. 1665, amended, to structure Coast Guard acquisition processes and policies, by a ⅔ recorded vote of 426 ayes with none voting "no", Roll No. 658; **Page H9016**

Recognizing the 20th anniversary of the fall of the Berlin Wall: H. Res. 496, amended, to recognize the 20th anniversary of the fall of the Berlin Wall, by a ⅔ yea-and-nay vote of 432 yeas with none voting "nay", Roll No. 660; **Pages H9023–24**

Expressing the sense of the House of Representatives that the general aviation industry should be recognized for its contributions to the United States: H. Res. 508, to express the sense of the House of Representatives that the general aviation industry should be recognized for its contributions to the United States; **Pages H9037–38**

Clean Coastal Environment and Public Health Act of 2009: H.R. 2093, amended, to amend the Federal Water Pollution Control Act relating to beach monitoring; **Page H9038**

Condemning the July 17, 2009, terrorist bombings in Indonesia and expressing condolences to the people of Indonesia and the various other countries suffering casualties in the attacks: H. Res. 675, to condemn the July 17, 2009, terrorist bombings in Indonesia and to express condolences to the people of Indonesia and the various other countries suffering casualties in the attacks; and **Page H9038**

Recognizing the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan: H. Con. Res. 159, to recognize the fifth anniversary of the declaration by the United States Congress of genocide in Darfur, Sudan. **Page H9038**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Monday, July 27th:

Expressing support for designation of the month of September as "National Hydrocephalus Awareness Month": H. Res. 373, to express support for designation of the month of September as "National Hydrocephalus Awareness Month"; **Page H9016**

Coach Jodie Bailey Post Office Building Designation Act: H.R. 3072, to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building"; and **Page H9024**

Supporting the goals and ideals of Veterans of Foreign Wars Day: H. Res. 483, to support the goals and ideals of Veterans of Foreign Wars Day. **Page H9024**

Department of Defense Appropriations Act, 2010: The House began consideration of H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010. Consideration is expected to resume tomorrow, July 30th. **Pages H9024–35**

H. Res. 685, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 241 yeas to 185 nays, Roll No. 655. **Pages H8976–86**

Agreed to the Polis amendment to the rule by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 245 yeas to 176 nays, Roll No. 654. **Pages H8985–86**

Honoring the memory and lasting legacy of Sally Crowe: The House agreed to discharge and agree to H. Res. 682, to honor the memory and lasting legacy of Sally Crowe. **Page H9035**

Authorizing printing of the pocket version of the United States Constitution: The House agreed to discharge and agree to S. Con. Res. 35, to authorize printing of the pocket version of the United States Constitution. **Pages H9035–36**

Judicial Survivors Protection Act of 2009: The House agreed to discharge and pass S. 1107, to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death. **Page H9036**

Expressing the sense of the Congress that John Arthur "Jack" Johnson should receive a posthumous pardon: The House agreed to discharge and agree to S. Con. Res. 29, to express the sense of the Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation. **Pages H9036–37**

Expressing condolences to the family and loved ones of Agent Robert Rosas: The House agreed to discharge and agree to H. Res. 681, to express condolences to the family and loved ones of Agent Robert Rosas and to stand in solidarity with the brave men and women of the United States Border Patrol as they remember the service and sacrifice of Agent Rosas and continue their mission to preserve and defend our borders. **Page H9037**

Senate Message: Message received from the Senate today appears on page H8966.

Senate Referrals: S.J. Res. 19 was referred to the Committee on the Judiciary. **Page H9051**

Quorum Calls—Votes: Six yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H8985–86, H8986, H8987–88, H9015–16, H9016, H9022–23, H9023. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:49 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Agriculture: Ordered reported the following bills: H.R. 511, To authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village; H.R. 940, To provide for the conveyance of National Forest

System land in the State of Louisiana; H.R. 1002, Pisgah National Forest Boundary Adjustment Act of 2009; and H.R. 3175, To direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida.

MILITARY—PSYCHOLOGICAL STRESS

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on Psychological Stress in the Military: What Steps are Leaders Taking? Testimony was heard from the following officials of the Department of Defense: GEN Peter W. Chiarelli, USA; ADM Vice Chief, Naval Operations; GEN James F. Amos, USMC, Assistant Commandant, U.S. Marine Corps; GEN William M. Fraser III, USAF, Vice Chief of Staff, U.S. Air Force; LTG Rick Lynch, USA, Commanding General, III American Armored Corps and Fort Hood, U.S. Army; and MG Paul E. Lefebvre, USMC, Deputy Commanding General, II Marine Expeditionary Force, U.S. Marine Corps, USA; Vice Chief of Staff; ADM Patrick M. Walsh, USN, Vice Chief of Naval Operations, U.S. Navy.

CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS ACT OF 2009

Committee on Financial Services: On July 28, the Committee ordered reported, as amended, H.R. 3269, Corporate and Financial Institution Compensation Fairness Act of 2009.

PUBLIC HOUSING FUTURE

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled ''Academic Perspectives on the Future of Public Housing.'' Testimony was heard from public witnesses.

INTERNATIONAL PEACEKEEPING OPERATIONS

Committee on Foreign Affairs: Held a hearing on New Challenges for International Peacekeeping Operations. Testimony was heard from Susan E. Rice, U.S. Permanent Representative to the United Nations, Department of State; COL William J. Flavin, USA, (ret.), Directing Professor, Doctrine, Concepts, Training, and Education Division, U.S. Peacekeeping and Stability Operations Institute, U.S. Army War College; Richard S. Williamson, former Special Envoy to Sudan and Ambassador to the U.N. Commission on Human Rights; and public witnesses.

U.S. SUDAN POLICY

Committee on Foreign Affairs: Subcommittee on Africa, and Global Health held a hearing on Sudan: U.S. Policy and Implementation of the Comprehensive Peace Agreement. Testimony was heard from Roger P. Winter, former Special Representative on Sudan to the Deputy Secretary of State; Richard S. Williamson, former Special Envoy to Sudan and Ambassador to the U.N. Commission on Human Rights; and a public witness.

U.S. REGIONAL POLICY

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific and the Global Environment held a hearing on Ushering in Change: A New Era for U.S. Regional Policy in the Pacific. Testimony was heard from Alcy Frelick, Director, Office of Australia, New Zealand and Pacific Island Affairs, Bureau of East Asian and Pacific Affairs, Department of State.

PANDEMIC FLU READINESS/RESPONSE

Committee on Homeland Security: Held a hearing entitled ''Beyond Readiness: An Examination of the Current Status and Future Outlook of the National Response to Pandemic Influenza.'' Testimony was heard from Jane Holl Lute, Deputy Secretary, Department of Homeland Security; William Corr, Deputy Secretary, Department of Health and Human Services; Bernice Steinhardt, Director, Strategic Issues, GAO; Richard Muth, Executive Director, Emergency Management Agency, State of Maryland; Mark B. Horton, Director, Department of Public Health, State of California; Thomas A. Farley, Commissioner of Health, New York City; and a public witness.

LIBRARY OF CONGRESS—WORKLIFE SERVICES CENTER MANAGEMENT

Committee on House Administration: Held a hearing on Management of the Worklife Services Center at the Library of Congress. Testimony was heard from the following officials of the Library of Congress: Karl Schornagel, Inspector General; and Dennis Hanratty, Director, Human Resources.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following measures: H. Res. 636, adversely, Directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the transfer or release of detainees held at Naval Station, Guantanamo Bay, Cuba into the United States; H.R. 3245, Fairness in Cocaine Sentencing Act of 2009; H.R. 847, amended, James Zadroga 9/11 Health and Compensation Act of 2009; and H.R. 2811, amended, to amend title 18, United States Code, to include constrictor snakes of the species gerera as an injurious animal.

The committee also approved a resolution authorizing the House General Counsel to seek immunity for certain witnesses in connection with the Porteous Impeachment inquiry.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Began markup of the following bills: H.R. 1916, Migratory Bird Habitat Investment and Enhancement Act; H.R. 481, North Country National Scenic Trail Route Adjustment Act of 2009; H.R. 1641, Cascadia Marine Trail Study Act; H.R. 905, Thunder Bay National Sanctuary and Underwater Preserve Boundary Modification Act; H.R. 1771, Chesapeake Bay Science Education and Ecosystem Enhancement Act of 2009; and H.R. 1053, Chesapeake Bay Accountability and Recovery Act of 2009.

INADVERTENT PEER-TO-PEER FILE SHARING

Committee on Oversight and Government Reform: Held a hearing entitled ''Inadvertent File Sharing Over Peer-to-Peer Networks: How It Endangers Citizens and Jeopardizes National Security.'' Testimony was heard from Orlando Cabrera, former Assistant Secretary, Public and Indian Housing, Department of Housing and Urban Development; and public witnesses.

LEAFY GREENS MARKETING AGREEMENTS

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled ''Examining the Impact of Leafy Greens Marketing Agreements.'' Testimony was heard from Michael R. Taylor, Senior Advisor, to the Commissioner, Food and Drugs, FDA, Department of Health and Human Services; and Rayne Pegg, Administrator, Agriculture Marketing Service, USDA.

FOOD SAFETY ENHANCEMENT ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a closed rule provides for consideration of H.R. 2749, the ''Food Safety Enhancement Act of 2009.'' The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. It provides that in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, the amendment in the nature of a substitute printed in the Rules Committee report shall be considered as adopted and the bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Dingell.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported, as amended, the following bills: H.R. 3246, Advanced Vehicle Technology Act of 2009; H.R. 3165, Wind Energy Research and Development Act of 2009; H.R. 3029, To establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combine cycle power generation systems; and H.R. 3247, To establish a social and behavioral sciences research program at the Department of Energy, and for other purposes.

SBA OVERSIGHT

Committee on Small Business: Held a hearing entitled ''Oversight of the Small Business Administration and Its Programs.'' Testimony was heard from Karen Mills, Administrator, SBA; and William Shear, Director, Financial Markets and Community Investment, GAO.

AVIATION NAVIGATION TECHNOLOGY

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on NextGen: Area Navigation (RNAV)/Required Navigation Performance (RNP). Testimony was heard from the following officials of the Department of Transportation: Richard L. Day, Senior Vice President, Operations, Air Traffic Organization, FAA; and Ann Calvaresi-Barr, Principal Assistant Inspector General, Auditing and Evaluation; and public witnesses.

MILITARY PARALYMPIC PROGRAM

Committee on Veterans' Affairs: Held a hearing on Meeting the Needs of Injured Veterans in the Military Paralympic Program. Testimony was heard from Dinah F.B. Cohen, Director, Computer/Electronic Accomodations Program, Office of the Assistant Secretary, Health Affairs, Department of Defense; Diane Hartmann, Director, Office of National Programs and Special Events, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Program Update. The Committee was briefed by departmental witnesses.

BRIEFING—IRAN UPDATE

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterterrorism met in executive session to receive a briefing on Iran Update. The Subcommittee was briefed by departmental witnesses.

GLOBAL CLIMATE SOLUTIONS

Select Committee on Energy Independence and Global Warming: Held a hearing entitled ''Climate for Innovation: Technology and Intellectual Property in Global Climate Solutions.'' Testimony was heard from public witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D931)*

H.J. Res. 56, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. Signed on July 27, 2009. (Public Law 111–42)

COMMITTEE MEETINGS FOR THURSDAY, JULY 30, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed budget estimates for fiscal year 2010 for Labor, Health and Human Services, and Education, and Related Agencies, and Transportation and Housing and Urban Development, and Related Agencies, 3 p.m., SD–106.

Committee on Armed Services: to hold hearings to examine the nominations of John M. McHugh, of New York, to be Secretary of the Army, Joseph W. Westphal, of New York, to be Under Secretary of the Army, and Juan M. Garcia III, of Texas, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs, all of the Department of Defense, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine minimizing potential threats from Iran, focusing on assessing economic sanctions and other United States policy options, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine climate services, focusing on solutions from commerce to communities, 2:30 p.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine climate change and national security, 10 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine a comprehensive strategy for Sudan, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: business meeting to continue consideration of pending calendar business, Time to be announced, S–216, Capitol.

Committee on Indian Affairs: to hold hearings to examine the increase of gang activity in Indian country, 2:15 p.m., SD–628.

Committee on the Judiciary: Subcommittee on the Constitution, business meeting to consider S.J. Res. 7, proposing an amendment to the Constitution relative to the election of Senators, 3 p.m., SD–226.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Energy, and Research, hearing to review PL 83–566 watershed proposals for the Dunloup Creek Watershed and the Cape Cod Water Resources Restoration Project, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on the U.S. security relationship with Russia and its impaction transatlantic security, 10 a.m., 210 HVC.

Subcommittee on Seapower and Expeditionary Forces, hearing on efforts to improve shipbuiding effectiveness, 1:15 p.m., 2212 Rayburn.

Committee on Energy and Commerce, to continue mark up of H.R. 3200, America's Affordable Health Choices Act of 2009, 10 a.m., 2123 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Communications, Preparedness and Response, briefing on Hurricane Preparedness for the 2009 Hurricane Season, 2 p.m., 1539 Longworth.

Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled ''Beyond ISE Implemenation: Exploring the Way Forward for Information Sharing,'' 10 a.m., 311 Cannon.

Committee on House Administration, hearing on a look at H.R. 1826, Fair Elections Now Act, and the Public Financing of Congressional Campaigns, 11 a.m., 1310 Longworth.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties, hearing on Proposals for Reform of the Military Commissions System, 1 p.m., 2141 Rayburn.

Subcommittee on Courts and Competition Policy, to mark up the following bills: H.R. 3190, Discount Pricing Consumer Protection Act of 2009; H.R. 569, Equal Justice for Our Military Act of 2009; and H.R. 233, Railroad Antitrust Enforcement Act of 2009, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, to continue hearings entitled ''Unconventional Fuels, Part II: The Promise of Methane Hydrates,'' 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 2802, To provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy; H.R. 2806, To authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness; and H.R. 3113, Upper Elk River Wild and Scenic Study Act, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, to mark up H.R. 2517, Domestic Partnership Benefits and Obligations Act of 2009, 9 a.m.,

followed by a hearing entitled ''Making Sense of It All: An Examination of USPS's Station and Branch Optimization Initiative and Delivery Route Adjustments,'' 10 a.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and National Archives, hearing entitled ''National Archives and Records Administration Organizational Issues,'' 2 p.m., 2154 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Should Animal Disease Research Be Moved Off Plum Island,'' 10 a.m., 2322 Rayburn.

Committee on Science and Technology, Subcommittee on Research and Science Education, hearing on A Systems Approach to Improving K–12 STEM Education, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Rural Development, Entrepreneurship and Trade, hearing entitled ''The Future of Specialty Crops for Small Family Farmers,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to consider the following measures: H.R. 3371, Airline Safety and Pilot Training Improvement Act of 2009; H.R. 3376, United States Mariner and Vessel Protection Act of 2009; H.R. 3360, Cruise Vessel Security and Safety Act of 2209, Cruise Vessel Security and Safety Act of 2009; H.R. 3224, To authorize the Board of Regents of the Smithsonian Institution to plan, design and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland; H.R. 2121, To provide for the transfer of certain Federal Property to the Galveston Historical Foundation; H.R. 2423, To designate the Federal building and United States courthouse located at 1300 Victoria Street in Laredo, Texas, as the ''George P. Kazen Federal Building and United States Courthouse,'' and to designate the jury room in the Federal building and United States courthouse as the ''Marcel C. Notzon II Jury Room;'' H.R. 2913, To designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse;'' H.R. 3193, To designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse;'' H. Con. Res. 136, Authorizing the use of the Capitol Grounds for a celebration of Citizenship Day; U.S. Army Corps of Engineers Survey Resolutions; and other matters cleared for consideration, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on VRE Contracts for Veteran Counseling, 1:30 p.m., 340 Cannon.

Subcommittee on Oversight and Investigations, hearing on the Implications of VA's Limited Scope of Gulf War Illness Research, 10 a.m., 340 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on NSA Surveillance Authority Compliance, 3 p.m., 304 HVC.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Russia Collection Strategy, 12 p.m., 304 HVC.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 30

Senate Chamber

Program for Thursday: Senate will be in a period of morning business. Also, at a time to be determined by the Majority Leader, Senate will begin consideration of H.R. 3357, Highway Trust Fund Act.

(Senate will recess from 2 p.m. until 3 p.m. for a Members only briefing with Secretary Clinton and Secretary Gates.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 30

House Chamber

Program for Thursday: Resume consideration of H.R. 3326—Department of Defense Appropriations Act, 2010.

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