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111TH CONGRESS
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HOUSE OF REPRESENTATIVES
REPORT
111–182

Providing for consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

JUNE 23, 2009.—Referred to the House Calendar and ordered to be printed

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Ms. PINGREE, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 572]

The Committee on Rules, having had under consideration House Resolution 572, by a record vote of 8 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides a structured rule for consideration of H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010." The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution considers as an original bill for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Armed Services. The committee amendment shall be considered as read. The resolution waives all points of order against the committee amendment except those arising under clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order those amendments printed in this report and amendments en bloc. The amendments made in order may be offered only in the order printed in the report except that the amendments may be offered out of order provided the chair of the Committee on Armed Services announces from the floor a request to that effect, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment,

and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The resolution also permits the chair of the Committee on Armed Services or his designee to offer amendments en bloc if those amendments have been printed in this report and not earlier disposed of. The Chair of the Committee of the Whole may recognize for consideration any amendment printed in this report out of the order printed but not sooner than 30 minutes after the chair of the Committee on Armed Services announces from the floor a request to that effect. Proponents of amendments to be considered en bloc may submit a statement in the *Congressional Record* immediately prior to the disposition of the amendments en bloc. The resolution provides one motion to recommit with or without instructions. The resolution provides for two minute voting during consideration of H.R. 2647.

Finally, the resolution provides that, in the engrossment of H.R. 2647, the text of H.R. 2990, as passed the House, shall be added as new matter at the end of H.R. 2647. H.R. 2990 shall be laid on the table upon addition of its text of H.R. 2647.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for those arising under clause 9 or 10 of rule XXI) includes a waiver of clause 4(a) of rule XIII (requiring three-day layover of a committee report) because the Committee on Armed Services filed a supplemental report on June 23, 2009. The waiver of all points of order against the committee amendment in the nature of a substitute (except those arising under clause 10 of rule XXI) includes a waiver of clause 4 of rule XXI (prohibiting appropriations in legislative bills).

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 130

Date: June 23, 2009.

Measure: H.R. 2647.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Conaway (TX), #4, which would exempt from FOIA any photographs of detainees in military custody captured, detained, or engaged by U.S. Armed Forces in operations outside of the United States. It would apply to photographs taken between September 11, 2001, and January 22, 2009, if the Defense Secretary certifies that disclosure of the photos would endanger American lives. The certification can be renewed every 3 years.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 131

Date: June 23, 2009.
Measure: H.R. 2647.
Motion by: Mr. Dreier.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Forbes (VA), #33, which would require the consent of a state governor and legislature prior to any transfer of any detainee from Guantanamo Bay to that state.
Results: Defeated 3–8.
Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 132

Date: June 23, 2009.
Measure: H.R. 2647.
Motion by: Mr. Dreier.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gingrey (GA), #125, which would strike language from section 1023(a) of the bill that would require the President to submit a plan to Congress before any funds could be used to transfer detainees at Guantanamo to the United States.
Results: Defeated 3–8.
Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 133

Date: June 23, 2009.
Measure: H.R. 2647.
Motion by: Mr. Diaz-Balart.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bishop, Rob (UT), #38, which would allow the Secretary of Defense to waive the prohibitions of section 526 of the Energy Independence and Security Act of 2007 (alternative fuels contracts) against the Department of Defense if the Secretary considers a waiver to be appropriate to readiness.
Results: Defeated 3–8.
Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 134

Date: June 23, 2009.
Measure: H.R. 2647.
Motion by: Mr. Diaz-Balart.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Boren (OK) and Rep. Conaway (TX), #31, which would allow the Federal government to purchase a generally available fuel that is produced, in whole or in part, from a nonconventional petroleum source, under certain conditions.
Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 135

Date: June 23, 2009.
Measure: H.R. 2647.
Motion By: Mr. Diaz-Balart.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Sessions (TX), #30, which would strike section 327, which implements a 3-year suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Results: Defeated 3–8.
Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 136

Date: June 23, 2009.
Measure: H.R. 2647.
Motion by: Dr. Foxx.
Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Franks (AZ) and Rep. Griffith (AL), #80, which would provide an additional $480 million for a ground-based midcourse defense system at Fort Greely, Alaska, and Vandenberg Air Force Base, California. Offsetting reductions are taken from international materials protection and cooperation, global threat reduction initiative, and North Korean anti-nuclear program initiatives.
Results: Defeated 3–8.
Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 137

Date: June 23, 2009.
Measure: H.R. 2647.
Motion by: Dr. Foxx.
Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Rogers, Mike (MI), #63, which would prohibit funds under the bill from being used to provide Miranda warnings to persons located outside the United States who are not U.S. persons and are suspected of (1) aiding the attacks of September 11, 2001, (2) harboring a person responsible for such attacks, or (3) being part of or supporting the Taliban, al Qaeda, or an affiliated organization that has engaged in hostilities against the United States or its allies.
Results: Defeated 3–8.
Vote by Members: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 138

Date: June 23, 2009.

Measure: H.R. 2647.
Motion by: Dr. Foxx.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. King, Steve (IA), #18, which would express the sense of Congress that the "surge strategy" in Iraq worked and that a definable victory in Iraq has been achieved.
Results: Defeated 3–8.
Vote by Member: McGovern—Nay; Hastings—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 139

Date: June 23, 2009.
Measure: H.R. 2647.
Motion by: Mr. McGovern.
Summary of motion: To report the rule.
Results: Adopted 8–3.
Vote by Member: McGovern—Yea; Hastings—Yea; Matsui—Yea; Cardoza—Yea; Arcuri—Yea; Perlmutter—Yea; Polis—Yea; Dreier—Nay; Diaz-Balart—Nay; Foxx—Nay; Slaughter—Yea.

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

1. Skelton (MO): Would (1) make technical fixes to the Bright-Hunter amendment adopted at full committee mark-up, is a technical fix for the Rep. Ortiz request, (2) make a conforming change to statutory limitation of non-dual status technicians, (3) extend the deadline from 30 days to 90 days after the date of enactment for the report on Miranda warning required by SEC 1036, (4) disaggregate NAVY/Marine Corps Procurement in SEC 1505 in line with similar disaggregation for ARMY (SEC 1502) and Air Force (SEC 1506) Procurement, and (5) fix other technical issues. (10 minutes)
2. McKeon (CA)/Skelton (MO): Would express the sense of Congress that the Honorable John M. McHugh has served the House of Representatives and the American people selflessly and with distinction and that he deserves the gratitude of Congress and the Nation. (10 minutes)
3. McGovern (MA)/Jones (NC)/Pingree (ME): Would require the Defense Secretary to report to Congress, not later than December 31, 2009, on a U.S. exit strategy for U.S. military forces in Afghanistan participating in Operation Enduring Freedom. (10 minutes)
4. McGovern (MA)/Sestak (PA)/Bishop, Sanford (GA)/Lewis, John (GA): Would require public disclosure of students and instructors at the Western Hemisphere Institute for Security Cooperation. (10 minutes)
5. Hastings, Alcee (FL): Would prohibit the recruitment, enlistment, or retention of individuals associated or affiliated with groups associated with hate-related violence against groups or persons or the United States government. (10 minutes)
6. Hastings, Alcee (FL): Would provide statutory authority for the International Committee of the Red Cross (ICRC) to have access to detainees at Bagram Air Base in Afghanistan. Such access is pursuant to ICRC's protocols and agreements reached between the ICRC and the appropriate authorities at Bagram Air Base. (10 minutes)

7. LoBiondo (NJ)/Delahunt (MA)/Coble (NC): Would authorize civil legal assistance for Coast Guard reservists. (10 minutes)

8. Sanchez, Loretta (CA): Would allow the Air Force Secretary to establish the nonprofit Air Force Academy Athletic Association to support the Academy's athletic programs. (10 minutes)

9. Franks (AZ)/Cantor (VA)/Sessions (TX)/Broun (GA)/Roskam (IL): Would provide that it is U.S. policy to continue missile defense testing. It would increase funding for the Missile Defense Agency by $1.2 billion. Offsetting reductions would come from defense environmental cleanup. (10 minutes)

10. Kratovil (MD): Would modify the report on progress toward security and stability in Afghanistan by requiring information on agreements with NATO ISAF and non-NATO ISAF countries on mutually-agreed upon goals, strategies to achieve such goals, resource and force requirements, and commitments for troop and resource levels. (10 minutes)

11. Kratovil (MD): Would allow federal facilities to receive financial incentives from statewide agencies, Independent System Operators, or third party entities for energy efficiency and energy management measures undertaken by the federal facility. (10 minutes)

12. Turner (OH): Would limit funds for reduction in U.S. strategic nuclear forces pursuant to a treaty with Russia after enactment to situations where the treaty provides methods for verifying compliance, the treaty does not limit ballistic missile defense or space capabilities of the United States, and the NNSA budget is sufficiently funded. (10 minutes)

13. Bright (AL): Would allow U.S. Special Operations Command (SOCOM) to procure special operations-peculiar material and supplies for units engaged in Overseas Contingency Operations by using certain non-competitive procedures to secure follow-on contracts for the same items. (10 minutes)

14. Adler (NJ): Would require the Secretary of Defense, in consultation with the Secretary of State, to report to the Senate Foreign Relations Committee, the House Foreign Affairs Committee, and the congressional defense committees on the potential foreign military sales of the Littoral Combat Ship (LCS). The report would include a detailed analysis of the costs, timeline, benefits and drawbacks of building and selling the Littoral Combat Ship to foreign allies. (10 minutes)

15. Akin (MO)/Forbes (VA): Would require the Defense Secretary to submit to Congress a report on any non-disclosure agreements signed by DoD employees regarding their official duties (except those relating to security clearances). The report would describe topics covered by the agreements, the number of employees required to sign such agreements, the duration of agreements, the types of persons covered, reasons for requiring such agreements, and the criteria for determining such information should not be disclosed. (10 minutes)

16. Bishop, Sanford (GA): Would broaden the potential funding authority of the Department of Defense's Office of Economic Adjustment to include development of public infrastructure. (10 minutes)

17. Blumenauer (OR)/Brown-Waite (FL): Would require the Secretary of Defense to develop methods to account for the full lifecycle costs of munitions, including the effects of failure rates on the

cost of disposal, and report to Congress recommendations for reducing these costs, unexploded ordnance, and munitions-constituent contamination. (10 minutes)

18. Brown-Waite (FL): Would expand the eligibility for the Army Combat Action Badge to those soldiers who served during the dates ranging from December 7, 1941, to September 18, 2001, if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation. (10 minutes)

19. Cohen (TN): Would require the Defense Secretary to report to Congress on the potential effects of expanding the list of persons under 10 U.S.C. section 1482(c) who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member of the Armed Forces. (10 minutes)

20. Connolly (VA): Would provide that section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140) does not prohibit an agency from entering into a contract to purchase a generally-available fuel that is not a synthetic fuel or predominantly produced from a non-conventional petroleum source if the contract does not specifically require such a fuel. The purpose of the contract is not to obtain such a fuel, and the contract does not provide incentives for upgrading or expanding refineries to increase fuel from non-controversial petroleum sources. (10 minutes)

21. Connolly (VA)/Nye (VA)/Perriello (VA): Would protect servicemembers and their families from early termination fees on family cellular plans should they have to relocate out of the service area due to deployment or change of station orders. It also would make protections in the Leases of Premises section of the Servicemembers Civil Relief Act (SCRA) consistent with those in the Leases of Motor Vehicles section. (10 minutes)

22. Costa (CA): Would require the Secretary of Defense to carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to ensure each branch of the military is complying with their own policies on hemostatic agents. Also expresses the sense of Congress that all members of the Armed Forces in combat zones should carry lifesaving resources with them, including hemostatic agents. (10 minutes)

23. Cummings (MD): Would expand the military leadership diversity commission to include reserve component representatives. (10 minutes)

24. Cummings (MD): Would require the Secretary to provide embarked military personnel on board U.S.-flagged vessels carrying Government-impelled cargoes in regions at high risk of piracy. (10 minutes)

25. Davis, Geoff (KY): Would add a section 1039 to require the President to commission a study by an executive agency of a program to develop "national security professionals" across the departments and agencies in order to provide personnel proficient in planning and conducting national security interagency operations. (10 minutes)

26. DeFazio (OR): Would require the Department of Defense to conduct a study on the total number of subcontractors used on the last five major weapons systems in which acquisition has been completed and determine if fewer subcontractors could have been more

cost effective. It would require GAO to review the study. (10 minutes)

27. DeLauro (CT)/Courtney (CT)/McMahon (NY)/Teague (NM): Would require the Defense Secretary, in consultation with the Veterans Affairs Secretary and Health and Human Services Secretary, to conduct a demonstration project, at two military installations, to assess the feasibility and efficacy of providing servicemembers with a post-deployment mental health screening conducted in person by a mental health provider. (10 minutes)

28. Driehaus (OH): Would require GAO to submit a report to Congress on the (1) impact of domestic violence in families of members of the Armed Forces on the children of such families and (2) information on progress being made to ensure such children receive adequate care and services. (10 minutes)

29. Flake, Jeff (AZ): Would require the Defense Secretary to report to Congress on the competitive processes used to award earmarks listed in the joint explanatory statement for the FY2008 defense appropriations bill. If competitive processes were not employed in making such awards, the decision-making process and justifications as to why should be cited in the report. (10 minutes)

30. Grayson (FL): Would require within 90 days of enactment that the GAO submit a report to Congress on cost overruns in the performance of DOD contracts in FY2006 through FY2009, including identification of the contractor and the covered contract involved, the cost estimate of the covered contract, and the cost overrun for the covered contract. (10 minutes)

31. Hare (IL)/Braley (IA)/Tonko (NY)/Murphy, Scott (NY): Would extend the authorization for the Arsenal Support Program Initiative (ASPI) through Fiscal Year 2011 (the existing authority is set to expire in FY2010). (10 minutes)

32. Hodes (NH): Would require the Office for Reintegration Programs to establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide. (10 minutes)

33. Holden (PA): Would require the Secretaries of the Army, Navy, and Air Force to design and issue a Combat Medevac Badge to be awarded to service members who served on or after June 25, 1950, as pilots or crew members on helicopter medical evacuation ambulances and who meet the requirements for the award of that badge. (10 minutes)

34. Holt (NJ): Would require the videotaping of all military interrogations, with appropriate security classifications. (10 minutes)

35. Johnson, Eddie Bernice (TX): Would amend section 713 (report on health care of military family members) to include the need for and availability of mental health care services with respect to dependents accompanying a member stationed at a military installation outside of the United States. (10 minutes)

36. Lee, Barbara (CA): Would prohibit the establishment of permanent military bases in Afghanistan. (10 minutes)

37. Lipinski (IL): Would express the sense of Congress that it reaffirms its support for the recovery and return to the United States of the remains of members of the Armed Forces killed in battle during World War II in the battle of Tawara Atoll. It also encour-

ages the Defense Department to pursue new efforts to recover and return such remains. (10 minutes)

38. Maloney (NY): Would require the Defense Secretary to submit periodic reports to Congress on progress with respect to the Defense Incident-Based Reporting System. (10 minutes)

39. Maloney (NY)/Honda (CA): Would establish an Overseas Voting Advisory Board that will conduct studies and issue reports and have hearings on the abilities of and obstacles to overseas voting, the successes and failures of the Federal Voting Assistance Program (FVAP) under the Department of Defense, and any administration efforts to increase overseas voter participation. (10 minutes)

40. Minnick (ID): Would direct the Secretary of Defense to submit to the defense committees a report on health care accessibility for members of the Armed Services in rural areas, including policy or resource recommendations to improve access to health care for such individuals. (10 minutes)

41. Sarbanes (MD): Would require the Comptroller General to convene a panel of experts, including officers and employees of the United States and private industry officials and labor organizations, to study the ethics, competence, and effectiveness of acquisition personnel and the governmentwide procurement process. (10 minutes)

42. Schakowsky (IL): Would grant access by Congress to the database of information regarding the integrity and performance of certain persons awarded federal contracts and grants created by section 872 of the FY 2009 National Defense Authorization Act (P.L. 110–417; Stat. 455). (10 minutes)

43. Schakowsky (IL): Would impose additional reporting requirements for inventory relating to contracts for services which would require an annual estimation of how many dollars each contracting officer is responsible for, as well as a report on how many contracting officers are themselves contract employees. This reporting requirement would begin in FY2011. (10 minutes)

44. Schrader (OR): Would, with respect to members of the Armed Forces exposed to potentially harmful material or contaminant as determined by the Defense Secretary, require the Secretary to notify the member or (in the case of a reservist) the state military department of the exposure and any associated health risks. If the exposure occurs while the member is deployed, the notification shall occur while the member is so deployed. (10 minutes)

45. Smith, Christopher (NJ): Would require GAO to report to Congress on a cost analysis and audit of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle, New Jersey. (10 minutes)

46. Smith, Christopher (NJ): Would require the Department of Defense to report on its actions to prevent intra-familial international abductions affecting military parents and on its actions to assist military parents seeking the return of their abducted children. (10 minutes)

47. Souder (IN): Would clarify that section 111 (restriction on obligation of funds for Army tactical radio systems) only affects prospective FY 2010 funds and there is no presumption that this affects prior year funding. (10 minutes)

48. Space (OH): Would require the VA Secretary, in consultation with the Defense Secretary, to develop and implement a secure electronic method of forwarding the DD Form 214 (release or discharge from active duty) to appropriate offices. The VA Secretary also shall ensure that the information provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms if problems arise. (10 minutes)

49. Thompson, Mike (CA): Would allow the Secretary of the Navy to convey the Ferndale Housing facility of the now closed Centerville Beach Naval Facility to the City of Ferndale, California, at fair market value for the use of providing housing for low- and moderate-income seniors and families. If the Secretary determines the property is not being used as specified, the property shall revert to the United States. (10 minutes)

50. Taylor (MS): Would authorize the U.S. Navy to enter into a lease agreement with the Maritime Administration if the United States takes possession of the Hulakai and Alakai High Speed Ferries due to a loan guarantee default. (10 minutes)

51. Tierney (MA): Would require that the Secretary of Defense also report on proposed radars when reporting on whether a missile defense system has demonstrated a high probability of operating successfully. (10 minutes)

52. Tierney (MA): Would direct the Secretary of Defense to commission a report from the JASON Defense Advisory Panel on the technical and scientific feasibility of U.S. missile defense discrimination capabilities as designed and conceived. (10 minutes)

53. Van Hollen, Chris (MD): Would express the sense of Congress that multiple methods are available to the Defense Department to implement the defense access roads program (23 U.S.C. sec. 210) in the vicinity of the National Naval Medical Center in Bethesda, MD, to alleviate traffic congestion. (10 minutes)

54. Walz (MN): Would require the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, to submit to Congress a report on the progress that has been made on the establishment, announced by the President on April 9, 2009, of a Joint Virtual Lifetime Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs. (10 minutes)

55. Weiner (NY): Would require the GAO Comptroller General, within 90 days of enactment, to report to Congress on the costs incurred by cities and other municipalities that elect to cover the difference between an employee's military service when that employee is a member of a reserve component and called to active duty and the municipal salary of the employee. (10 minutes)

56. Whitfield (KY): Would amend section 711 (report on post-traumatic stress disorder) to require the report to include the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals. (10 minutes)

57. Griffith (AL): Would express the sense of Congress that the Defense Secretary should consider the role of ballistic missile defenses during the quadrennial defense review and the nuclear posture review. (10 minutes)

58. Wilson, Joe (SC): Would recognize state defense forces as integral military components of the homeland security effort of the United States, while reaffirming that such forces remain entirely state regulated and will be used for homeland security purposes exclusively at the local level under state law. It also would permit the Defense Secretary to transfer excess property and equipment to state defense forces. (10 minutes)

59. Holt (NJ): Would require the Defense Secretary to ensure that members of the Individual Ready Reserve (IRR) who have served at least one tour in either Iraq or Afghanistan receive at least quarterly counseling calls from properly trained personnel to determine the IRR member's emotional, psychological, medical, and career needs so long as the covered servicemember is in the IRR. When necessary, at-risk members would be referred for immediate evaluation and treatment by qualified mental health service providers. (10 minutes)

60. Garrett (NJ): Would express the sense of Congress in support of the State of Israel that the United States should work with Israel to ensure it receives military assistance, including missile defense capabilities, needed to address the threat of Iran. (10 minutes)

61. Kirk (IL)/Larsen, Rick (WA): Would provide the Secretary of Defense with the authority to provide a bonus to a servicemember who agrees to serve in Afghanistan for six consecutive years, or until U.S. forces withdraw. (10 minutes)

62. Sestak (PA): Would provide for the treatment of autistic children of military personnel. (10 minutes)

63. Bishop, Tim (NY)/Shea-Porter (NH): Would require the Defense Secretary to prohibit the disposal of medical and hazardous waste in open-air burn pits for any period longer than 12 months during a contingency operation. It also would require the Secretary to submit a report on the use of such burn pits. (10 minutes)

64. Blumenauer (OR)/Brown-Waite (FL): Would provide that the Defense Secretary shall, in the Defense budget submission, include funding levels for Military Munitions Response Program and Installation Restoration Program and report on progress of such programs in the Defense Environmental Program's submission to Congress. (10 minutes)

65. Castor (FL)/Bilirakis (FL): Would give members of the Armed Forces serving in combat operations a free monthly postal voucher they can transfer to their loved ones, who can then send a letter or package to them at no cost. Members of the Armed Forces could also choose to donate their vouchers to charitable organizations, such as those that send care packages to soldiers. Of funds authorized for Army operation and maintenance, not more than $50 million shall be available for postal benefits. Offsetting reductions are provided from Army Claims, System-Wide Navy Communications, and System-Wide Air Force Communications. (10 minutes)

66. McDermott (WA): Would require the Secretary of Defense, in consultation with the Secretary of State, to publish a map of the Democratic Republic of the Congo showing mineral-rich areas and areas under the control of armed groups. Mineral mines in areas under the control of armed groups will be known as 'conflict zone mines'. The map shall be updated every 180 days until the Sec-

retary certifies that no armed party is involved in the mining, sale, or export of minerals. (10 minutes)

67. Schiff (CA): Would allow a federally-funded research and development center affiliated with the National Aeronautics and Space Administration to respond to Department of Defense agency announcements. (10 minutes)

68. Bordallo (GU): Would add to the bill the text of H.R. 44, the "Guam World War II Loyalty Recognition Act." It would authorize the Foreign Claims Settlement Commission to settle claims resulting from the occupation of Guam during World War II based on other war claims programs. (10 minutes)

69. Grayson (FL): Would require that cost or price to the Federal government be given at least equal importance as technical or other criteria in evaluating competitive proposals for defense contracts, and would require the Secretary of Defense to report to Congress and post on the Internet a list of each waiver issued by the head of an agency during the preceding fiscal year. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 72, line 18, strike "(h)" and insert "(d)".

At the end of section 414 (page 122, after line 14), add the following new subsection:

(c) CONFORMING AMENDMENT TO STATUTORY LIMITATION.—Section 10217(c)(2) of title 10, United States Code, is amended by striking "1,950" and inserting "2,541".

Page 260, lines 9 and 10, strike "by adding at the end the following new section" and insert "by inserting after section 235, as added by section 242(a) of this Act, the following new section".

Page 260, line 11, strike "235." and insert "236.".

Page 262, before line 1, strike "235." and insert "236.".

At the end of subtitle A of title X (page 323, after line 12), add the following new section:

SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds authorized to be appropriated in section 201(3) for research, development, test, and evaluation for the Air Force are reduced by $2,900,000, to be derived from sensors and near field communication technologies.

(b) ARMY OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(1) for operation and maintenance for the Army are reduced by $18,000,000, to be derived from unobligated balances for the Army in the amount of $11,700,000 and fuel purchases for the Army in the amount of $6,300,000.

(c) NAVY OPERATION AND MAINTENANCE.—

(1) REDUCTION.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy are reduced by $22,900,000 to be derived from unobligated balances for the Navy in the amount of $11,700,000 and fuel purchases for the Navy in the amount of $11,200,000.

(2) AVAILABILITY.—Of the funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy for the purpose of Ship Activations/Inactivations, $6,000,000 shall be available for the Navy Ship Disposal–Carrier Demonstration Project

(d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(3) for operation and maintenance for the Marine Corps are reduced by $2,000,000, to be derived from unobligated balances for the Marine Corps in the amount of $1,100,000 and fuel purchases for the Marine Corps in the amount of $900,000.

(e) AIR FORCE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force are reduced by $25,000,000, to be derived from unobligated balances for the Air Force in the amount of $4,300,000 and fuel purchases for the Air Force in the amount of $20,700,000.

(f) DEFENSE-WIDE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(5) for operation and maintenance for Defense-wide activities are reduced by $5,200,000, to be derived from unobligated balances for Defense-wide activities in the amount of $4,300,000 and fuel purchases for Defense-wide activities in the amount of $900,000.

(g) MILITARY PERSONNEL.—Funds authorized to be appropriated in section 421 for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Page 345, line 16, strike "30 days" and insert "90 days".

Page 391, line 15, strike "the budget fiscal year" and insert "subsequent fiscal years".

Strike section 1505 (page 493, beginning line 12) and insert the following new section:

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $916,553,000.

(2) For weapons procurement, Navy, $73,700,000.

(3) For ammunition procurement, Navy and Marine Corps, $710,780,000.

(4) For other procurement, Navy, $318,018,000.

(5) For procurement, Marine Corps, $1,164,445,000.

Page 556, line 14, strike "2821(b)" and insert "2811(b)".

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKEON OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

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

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

(1) In 1993, Representative John M. McHugh was elected to represent New York's 23rd Congressional district, which is lo-

cated in northern New York and consists of Clinton, Hamilton, Lewis, Oswego, Madison, and Saint Lawrence counties and parts of Essex, Franklin, Fulton, and Oneida counties.

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

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

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

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

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

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

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

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

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

(11) On June 2, 2009, the President nominated Representative McHugh to serve as the Secretary of the Army.

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

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCGOVERN OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII, add the following new section:

SEC. 12___. REPORT ON AFGHANISTAN EXIT STRATEGY.

Not later than December 31, 2009, the Secretary of Defense shall submit to Congress a report outlining the United States exit strat-

egy for United States military forces in Afghanistan participating in Operation Enduring Freedom.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCGOVERN OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title X of the bill, add the following new section:

SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, 2008, and 2009, and any fiscal year thereafter.

"(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

"(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

"(B) The rank of each student and instructor.

"(C) The country of origin of each student and instructor.

"(D) The courses taken by each student.

"(E) The courses taught by each instructor.

"(F) Any years of attendance by each student in addition to the fiscal year covered.".

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. PROHIBITION ON RECRUITMENT, ENLISTMENT, OR RETENTION OF PERSONS ASSOCIATED OR AFFILIATED WITH GROUPS ASSOCIATED WITH HATE-RELATED VIOLENCE AGAINST GROUPS OR PERSONS OR THE UNITED STATES GOVERNMENT.

Section 504 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) PERSONS ASSOCIATED OR AFFILIATED WITH HATE GROUPS.—

"(1) PROHIBITION.—A person associated or affiliated with a group associated with hate-related violence against groups or persons or the United States Government, as determined by the Attorney General, may not be recruited, enlisted, or retained in the armed forces.

"(2) DEFINITION OF HATE GROUP.—In this subsection, the terms 'group associated with hate-related violence' or 'hate group' mean the following:

"(A) Groups or organizations that espouse or engage in acts of violence against other groups or minorities based on ideals of hate, ethnic supremacies, white supremacies,

racism, anti-Semitism, xenophobia, or other bigotry ideologies.

"(B) Groups or organizations engaged in criminal gang activity including drug and weapons trafficking and smuggling.

"(C) Groups or organizations that espouse an intention or expectation of armed revolutionary activity against the United States Government, or the violent overthrow of the United States Government.

"(D) Groups or organizations that espouse an intention or expectation of armed activity in a 'race war'.

"(E) Groups or organizations that encourage members to join the armed forces in order to obtain military training to be used for acts of violence against minorities, other groups, or the United States Government.

"(F) Groups or organizations that espouse violence based on race, creed, religion, ethnicity, or sexual orientation.

"(G) Other groups or organizations that are determined by the Attorney General to be of a violent, extremist nature.

"(3) EVIDENCE OF ASSOCIATION OR AFFILIATION WITH HATE GROUP.—The following shall constitute evidence that a person is associated or affiliated with a group associated with hate-related violence:

"(A) Individuals possessing tattoos or other body markings indicating association or affiliation with a hate group.

"(B) Individuals known to have attended meetings, rallies, conferences, or other activities sponsored by a hate group.

"(C) Individuals known to be involved in online activities with a hate group, including being engaged in online discussion groups or blog or other postings that support, encourage, or affirm the group's extremist or violent views and goals.

"(D) Individuals who are known to have in their possession photographs, written testimonials (including diaries or journals), propaganda, or other materials indicating involvement or affiliation with a hate group. Such materials can include photographs, written materials relating to or referring to extreme hatred that are clearly not of an academic nature, possession of objects that venerate or glorify hate-inspired violence, and related materials, as determined by the Attorney General.

"(E) Individuals espousing the intent to acquire military training for the purpose of using such training towards committing acts of violence of a purpose not affiliated with the armed forces.

"(4) REQUIREMENTS FOR RECRUITERS AND ENLISTMENT PROCESSING STATIONS.—A military recruiters may not enlist, or assist in enlisting, a person who is associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3). A person at any military enlistment processing station who, during the screening process, is found to be affiliated or associated with a hate group (including

through admitting to any such affiliation or association on any form or document) is automatically prohibited from enlisting.

"(5) SEPARATION.—

"(A) SEPARATION REQUIRED.—A person discovered or determined to be associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3), shall be immediately discharged from the armed forces, in the manner prescribed in regulations regarding discharge from service.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to a member of the armed forces who has renounced the member's previous affiliation or association with a group associated with hate-related violence, as determined by the commanding officer of the member.

"(6) REPORTING REQUIREMENT.—Not later than April 1, 2010, and annually thereafter, the Secretary concerned shall submit to the Committees on Armed Service of the Senate and House of Representatives a report—

"(A) on the presence in the armed forces of members who are associated or affiliated with a group associated with hate-related violence and describing the actions of the Secretary to discharge such members; and

"(B) describing the actions of the Secretary to prevent persons who are associated or affiliated with a hate group from enlisting.".

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title X (page 374, after line 6), insert the following new section:

SEC. 1055. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.

(a) NOTIFICATION.—The head of a military service or department, or of a Federal department or agency, that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at facility, notify the International Committee of the Red Cross (referred to in this section as the "ICRC") of such custody or effective control, as soon as possible.

(b) ACCESS.—The head of a military service or department, or of a Federal department or agency, with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, pursuant to subsection (a), shall ensure ICRC access to any detainee within 24 hours of the receipt by such head of an ICRC request to access the detainee. Such access to the detainee shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department, or of a Federal department or agency, with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(c) SCOPE OF ACCESS.—The ICRC shall be provided access, in accordance with this section, to any physical locality at the Theater

Internment Facility at Bagram Air Base, Afghanistan, determined by the ICRC to be relevant to the treatment of the detainee, including the detainee's cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, or other locations not named in this section.

(d) CONSTRUCTION.—Nothing in this section shall be construed to—

(1) create or modify the authority of a military service or department, a Federal law enforcement agency, or the intelligence community to detain an individual; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOBIONDO OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 180, line 11), add the following new section:

SEC. 594. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE COMPONENT MEMBERS.

Section 1044(a)(4) of title 10, United States Code, is amended by striking "the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense," and inserting "the Secretary), for a period of time (prescribed by the Secretary)".

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LORETTA SANCHEZ OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title V (page 144, after line 3), add the following new section:

SEC. 537. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9359 the following new section:

"§ 9359a. Air Force Academy Athletic Association: authorization, purpose, and governance

"(a) ESTABLISHMENT AUTHORIZED.—The Secretary of the Air Force may establish a nonprofit corporation, to be known as the 'Air Force Academy Athletic Association', to support the athletic program of the Air Force Academy.

"(b) ORGANIZATION AND DUTIES.—(1) The Air Force Academy Athletic Association (in this section referred to as the 'Association') shall be organized and operated as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986 and under the powers and authorities set forth in this section and the provisions of the laws of the State of incorporation. The Association shall operate on a nonpartisan basis exclusively for charitable, educational, and civic purposes consistent with the authorities referred to in this subsection to support the athletic program of the Academy.

"(2) Subject to the approval of the Secretary of the Air Force, the Association may—

"(A) operate and manage athletic and revenue generating facilities on Academy property;

"(B) use Government facilities, utilities, and services on the Academy, without charge, in support of its mission;

"(C) sell products to the general public on or off Government property;

"(D) charge market-based fees for admission to Association events and other athletic or athletic-related events at the Academy and for use of Academy athletic facilities and property; and

"(E) engage in other activities, consistent with the Academy athletic mission as determined by the Board of Directors.

"(c) BOARD OF DIRECTORS.—(1) The Association shall be governed by a Board of Directors made up of at least nine members. The members, other than the member referred to in paragraph (2), shall serve without compensation, except for reasonable travel and other related expenses for attendance at required meetings.

"(2) The Director of Athletics at the Academy shall be a standing member of the Board as part of the Director's duties as the Director of Athletics.

"(3) Subject to the prior approval of all nominees for appointment by the Secretary of the Air Force, the Superintendent shall appoint the remaining members of the Board.

"(4) The Secretary of the Air Force shall select one of the members of the Board appointed under paragraph (3) to serve as chairperson of the Board.

"(d) BYLAWS.—Not later than July 1, 2010, the Association shall propose its by-laws. The Association shall submit the by-laws, and all future changes to the by-laws, to the Secretary of the Air Force for review and approval. The by-laws shall be made available to Congress for review.

"(e) TRANSITION FROM NONAPPROPRIATED FUND OPERATION.—(1) Until September 30, 2011, the Secretary of the Air Force may provide for parallel operations of the Association and the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic program of the Academy. Not later than that date, the Secretary shall dissolve the nonappropriated fund instrumentality and transfer its assets and liabilities to the Association.

"(2) The Secretary may transfer title and ownership to all the assets and liabilities of the nonappropriated fund instrumentality referred to in paragraph (1), including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property without cost or obligation to the Association.

"(f) CONTRACTING AUTHORITIES.—(1) The Superintendent may procure, at fair and reasonable prices, such athletic goods, services, human resources, and other support from the Association as the Superintendent considers appropriate to support the athletic program of the Academy. The Association shall be exempt from the requirements of section 2533a of this title and the Buy American Act (41 U.S.C. 10a et seq.).

"(2) The Superintendent may accept from the Association funds, goods, and services for use by cadets and Academy personnel dur-

ing participation in, or in support of, Academy or Association contests, events, and programs.

"(g) USE OF AIR FORCE PERSONNEL.—Air Force personnel may participate in—

"(1) the management, operation, and oversight of the Association;

"(2) events and athletic contests sponsored by the Association; and

"(3) management and sport committees for the National Collegiate Athletic Association and other athletic conferences and associations.

"(h) FUNDING AUTHORITY.—The authorization of appropriations for the operation and maintenance of the Academy includes Association operations in support of the Academy athletic program, as approved by the Secretary of the Air Force.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9359 the following new item:

"9359a. Air Force Academy Athletic Association: authorization, purpose, and governance.".

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANKS OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 57, line 18, strike section 224 and insert the following new section 224:

SEC. 224. POLICY ON BALLISTIC MISSILE DEFENSE SYSTEM TO PROTECT THE UNITED STATES HOMELAND, ALLIES, AND FORWARD DEPLOYED FORCES.

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

(1) North Korea's nuclear program and its long, medium, and short-range ballistic missiles represent a near-term and increasing threat to the United States, our forward-deployed troops and allies.

(2) North Korea, in violation of United Nations Security Council Resolutions 1695 and 1718, launched a Taepodong-2 rocket on April 5, 2009, demonstrated a multi-stage, long-range ballistic missile. This flight demonstrated a more complete performance than Pyongyang's July 2006 Taepodong-2 launch.

(3) According to reports, the Taepodong-2 long-range ballistic missile could currently threaten the west coast of the United States and, according to estimates by the United States intelligence community, when fully developed could threaten the entire continental United States.

(4) North Korea has deployed the Musudan intermediate range ballistic missile which can threaten Okinawa and Guam, 200 Nodong missiles which can reach Japan, and 600 Scud missiles which threaten South Korea.

(5) North Korea is a missile proliferator and has shared ballistic missile technology with other weapons proliferating nations such as Iran. It also aided Syria with its nuclear program.

(6) North Korea walked away from the Six-Party talks and ordered United States and International Atomic Energy Agency inspectors out of the country in April 2009.

(7) On April 29, 2009, Pyongyang threatened to conduct a nuclear test and launch an intercontinental ballistic missile unless the United Nations Security Council apologize and withdraw all resolutions.

(8) Following through on its provocative threat, North Korea conducted a nuclear test on May 25, 2009 in violation of United Nations Security Council Resolution 1718.

(9) North Korea test-fired six shorter-range missiles off the country's east coast following its nuclear test on May 25, 2009.

(10) On May 25, 2009, President Obama stated, "North Korea's nuclear ballistic missile programs pose a great threat to the peace and security of the world and I strongly condemn their reckless action. . . The record is clear: North Korea has previously committed to abandoning its nuclear program. Instead of following through on that commitment it has chosen to ignore that commitment. These actions have also flown in the face of United Nations resolutions."

(11) North Korea's nuclear test and missile launches demonstrate present international diplomatic efforts are not sufficient to deter North Korea from developing, deploying, and launching missiles or developing nuclear technology. There has been no progress toward engagement or complete and verifiable denuclearization of the Korean Peninsula.

(12) The pace and scope of North Korea's actions demonstrate that it is intent on achieving a viable nuclear weapons capability, long-range intercontinental ballistic missile delivery capability, and recognition as a nuclear weapons state.

(13) In response to the unanimous passage of United Nations Security Council Resolution 1874 on June 12, 2009, North Korea responded that it would not abandon its nuclear programs and vowed to start enriching uranium and weaponize all its plutonium.

(14) Media reports indicate North Korea is warning of a nuclear war. In addition, it may be preparing for launch an intercontinental ballistic missile with the range to reach the United States. Further reports, citing U.S. defense officials, indicate U.S. satellite photos show long-range ballistic missile activity at two launch sites in North Korea.

(15) On February 3, 2009, the Government of Iran successfully launched its first satellite into orbit—an act in direct violation of United Nations Security Council Resolution 1737.

(16) General Maples, Director of the Defense Intelligence Agency, recently said, "Iran's February 3, 2009, launch of the Safir space launch vehicle shows progress in mastering technology needed to produce ICBMs."

(17) On April 5, 2009, President Barack Obama said, "So let me be clear: Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies."

(18) On May 19, 2009, the Government of Iran test-fired a new two-stage, medium-range, solid fuel, surface-to-surface missile, which can reach Europe, Israel, and United States forces deployed in the Persian Gulf Region.

(19) According to the April 2009 Defense Intelligence Agency report, "Foreign Ballistic Missile Capabilities", "**[**t**]**he threat

posed by ballistic missile delivery systems is likely to continue increasing while growing more complex over the next decade. Current trends indicate that adversary ballistic missile system, with advanced liquid- or solid-propellant propulsion systems, are becoming more flexible, mobile, survivable, reliable and accurate while also presenting longer ranges."

(20) According to the April 2009 Defense Intelligence Agency report, "Foreign Ballistic Missile Capabilities", "Prelaunch survivability is also likely to increase as potential adversaries strengthen their denial and deception measures and increasingly base their missiles on mobile sea- and land-based platforms. Adversary nations are increasingly adopting technical and operational countermeasures to defeat missiles defenses. For example, China, Iran and North Korea exercise near simultaneous salvo firings from multiple locations to defeat these defenses."

(21) General Kevin Chilton, Commander of the United States Strategic Command testified on March 19, 2009, "I think the approach for missile defense has been a layered defense, as you've described, that looks at opportunities to engage in the boost phase, in the mid-course, and then terminal."

(22) General B.B. Bell, Commander, U.S. Forces-Korea testified in July 2007, "Here in Korea, we have but minutes to detect, acquire, engage and destroy inbound theater ballistic missiles in the SCUD and No-Dong class. We estimate that north Korea has around eight hundred of these missiles in their operational territory. Today, they are capable of carrying conventional and chemical munitions. Intercepting these missiles during their boost phase while over north Korean territory would be a huge combat multiplier for me. Therefore, I enthusiastically support the pursuit of the unique combat capability provided by the ABL in attacking missiles in their boost phase."

(b) POLICY.—It shall be the policy of the United States to continue development and fielding of a comprehensive, layered missile defense system to protect the homeland of the United States, our forward-deployed forces, and allies against the near-term and increasing short, medium, and long-range ballistic missile threats posed by rogue nations such as North Korea. These missile defenses shall consist of national and theater missile defenses, but neither should come at the expense of the other. It shall also be the policy of the United States to continue developing systems designed to intercept missiles in the boost phase of flight in order to defend against developing sophisticated threats.

(c) ELEMENTS IN DISCHARGE OF THE POLICY.—The discharge of the policy stated in subsection (b) shall include the following:

(1) Continued testing, fielding, sustainment, and modernization of the ground-based midcourse defense system, specifically—

(A) not less than 44 ground-based interceptors at Fort Greely, Alaska and Vandenberg Air Force Base, California;

(B) completion of missile field number two at Fort Greely, Alaska;

(C) aging and surveillance;

(D) capability enhancement;

(E) modernization and obsolescence;
(F) operationally realistic testing; and
(G) viable production capability.

(2) Continued development and testing of the Airborne Laser Program

(3) Continued technology maturation and demonstration of the technologies associated with the Kinetic Energy Interceptor

(4) Continue technology maturation and demonstration of the technologies associated with the Multiple Kill Vehicle

(5) Continued support for on-orbit experimentation of the Space Tracking and Surveillance System demonstration satellites, and concept development and technology maturation for a follow-on capability.

At the end of subtitle C of title II (page 67, after line 5), insert the following new section:

SEC. 227. AVAILABILITY OF FUNDS FOR MISSILE DEFENSE.

(a) FUNDING.—The amount otherwise provided by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $1,200,000,000, for the Missile Defense Agency, of which—

(1) $600,000,000 is to be available for the ground-based midcourse defense system;

(2) $237,000,000 is to be available to the Airborne Laser Program;

(3) $177,100,000 is to be available to the Multiple Kill Vehicle;

(4) $165,900,000 is to be available for the Kinetic Energy Interceptor; and

(5) $20,000,000 is to be available for the Space Tracking and Surveillance System.

(b) OFFSETTING REDUCTION.—The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $1,200,000,000, to be derived from sites that are projected to meet regulatory milestones ahead of schedule or are at greatest risk of being unable to execute Public Law 111–5 and fiscal year 2010 funding as planned in fiscal year 2010.

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KRATOVIL OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 1230. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) The specific substance of any existing formal or informal agreement with NATO ISAF countries regarding the following:

"(i) Mutually agreed upon goals.

"(ii) Strategies to achieve such goals, including strategies identified in 'The Comprehensive Political Military Strategic Plan' agreed to by the Heads of State and Government from Allied and other troop-contributing nations.

"(iii) Resource and force requirements, including the requirements as determined by NATO military authorities in the agreed 'Combined Joint Statement of Requirements' (CJSOR).

"(iv) Commitments and pledges of support regarding troops and resource levels.";

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

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

"(2) NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.—A description of the specific substance of any existing formal or informal agreement with non-NATO ISAF troop-contributing countries regarding the following:

"(A) Mutually agreed upon goals.

"(B) Strategies to achieve such goals.

"(C) Resource and force requirements.

"(D) Commitments and pledges of support regarding troops and resource levels.".

(b) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A)—

(A) by striking "individual NATO ISAF countries" and inserting "each individual NATO ISAF country"; and

(B) by inserting "estimated in the most recent NATO ISAF Troops Placemat" after ", including levels of troops and equipment";

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments."; and

(4) in subparagraph (I) (as redesignated)—

(A) by redesignating clause (ii) as clause (iii); and

(B) by inserting after clause (i) the following:

"(ii) The location, funding, staffing requirements, current staffing levels, and activities of each Provincial Reconstruction Team led by a nation other than the United States.".

(c) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (J) (as redesignated) by striking "subsection (c)(4)" and inserting "subsection (c)(5)".

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KRATOVIL OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title XXVIII (page 597, after line 7), add the following new section:

SEC. 2846. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

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

"§ 2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods

"(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense shall permit and encourage the Secretaries of the military departments, heads of Defense agencies, and the heads of other instrumentalities of the Department of Defense to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by—

"(1) an electric utility;

"(2) independent system operator;

"(3) State agency; or

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

"(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations act. The Secretary concerned or head of the Defense Agency or other instrumentality shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

"(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts provided in advance in an appropriations Act derived from subsection (b) above, 100 percent shall be available to the military installation where the proceeds were derived, and at least 25 percent of that appropriated amount shall be designated for use in energy management initiatives by the military installation where the proceeds were derived.".

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

"2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods.".

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TURNER OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

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

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed "to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty.".

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that "will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty.".

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed: "Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.".

(4) President Obama also said: "As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies—including the Czech Republic. But we will begin the work of reducing our arsenal.".

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act only if the President certifies to Congress that—

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy's National Nuclear Security Administration will be sufficiently funded to—

(A) maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) modernize and refurbish the nuclear weapons complex.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the congressional committees specified in subsection (d) a report on the stockpiles of strategic and non-strategic weapons of the United States and the Russian Federation.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) DEFINITION.—For the purposes of this section, the term "advanced conventional weapons" means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRIGHT OF ALABAMA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

SEC. 8xx. FOLLOW-ON CONTRACTS FOR CERTAIN ITEMS ACQUIRED FOR SPECIAL OPERATIONS FORCES.

(a) AUTHORITY FOR AWARD OF FOLLOW-ON CONTRACTS.—The commander of the special operations command, acting under authority provided by section 167(e)(4) of title 10, United States Code, may award a follow-on contract for the acquisition of an item to a contractor who previously provided such item if—

(1) the item is an item of special operations-peculiar equipment and not anticipated to be made service common within 24 months of the initial contract;

(2) the item was previously acquired in the make, model, and type—

(A) using competitive procedures;

(B) under the authority of other statutory authority permitting noncompetitive or limited competition procurement actions (such as section 8(a) of the Small Business Act (15 U.S.C. 637(a)), section 31 of such Act (15 U.S.C. 657a, relating to the HUBZone program), and section 36 of such Act (15 U.S.C. 657f, relating to procurement program for small business concerns owned and controlled by service-disabled veterans)); or

(C) as a result of a competition among a limited number of sources on the basis that the disclosure of the need for the item would compromise national security; and

(3) the acquisition of the item by means other than a follow-on contract with the contractor would unduly delay the fielding

of such item to forces preparing for or participating in overseas contingency operations or for other deployments undertaken in response to a request from a combatant commander.

(b) LIMITATIONS.—A contract awarded using the authority in subsection (a)—

(1) may have a period of performance of not longer than one year;

(2) may be used only to acquire one or more items having an individual unit price under $100,000; and

(3) may have a total value not exceeding $25,000,000.

(c) NOTIFICATION.—Not later than 45 days after the use of the authority in subsection (a), the commander of the special operations command shall submit to the congressional defense committees a notification of the use of such authority.

(d) TERMINATION OF AUTHORITY.—The commander of the special operations command may not use the authority in subsection (a) on and after October 1, 2013.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ADLER OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII (page 473, after line 10), add the following new section:

SEC. 1239. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE LITTORAL COMBAT SHIP VESSEL.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on potential foreign military sales of the Littoral Combat Ship vessel.

(b) MATTERS TO BE INCLUDED.— The report required under subsection (a) shall detail—

(1) the cost of developing an exportable version of the Littoral Combat Ship vessel to both the Federal Government and the shipbuilding industry;

(2) whether an exportable version of the Littoral Combat Ship vessel is technically feasible and executable, and the timeline for achieving such an exportable version of the vessel;

(3) the potential strategic implication for allowing the sale of the Littoral Combat Ship vessel to a foreign country;

(4) the impact of foreign military sales of the Littoral Combat Ship vessel on the domestic shipbuilding industry and the benefit or drawback such sales might have on sustaining such industry; and

(5) any changes to existing law needed to allow foreign military sales of the Littoral Combat Ship vessel.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AKIN OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 374, after line 6) add the following new section:

SEC. 1055. TRANSPARENCY REPORT FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 14 days after the date on which an employee of the Department of Defense is required to sign a non-disclosure agreement in the carrying out of the official duties of such employee (other than as such non-disclosure agreement relates to the granting of a security clearance), the Secretary of Defense shall submit to the congressional defense committees a report on such non-disclosure agreement, including—

(1) the topics that are prohibited from being discussed under such non-disclosure agreement;

(2) the number of employees required to sign such non-disclosure agreement;

(3) the duration of such non-disclosure agreement and the date on which such non-disclosure agreement terminates;

(4)) the types of persons to which the signatories to such non-disclosure agreement are prohibited from disclosing the information covered by such non-disclosure agreement, including whether Members or staff of Congress are included in such types to which disclosure is prohibited;

(5) the reasons employees are required to sign such non-disclosure agreement; and

(6) the criteria used to determine which matters were included as information not to be disclosed under such non-disclosure agreement.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall apply with respect to any non-disclosure agreement entered into by an employee of the Department of Defense on or after January 1, 2009.

(2) INITIAL REPORT.—The report required under subsection (a) (as applied in accordance with paragraph (1)) with respect to non-disclosure agreements entered into on or after January 1, 2009, and before the date of the enactment of this Act, shall be submitted not later than 120 days after the date of the enactment of this Act.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANFORD BISHOP OF GEORGIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end subtitle B of title XXVIII, add the following new section:

SEC. 2821. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL COMMUNITIES FOR DEVELOPMENT OF PUBLIC INFRASTRUCTURE DIRECTLY SUPPORTING EXPANSION OF MILITARY INSTALLATIONS.

Paragraph (3) of section 2391(d) of title 10, United States Code, is amended to read as follows:

"(3) The terms 'community adjustment' and 'economic diversification' may include—

"(A) the development of feasibility studies and business plans for market diversification within a community adversely affected by an action described in subparagraph (A), (B), (C), or (E) of subsection (b)(1) by adversely af-

fected businesses and labor organizations located in the community; and

"(B) the development of public infrastructure that directly supports the expansion activities described in subparagraph (A) of subsection (b)(1).".

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUMENAUER OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

(1) in making decisions with respect to the procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal;

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness; and

(3) not later than 180 days after the date of the enactment of this Act, and annually thereafter, submit to Congress a report on the methods developed pursuant to this section and the progress of the live-fire review and recommendations for reducing the life-cycle costs of munitions, unexploded ordnance, and munitions-constituent contamination.

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN-WAITE OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title V (page 155, after line 4), add the following new section:

SEC. 563. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title III, add the following new section:

SEC. 3___. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking "No Federal agency" and inserting "(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency"; and

(2) by adding at the end the following:

"(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

"(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

"(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

"(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.".

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 163, line 11, strike "service," and insert the following: "service (including a contract to which the servicemember is included with family members),".

At the end of subtitle I of title V (page 180, after line 11), add the following new section:

SEC. 594. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING RESIDENTIAL AND MOTOR VEHICLE LEASES.

Section 305(e) of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

"(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

"(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

"(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.".

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22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COSTA OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 115, after line 25, insert the following:

SEC. 356. STUDY ON DISTRIBUTION OF HEMOSTATIC AGENTS.

(a) STUDY.—Not later than December 31, 2009, the Secretary of Defense shall carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, to ensure each military service is complying with that service's policies with respect to hemostatic agents, including a description of any distribution problems and attempts to resolve such problems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all members of the Armed Force deployed in combat zones should carry life-saving resources with them, including hemostatic agents.

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 180, after line 11), add the following new section:

SEC. 594. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.

4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

"(C) A commissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves who serves or has served in a leadership position with either a military department command or combatant command.

"(D) A retired general or flag officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.

"(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.".

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24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUMMINGS OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 3505 insert the following new section (and redesignate accordingly):

SEC. 3506. DEFENSE OF VESSELS AND CARGOS AGAINST PIRACY.

(a) FINDINGS.—Congress finds the following:

(1) Protecting cargoes owned by the United States Government and transported on United States-flag vessels through an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy is in our national interest.

(2) Protecting United States-citizen mariners employed on United States-flag vessels transiting an area designated by the Coast Guard or the International Maritime Bureau of the international Chamber of Commerce as an area of high risk of piracy is in our national interest.

(3) Weapons and supplies that may be used to support military operations should not fall into the hands of pirates.

(b) EMBARKATION OF MILITARY PERSONNEL.—The Secretary of Defense shall embark military personnel on board a United States-flag vessel carrying Government-impelled cargoes if the vessel is—

(1) operating in an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy; and

(2) determined by the Coast Guard to be at risk of being boarded by pirates.

(c) LIMITATION ON APPLICATION.—This section shall not apply with respect to an area referred to in subsection (b)(1) on the earlier of—

(1) September 30, 2011; or

(2) the date on which the Secretary of Defense notifies the Congress that the Secretary believes that there is not a credible threat to United States-flag vessels carrying Government-impelled cargoes operating in such area.

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GEOFF DAVIS OF KENTUCKY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 352, after line 12, add the following:

SEC. 1039. STUDY ON NATIONAL SECURITY PROFESSIONAL CAREER DEVELOPMENT AND SUPPORT.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an Executive agency to commission a study by an appropriate independent, non-profit organization. The organization selected shall study the design and implementation of an interagency system for the career development and support of national security professionals. The organization selected shall be qualified on the basis of having performed related work in the fields of national security and human capital development, and on the basis of such other criteria as the head of the Executive agency may determine.

(b) MATTERS CONSIDERED.—The study required by subsection (a) shall, at a minimum, include the following:

(1) The qualifications required to certify an employee as a national security professional.

(2) Methods for identifying and designating positions within the Federal Government which require the knowledge, skills and aptitudes of a national security professional.

(3) The essential elements required for an accredited interagency national security professional education system.

(4) A system for training national security professionals to ensure they develop and maintain the qualifications identified under paragraph (1).

(5) An institutional structure for managing a national security professional career development system.

(6) Potential mechanisms for funding a national security professional career development program.

(c) REPORT.—A report containing the findings and recommendations resulting from the study required by subsection (a), together with any views or recommendations of the President, shall be submitted to Congress by December 1, 2010.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code;

(2) the term "employee" has the meaning given such term by section 2105 of title 5, United States Code; and

(3) the term "national security professional" means, with respect to an employee of an Executive agency, an employee of such agency in a position relating to the planning of, coordination of, or participation in, interagency national security operations.

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26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFAZIO OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

SEC. 830. DEFENSE SUBCONTRACTOR PROLIFERATION COST EFFECTIVENESS STUDY AND REPORTS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the total number of subcontractors used on the last five major weapons systems in which acquisition has been completed and determine if fewer subcontractors could have been more cost effective.

(b) MANAGEMENT BURDEN.—In conducting the study, the Secretary of Defense shall evaluate any potential cost savings derived from less management burden from multiple subcontractors on the Federal acquisition workforce.

(c) REPORT BY SECRETARY OF DEFENSE.—Not later than March 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the results of the study.

(d) REPORT BY COMPTROLLER GENERAL.—Not later than May 1, 2010, the Comptroller General shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a review of the Department of Defense report submitted under subsection (c).

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27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELAURO OF CONNECTICUT, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title VII (page 244, after line 8), add the following new section:

SEC. 708. POST-DEPLOYMENT MENTAL HEALTH SCREENING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a member of the Armed Forces with a post-deployment mental health screening that is conducted in person by a mental health provider.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, the following elements:

(1) A combat stress evaluation conducted in person by a qualified mental health professional not later than 120 to 180 days after the date on which the member returns from combat theater.

(2) Follow-ups by a case manager (who may or may not be stationed at the same military installation as the member) conducted by telephone at the following intervals after the initial post-deployment screening:

(A) Six months.

(B) 12 months.

(C) 18 months.

(D) 24 months.

(c) REQUIREMENTS OF COMBAT STRESS EVALUATION.—The combat stress evaluation required by subsection (b)(1) shall be designed to—

(1) provide members of the Armed Forces with an objective mental health and traumatic brain injury standard to screen for suicide risk factors;

(2) ease post-deployment transition by allowing members to be honest in their assessments;

(3) battle the stigma of depression and mental health problems among members and veterans; and

(4) ultimately reduce the prevalence of suicide among veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

(d) CONSULTATION.—The Secretary of Defense shall develop the demonstration project in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The Secretary of Defense may also coordinate the program with any accredited college, university, hospital-based or community-based mental health center the Secretary considers appropriate.

(e) SELECTION OF MILITARY INSTALLATION.—The demonstration project shall be conducted at two military installations, one active duty and one reserve component demobilization station, selected by the Secretary of Defense. The installations selected shall have members of the Armed Forces on active duty and members of the reserve components that use the installation as a training and operating base, with members routinely deploying in support of operations in Iraq, Afghanistan, and other assignments related to the global war on terrorism.

(f) PERSONNEL REQUIREMENTS.—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals that are licensed psychologists, psychiatrists, psychiatric nurses, licensed professional counselors, or clinical social workers.

(2) Suicide prevention counselors.

(g) TIMELINE.—

(1) The demonstration project required by this section shall be implemented not later than September 30, 2010.

(2) Authority for this demonstration project shall expire on September 30, 2012.

(h) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) a plan to implement the demonstration project, including site selection and criteria for choosing the site, not later than June 1, 2010;

(2) an interim report every 180 days thereafter; and

(3) a final report detailing the results not later than January 1, 2013.

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28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DRIEHAUS OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON MILITARY FAMILIES.

The Comptroller General shall submit to Congress a report containing—

(1) an assessment of the impact of domestic violence in families of members of the Armed Forces on the children of such families; and

(2) information on progress being made to ensure that children of families of members of the Armed Forces receive adequate care and services when such children are exposed to domestic violence.

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29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 352, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 1039. REPORT ON COMPETITIVE PROCEDURES USED FOR EARMARKS IN DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008.

(a) REPORT REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the congressional earmarks described in subsection (b).

(b) CONGRESSIONAL EARMARKS DESCRIBED.—The congressional earmarks described in this subsection are the congressional earmarks (House) and the congressionally directed spending items (Senate) on the list published in compliance with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate and contained on pages 372 to 476 of the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 3222 of the 110th Congress (Report 110–434).

(c) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall set forth the following with respect to each congressional earmark on the list referred to in subsection (b):

(1) The competitive procedures used to procure each earmark, including the process used, the tools employed, and the decisions reached.

(2) If competitive procedures were not used to procure an earmark, the reasons why competitive procedures were not used, including a discussion of the decision making process and how the decision to use procedures other than competitive procedures was reached.

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30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAYSON OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII (page 291, after line 2), add the following new secton:

SEC. 830. COMPTROLLER GENERAL REPORT ON DEFENSE CONTRACT COST OVERRUNS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on cost overruns in the performance of defense contracts.

(b) MATTERS COVERED.—The report under subsection (a) shall include, at a minimum, the following:

(1) A list of each contractor with a cost overrun during any of fiscal years 2006, 2007, 2008, or 2009, including identification of the contractor and the covered contract involved, the

cost estimate of the covered contract, and the cost overrun for the covered contract.

(2) Findings and recommendations of the Comptroller General.

(3) Such other matters as the Comptroller General considers appropriate.

(c) COVERED CONTRACT.—In this section, the term "covered contract" means a contract that is awarded by the Department of Defense through the use of a solicitation for competitive proposals, in an amount greater than the simplified acquisition threshold, and that is a cost-reimbursement contract or a time-and-materials contract.

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31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HARE OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title III (page 115, after line 25) insert the following new section:

SEC. 356. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note) is amended—

(1) in subsection (a), by striking "2010" and inserting "2011"; and

(2) in subsection (g)(1), by striking "2010" and inserting "2011".

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32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HODES OF NEW HAMPSHIRE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 180, after line 11), add the following new section:

SEC. 594. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 122) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

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

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

"(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

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

"(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide at-

tempt 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.".

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33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLDEN OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3757. Combat Medevac Badge

"(a) ISSUANCE.—The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

"(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.".

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

"3757. Combat Medevac Badge".

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6259. Combat Medevac Badge

"(a) ISSUANCE.—The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

"(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.".

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

"6259. Combat Medevac Badge".

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8757. Combat Medevac Badge

"(a) ISSUANCE.—The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

"(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.".

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

"8757. Combat Medevac Badge".

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

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34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title X (page 374, after line 6), insert the following new section:

SEC. 1055. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

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

(1) In January 2009, the Secretary of Defense tasked a special Department of Defense team to review the conditions of confinement at Naval Station, Guantanamo Bay, Cuba, to ensure all detainees there are being held "in conformity with all applicable laws governing the conditions of confinement, including Common Article 3 of the Geneva Conventions", pursuant to the President's Executive Order on Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities, dated January 22, 2009.

(2) That review, led by Admiral Patrick M. Walsh, included as one of its five key recommendations the following statement: "Fourth, we endorse the use of video recording in all camps and for all interrogations. The use of video recordings to confirm humane treatment could be an important enabler for detainee operations. Just as internal controls provide standardization, the use of video recordings provides the capability to monitor performance and maintain accountability.".

(3) Congress concurs and finds that the implementation of such a detainee videorecording requirement within the Department of Defense is in the national security interest of the United States.

(b) IN GENERAL.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto, and the guidelines developed pur-

suant to subsection (f), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility.

(c) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (b), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (b). The use of such classified video tapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(d) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term "strategic intelligence interrogation" means an interrogation of a person described in subsection (b) conducted at a theater-level detention facility.

(e) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (b); or

(2) the videotaping or other electronic recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto.

(f) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines designed to ensure that the videotaping or other electronic recording required under subsection (b), at a minimum—

(A) promotes full compliance with the laws of the United States;

(B) is maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted pursuant to the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), or any other provision of law;

(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the

Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

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35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDDIE BERNICE JOHNSON OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 249, after line 22, insert the following new paragraph:

(6) With respect to dependents accompanying a member stationed at a military installation outside of the United States, the need for and availability of mental health care services.

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36. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEE OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XII (page 453, after line 21), insert the following new section:

SEC. ___. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act or otherwise made available by this or any other Act shall be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

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37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LIPINSKI OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title V (page 155, after line 4), add the following new section:

SEC. 563. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF MEMBERS OF THE ARMED FORCES WHO WERE KILLED DURING WORLD WAR II IN THE BATTLE OF TARAWA ATOLL.

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

(1) On November 20, 1943, units of the United States Marine Corps, supported by units of the United States Army and warships and aircraft of the United States Navy, conducted an amphibious landing on the Island of Betio, Tarawa Atoll, in the Gilbert Islands in the Pacific Ocean.

(2) The United States military forces faced an entrenched force of 5,000 Japanese soldiers.

(3) The Tarawa landing was the first American amphibious assault on a fortified beachhead in World War II.

(4) Just 76 hours later, the American flag was raised at Tarawa.

(5) More than 1,100 Marines and other members of the Armed Forces were killed during the battle.

(6) Most of the Marines, soldiers, and sailors who were killed during the battle were buried in hastily dug graves and cemeteries on Tarawa.

(7) Between 1943 and 1946, the remains of some of the Marines and other members of the Armed Forces were disinterred and reinterred in temporary graves by the Navy.

(8) After World War II, the remains of some of these Marines and other members of the Armed Forces were recovered and returned to the United States for burial.

(9) Due to mistakes in reinterment, poor records, as well as other causes, the remains of 564 Marines and other members of the Armed Forces killed in the battle of Tarawa are in unmarked, unknown graves.

(10) Since 1980, the Department of Defense has recovered remains from some unmarked graves that have been found through construction or other activity on Tarawa.

(11) The remains of members of the Armed Forces on Tarawa continue to be threatened by construction or other land disturbing activity.

(12) Recent research has shed new light on the locations of unmarked and lost graves of members of the Armed Forces on Tarawa.

(13) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed at Tarawa who lie in unmarked and lost graves.

(b) SENSE OF CONGRESS.—In light of these findings, Congress—

(1) reaffirms its support for the recovery and return to the United States of the remains of members of the Armed Forces killed in battle, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars;

(2) recognizes the courage and sacrifice of the members of the Armed Forces who fought on Tarawa;

(3) acknowledges the dedicated research and efforts by persons to identify, locate, and advocate for the recovery of remains from Tarawa; and

(4) encourages the Department of Defense to review this research and, as appropriate, pursue new efforts to conduct field studies, new research, and undertake all feasible efforts to recover, identify, and return remains of members of the Armed Forces from Tarawa.

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38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALONEY OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle I of title V (page 180, after line 11), insert the following new section:

SEC. 594. REPORT ON PROGRESS IN COMPLETING DEFENSE INCIDENT-BASED REPORTING SYSTEM.

Not later than 120 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Defense shall submit to Congress a report detailing the progress of the Secretary with respect to the Defense Incident-Based Reporting System.

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39. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALONEY OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. OVERSEAS VOTING ADVISORY BOARD.

(a) ESTABLISHMENT; DUTIES.—There is hereby established the Overseas Voting Advisory Board (hereafter in this Act referred to as the ″Board″).

(b) DUTIES.—

(1) IN GENERAL.—The Board shall conduct studies and issue reports with respect to the following issues:

(A) The ability of citizens of the United States who reside outside of the United States to register to vote and vote in elections for public office.

(B) Methods to promote voter registration and voting among such citizens.

(C) The effectiveness of the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act in assisting such citizens in registering to vote and casting votes in elections.

(D) The effectiveness of the administration and enforcement of the requirements of the Uniformed and Overseas Citizens Absentee Voting Act.

(E) The need for the enactment of legislation or the adoption of administrative actions to ensure that all Americans who are away from the jurisdiction in which they are eligible to vote because they live overseas or serve in the military (or are a spouse or dependent of someone who serves in the military) are able to register to vote and vote in elections for public office.

(2) REPORTS.—In addition to issuing such reports as it considers appropriate, the Board shall transmit to Congress a report not later than March 31 of each year describing its activities during the previous year, and shall include in that report such recommendations as the Board considers appropriate for legislative or administrative action, including the provision of funding, to address the issues described in paragraph (1).

(3) COMMITTEE HEARINGS ON ANNUAL REPORT.—During each year, the Committees on Armed Services of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate may each hold a hearing on the annual report submitted by the Board under paragraph (2).

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Board shall be composed of 5 members appointed by the President not later than 6 months after the date of the enactment of this Act, of whom—

(A) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among a list of nominees submitted by the Minority Leader of the House of Representatives;

(C) 1 shall be appointed from among a list of nominees submitted by the Majority Leader of the Senate; and

(D) 1 shall be appointed from among a list of nominees submitted by the Minority Leader of the Senate.

(2) QUALIFICATIONS.—An individual may serve as a member of the Board only if the individual has experience in election administration and resides or has resided for an extended period of time overseas (as a member of the uniformed services or as a civilian), except that the President shall ensure that at least one member of the Board is a citizen who resides overseas while serving on the Board.

(3) TERMS OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member shall be appointed for a term of 4 years. A member may be reappointed for additional terms.

(B) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(4) PAY.—

(A) NO PAY FOR SERVICE.—A member shall serve without pay, except that a member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) REIMBURSEMENT OF TRAVEL EXPENSES BY DIRECTOR.—Upon request of the Chairperson of the Board, the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act shall, from amounts made available for the salaries and expenses of the Director, reimburse the Board for any travel expenses paid on behalf of a member under subparagraph (A).

(5) QUORUM.—3 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(6) CHAIRPERSON.—The members of the Board shall designate one member to serve as Chairperson.

(d) STAFF.—

(1) AUTHORITY TO APPOINT.—Subject to rules prescribed the Board, the chairperson may appoint and fix the pay of such staff as the chairperson considers necessary.

(2) APPLICATION OF CIVIL SERVICE LAWS.—The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Board, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Board to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Board may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(2) OBTAINING OFFICIAL DATA.—The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Board.

(3) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Board, the Administrator of General Services shall provide to the Board, on a reimbursable basis, the administrative support services necessary for the Board to carry out its responsibilities under this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this section for fiscal year 2010 and each succeeding fiscal year.

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40. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MINNICK OF IDAHO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VII (page 252, line 18), add the following new section:

SEC. 716. REPORT ON RURAL ACCESS TO HEALTH CARE.

The Secretary of Defense shall submit to the congressional defense committees a report on the health care of rural members of the Armed Forces and individuals who receive health care under chapter 55 of title 10, United States. The report shall include recommendations of resources or legislation the Secretary determines necessary to improve access to health care for such individuals.

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41. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SARBANES OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

SEC. 830. PROCUREMENT PROFESSIONALISM ADVISORY PANEL.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts, to be known as the Procurement Professionalism Advisory Panel, to study the ethics, competence, and effectiveness of acquisition personnel and the governmentwide procurement process, including the following:

(1) The role played by the Federal acquisition workforce at each stage of the procurement process, with a focus on the following:

(A) Personnel shortages.

(B) Expertise shortages.

(C) The relationship between career acquisition personnel and political appointees.

(D) The relationship between acquisition personnel and contractors.

(2) The legislation, regulation, official policy, and informal customs that govern procurement personnel.

(3) Training and retention tools used to hire, retain, and professionally develop acquisition personnel, including the following:

(A) The Defense Acquisition University.

(B) The Federal Acquisition Institute.

(C) Continuing education and professional development opportunities available to acquisition professionals.

(D) Opportunities to pursue higher education available to acquisition personnel, including scholarships and student loan forgiveness.

(b) ADMINISTRATION OF PANEL.—The Comptroller General shall be the chairman of the panel.

(c) COMPOSITION OF PANEL.—

(1) MEMBERSHIP.—The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) FAIR REPRESENTATION.—For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A) or (B) of that paragraph.

(d) PARTICIPATION BY OTHER INTERESTED PARTIES.—The Comptroller General shall ensure that the opportunity to submit information and views on the ethics, competence, and effectiveness of acquisition personnel to the panel for the purposes of the study is accorded to all interested parties, including officers and employees of the United States not serving on the panel and entities in private industry and representatives of Federal labor organizations not represented on the panel.

(e) INFORMATION FROM AGENCIES.—The panel may secure directly from any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of administration of the rules described in subsection (a). Upon the request of the Chairman of the panel, the head of such department or agency shall furnish the requested information to the panel.

(f) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study to—

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Homeland Security and Government Affairs of the Senate; and

(D) the Committee on Armed Services of the Senate.

(2) AVAILABILITY.—The Comptroller General shall publish the report in the Federal Register and on a publically accessible website (acquisition.gov).

(g) DEFINITION.—In this section, the term "Federal labor organization" has the meaning given the term "labor organization" in section 7103(a)(4) of title 5, United States Code.

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42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII (page 291, after line 2), add the following new section:

SEC. 830. ACCESS BY CONGRESS TO DATABASE OF INFORMATION REGARDING THE INTEGRITY AND PERFORMANCE OF CERTAIN PERSONS AWARDED FEDERAL CONTRACTS AND GRANTS.

Section 872(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455) is amended by striking "the Chairman and Ranking Member of the committees of Congress having jurisdiction" and inserting "any Member of Congress".

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43. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII (page 291, after line 2), add the following new section:

SEC. 830. ADDITIONAL REPORTING REQUIREMENTS FOR INVENTORY RELATING TO CONTRACTS FOR SERVICES.

(a) ADDITIONAL REPORTING REQUIREMENTS.—Section 2330a(c)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(H) With respect to such contracts for services—

"(i) the ratio between the number of individuals responsible for awarding and overseeing such contracts to the amount obligated or expended on such contracts; and

"(ii) the number of individuals responsible for awarding and overseeing such contracts who are themselves contractors.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2011 and fiscal years thereafter.

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44. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHRADER OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. NOTIFICATION OF MEMBERS OF THE ARMED FORCES OF EXPOSURE TO POTENTIALLY HARMFUL MATERIALS AND CONTAMINANTS.

(a) NOTIFICATION REQUIRED.—In the case of a member of the Armed Forces who is exposed to a potentially harmful material or contaminant, as determined by the Secretary of Defense, the Secretary shall, as soon as possible, notify the member, and in the case of a member of a reserve component, the State military department of the member, of the member's exposure to such material or contaminant and any health risks associated with exposure to such material or contaminant.

(b) IN-THEATER NOTIFICATION.—If the Secretary of Defense determines that a member of the Armed Forces has been exposed to a potentially harmful material or contaminant while that member is deployed, the Secretary shall notify the member of such exposure under subsection (a) while that member is so deployed.

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45. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHRISTOPHER SMITH OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title XXVIII (page 565, after line 10), add the following new section:

SEC. 2821. COMPTROLLER GENERAL REPORT ON NAVY SECURITY MEASURES FOR LAURELWOOD HOUSING COMPLEX, NAVAL WEAPONS STATION, EARLE, NEW JERSEY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a cost analysis and audit of the sufficiency of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle. The report shall include an estimate of costs to be incurred by Federal, State, and local government agencies in the following areas:

(1) Security and safety procedures.
(2) Land/utilities management and services.
(3) Educational assistance.
(4) Emergency services.
(5) Community services.
(6) Environmental services.

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46. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHRISTOPHER SMITH OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. SENSE OF CONGRESS AND REPORT ON INTRA-FAMILIAL ABDUCTION OF CHILDREN OF MILITARY PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the intra-familial abduction to foreign countries of children of members of the Armed Forces constitutes a grave violation of the rights of military parents whose children are abducted and poses a significant threat to the psychological well-being and development of the abducted children.

(b) REPORT ON INTRA-FAMILIAL CHILD ABDUCTION EFFECTING ACTIVE DUTY MILITARY PERSONNEL.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and not later than December 31 of calendar year 2010 and each December 31 thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the programs, projects, and activities carried out by the Department of Defense to assist members of the Armed Forces whose children are abducted.

(2) CONTENTS.—The report required under paragraph (1) shall include information concerning the following:

(A) The total number of children abducted from military parents, with a breakdown of the number of children abducted to each country that is a party to the Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention") and each country that is not a party to the Hague Convention.

(B) The total number of children abducted from military parents who were returned to their military parent, with a breakdown of the number of children returned from each country that is a party to the Hague Convention and each country that is not a party to the Hague Convention, including the average length of time per country that the children spent separated from their military parent, whether the Department of Defense helped facilitate any of the returns, specific actions taken to facilitate the return, and other Departments involved.

(C) Whether these numbers are shared with the Department of State for inclusion in the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

(D) An assessment as to how international child abductions impact the force readiness of affected military personnel.

(E) An assessment of the effectiveness of the centralized office within the Department of Defense responsible for implementing measures to prevent international child abductions and to provide assistance to military personnel, including—

(i) the coordination of international child abduction-related issues between the relevant agencies and departments with the Department of Defense;

(ii) the education of appropriate personnel;

(iii) the coordination with family support offices and other applicable agencies, both within the United

States and in host countries, to implement mechanisms for assistance to left behind parents;

(iv) the coordination with the Department of State and National Center for Missing and Exploited Children to provide assistance to left behind parents in obtaining the return of their children; and

(v) the collection of the data required by subparagraphs (A) and (B).

(F) An assessment of the current availability of, and additional need for assistance, including general information, psychological counseling, financial assistance, leave for travel, legal services, and the contact information for the office identified in subparagraph (E), provided by the Department of Defense to left behind military parents for the purpose of obtaining the return of their abducted children and ensuring the force readiness of military personnel.

(G) The means through which available services, information, and activities relating to international child abductions are communicated to left behind military parents.

(H) The proportion of identified left behind military parents who utilize the services and activities referred to in subparagraph (F).

(I) Measures taken by the Department of Defense, including any written policy guidelines, to prevent the abduction of children.

(J) The means by which military personnel are educated on the risks of international child abduction, particularly when they first arrive on a base abroad or when the military receives notice that the personnel is considering marriage or divorce abroad.

(K) The training provided to those who supply legal assistance to military personnel, in particular the Armed Forces Legal Assistance Offices, on the legal aspects of international child abduction and legal options available to left behind military parents, including the risks of conferring jurisdiction on the host country court system by applying for child custody in the host country court system.

(L) Which of the Status of Forces Agreements negotiated with host countries, if any, are written to protect the ability of a member of the Armed Forces to have international child abduction cases adjudicated in the member's State of legal residence.

(M) The feasibility of including in present and future Status of Forces Agreements a framework for the expeditious and just resolution of intra-familial child abduction.

(N) Identification of potential strategies for engagement with host countries with high incidences of military international child abductions.

(O) Whether the Department of Defense has engaged in joint efforts with the State Department to provide a forum, such as a conference, for left behind military parents to share their experiences, network, and develop best practices for securing the return of abducted children, and the assistance provided for left behind parents to attend such an event.

(P) Whether the Department of Defense currently partners with, or intends to partner with, civilian experts on International Child Abduction, to understand the psychological and social implications of this issue upon Department of Defense personnel, and to help develop an effective awareness campaign and training.

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47. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOUDER OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 24, line 10, strike "or otherwise made available".

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48. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPACE OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note), as amended by section 523, is further amended by adding at the end the following new subsection:

"(c) SECURE METHOD OF ELECTRONIC DELIVERY.—

"(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (a)(2). The Secretary of Veterans Affairs shall ensure that the method permits such offices to access the forms electronically using current computer operating systems.

"(2) AUTHORITY TO CEASE DELIVERY.—In developing the secure electronic method of forwarding DD Forms 214, the Secretary of Veterans Affairs shall ensure that the information provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms electronically to an office specified in subsection (a)(2) if demonstrated problems arise.".

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49. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title XXVIII (page 611, after line 21), add the following new section:

SEC. 2858. LAND CONVEYANCE, FERNDALE HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the "City"), all right, title, and interest of the United States in and to the par-

cels of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

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

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

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the city in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

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

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50. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAYLOR OF MISSISSIPPI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title I (page 37, after line 17), add the following new section:

SEC. 126. CONVERSION OF CERTAIN VESSELS; LEASING RATES.

(a) USE OF FUNDS FOR CONVERSION.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2010 for weapons procurement, Navy, for Mk–46 torpedo modifications, the Secretary of the Navy may obligate not more than $35,000,000 for lease and conversion of any covered vessel that, as a result of default on a loan guaranteed for the vessels under chapter 537 of title 46, United States Code, has become the property of the United

States, such that the Maritime Administrator has rights to dispose of the financial interest of the United States in the covered vessels.

(b) DETERMINATION OF LEASING RATES.—The Maritime Administrator shall coordinate with the Secretary of the Navy to determine leasing rates that meet the obligation of the United States with respect to any loan guarantee for the vessels.

(c) MODIFICATION TO A COVERED VESSEL.—The Secretary of the Navy may make necessary modifications to a covered vessel for military utility as the Secretary considers appropriate.

(d) COVERED VESSEL DEFINED.—In this section the term "covered vessel" means each of—

(1) the vessel Huakai (United States official number 1215902); and

(2) the vessel Alakai (United States official number 1182234).

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51. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 57, line 13, insert "and the proposed radars" after "proposed interceptor".

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52. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title II (page 67, after line 5), insert the following new section:

SEC. 227. STUDY ON DISCRIMINATION CAPABILITIES OF MISSILE DEFENSE SYSTEM.

(a) STUDY.—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON shall carry out a study on the technical and scientific feasibility of the discrimination capabilities of the missile defense system of the United States, as such system is designed and conceived as of the date of the study.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the study.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committees on Armed Services, Appropriations, and Oversight and Government Reform of the House of Representatives.

(2) The Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate.

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53. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VAN HOLLEN OF MARYLAND, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXVII (page 544, after line 10), add the following new section:

SEC. 2723. SENSE OF CONGRESS REGARDING TRAFFIC MITIGATION IN VICINITY OF NATIONAL NAVAL MEDICAL CENTER, BETHESDA, MARYLAND, IN RESPONSE TO INSTALLATION EXPANSION.

Given the anticipated significant increases in local traffic in the vicinity of the National Naval Medical Center, Bethesda, Maryland, and the unusual impact that such traffic increases will have on the surrounding community due to the planned expansion of the installation, it is the sense of Congress that—

(1) multiple methods are available to the Department of Defense to implement the defense access roads program (section 210 of title 23, United States Code) to help alleviate traffic congestion, including expansion of adjacent highways, improvements to nearby intersections, on-base queuing options, and multi-modal expansion, including expanded support of buses and subways and other measures; and

(2) all of the efforts to alleviate the significant traffic impact need to be pursued to ensure readily available access to health care at the installation.

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54. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALZ OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. REPORT ON JOINT VIRTUAL LIFETIME ELECTRONIC RECORD.

Not later than December 31, 2009, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to Congress a report on the progress that has been made on the establishment, announced by the President on April 9, 2009, of a Joint Virtual Lifetime Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs. The report shall—

(1) explain what steps compose the Secretaries' plan to fully achieve the establishment of the seamless record system between the two departments;

(2) identify any unforeseen obstacles that have arisen that may require legislative action; and

(3) explain how the plan relates to the mandate in section 1635 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1071 note) that the Secretary of Defense and the Secretary of the Department of Veterans Affairs jointly develop and implement, by September 30, 2009, electronic health record systems or capabilities that allow for full interoperability of personal health care informa-

tion between the Department of Defense and the Department of Veterans Affairs.

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55. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WEINER OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VI (page 134, after line 24), add the following new section:

SEC. 665. COMPTROLLER GENERAL REPORT ON COST TO CITIES AND OTHER MUNICIPALITIES THAT COVER THE DIFFERENCE BETWEEN AN EMPLOYEE'S MILITARY SALARY AND MUNICIPAL SALARY.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the costs incurred by cities and other municipalities that elect to cover the difference between—

(1) an employee's military salary when that employee is a member of a reserve component and called or ordered to active duty; and

(2) the municipal salary of the employee.

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56. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WHITFIELD OF KENTUCKY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 245, after line 23, add the following new subparagraph (C) (and redesignate existing subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively):

(C) the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals or other varying treatments;

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57. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIFFITH OF ALABAMA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 67, after line 5, insert the following:

SEC. ___. SENSE OF CONGRESS REAFFIRMING THE REQUIREMENT TO THOROUGHLY CONSIDER THE ROLE OF BALLISTIC MISSILE DEFENSES DURING THE QUADRENNIAL DEFENSE REVIEW AND THE NUCLEAR POSTURE REVIEW.

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

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

(2) Section 118 of title 10, United States Code requires the Secretary of Defense "every four years, during a year following a year evenly divisible by four, to conduct a comprehensive examination (to be known as a"Quadrennial Defense Review") of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of

the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years."

(3) Among the requirements established by section 118 of title 10, United States Code, for the elements that must be included in the Quadrennial Defense Review are the following:

(A) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.

(B) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.

(C) The effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.

(4) Section 1070 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–116) requires the Secretary of Defense to conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years "in order to clarify United States nuclear deterrence policy and strategy for the near term."

(5) Among the requirements established by section 1070 of the National Defense Authorization Act for Fiscal Year 2008 for the elements that must be included in the nuclear posture review is "[t]he role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces."

(6) The Final Report of the Congressional Commission on the Strategic Posture of the United States, issued on May 7, 2009, concluded: "Missile defenses can play a useful role in supporting the basic objectives of deterrence, broadly defined. Defenses that are effective against regional aggressors are a valuable component of the U.S. strategic posture. The United States should develop and, where appropriate, deploy missile defenses against regional nuclear aggressors, including against limited long-range threats. These can also be beneficial for limiting damage if deterrence fails. The United States should ensure that its actions do not lead Russia or China to take actions that increase the threat to the United States and its allies and friends."

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should thoroughly consider the role of ballistic missile defenses during the Quadrennial Defense Review and the Nuclear Posture Review.

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58. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WILSON OF SOUTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title IX, add the following new section:

SEC. 9___. RECOGNITION OF AND SUPPORT FOR STATE DEFENSE FORCES.

(a) RECOGNITION AND SUPPORT.—Section 109 of title 32, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (k) and (l), respectively; and

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

"(d) RECOGNITION.—Congress hereby recognizes forces established under subsection (c) as an integral military component of the homeland security effort of the United States, while reaffirming that those forces remain entirely State regulated, organized, and equipped and recognizing that those forces will be used for homeland security purposes exclusively at the local level and in accordance with State law.

"(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense may coordinate homeland security efforts with, and provide assistance to, a defense force established under subsection (c) to the extent such assistance is requested by a State or by a force established under subsection (c) and subject to the provisions of this section.

"(2) The Secretary may not provide assistance under paragraph (1) if, in the judgment of the Secretary, such assistance would—

"(A) impede the ability of the Department of Defense to execute missions of the Department;

"(B) take resources away from warfighting units;

"(C) incur nonreimbursed identifiable costs; or

"(D) consume resources in a manner inconsistent with the mission of the Department of Defense.

"(f) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as needed in the course of training activities and State active duty.

"(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense that the Secretary determines is—

"(A) excess to the needs of the Department of Defense; and

"(B) suitable for use by a force established under subsection (c).

"(2) The Secretary of Defense may transfer personal property under this section only if—

"(A) the property is drawn from existing stocks of the Department of Defense;

"(B) the recipient force established under subsection (c) accepts the property on an as-is, where-is basis;

"(C) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

"(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

"(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

"(h) FEDERAL/STATE TRAINING COORDINATION.—(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State.

"(2) Nothing in this section may be construed as requiring the Department of Defense to provide any training program to any such force.

"(3) Any such training program shall be conducted in accordance with an agreement between the Secretary of Defense and the State or the force established under subsection (c) if so authorized by State law.

"(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursed by the State. Any agreement under paragraph (3) between the Department of Defense and a State or a force established under subsection (c) for such training assistance shall provide for payment of such costs.

"(i) FEDERAL FUNDING OF STATE DEFENSE FORCES.—Funds available to the Department of Defense may not be made available to a State defense force.

"(j) LIABILITY.—Any liability for injuries or damages incurred by a member of a force established under subsection (c) while engaged in training activities or State active duty shall be the sole responsibility of the State, regardless of whether the injury or damage was incurred on United States property or involved United States equipment or whether the member was under direct supervision of United States personnel at the time of the incident.".

(b) DEFINITION OF STATE.—

(1) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(n) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

(2) CONFORMING AMENDMENTS.—Such section is further amended in subsections (a), (b), and (c) by striking "a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands" each place it appears and inserting "a State".

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "PROHIBITION ON MAINTENANCE OF OTHER TROOPS.—" after "(a)";

(2) in subsection (b), by inserting "USE WITHIN STATE BORDERS.—" after "(b)";

(3) in subsection (c), by inserting "STATE DEFENSE FORCES AUTHORIZED.—" after "(c)";

(4) in subsection (k), as redesignated by subsection (a)(1), by inserting "EFFECT OF MEMBERSHIP IN DEFENSE FORCES.—" after "(k)"; and

(5) in subsection (l), as redesignated by subsection (a)(1), by inserting "PROHIBITION ON RESERVE COMPONENT MEMBERS JOINING DEFENSE FORCES.—" after "(l)".

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 109. Maintenance of other troops: State defense forces".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"109. Maintenance of other troops: State defense forces.".

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59. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) FINDINGS.—Congress finds that veterans who are members of the Individual Ready Reserve (in this section referred to as the "IRR") and are not assigned to units that muster regularly and have an established support structure are less likely to be helped by existing suicide prevention programs run by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) IN GENERAL.—The Secretary of Defense shall ensure that all covered members receive a counseling call from properly trained personnel not less than once every 90 days so long as the member remains a member of the IRR.

(c) PERSONNEL.—In carrying out this section, the Secretary shall ensure the following:

(1) Personnel conducting calls determine the emotional, psychological, medical, and career needs and concerns of the covered member.

(2) Any covered member identified as being at-risk of self-caused harm is referred to the nearest military medical treatment facility or accredited TRICARE provider for immediate evaluation and treatment by a qualified mental health care provider.

(3) If a covered member is identified under paragraph (2), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

(d) REPORT.—Not later than January 31 of each year, beginning in 2010, the Secretary shall submit to Congress a report on the number of IRR members not assigned to units who have been referred for counseling or mental health treatment, as well as the health and career status of such members.

(e) COVERED MEMBER DEFINED.—In this section, a "covered member" is a member of the Individual Ready Reserve who has completed at least one tour in either Iraq or Afghanistan.

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60. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. SENSE OF CONGRESS RELATING TO THE STATE OF ISRAEL.

It is the sense of Congress that—

(1) the State of Israel is one of the strongest allies of the United States;

(2) Israel and the United States face many common enemies; and

(3) the United States should continue to work with Israeli Prime Minister Netanyahu, the Israeli Government, and the people of Israel to ensure that Israel continues to receive critical military assistance, including missile defense capabilities, needed to address existential threats.

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61. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRK OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VI (page 200, after line 14), add the following new section:

SEC. 619. ADDITIONAL SPECIAL PAYS AND BONUSES AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR THE DURATION OF THE UNITED STATES MISSION.

(a) AUTHORITY TO DEVELOP DEMONSTRATION PROGRAM.—Notwithstanding the limitations specified in subsection (b) of section 352 of title 37, United States Code, on the maximum amount of assignment or special duty pay that may be paid to a member of the Armed Forces under such section, the Secretary of Defense may develop a program to provide additional special pays and bonuses to members (particularly members who score a 4.0 on the Foreign Service Institute test for the dominant languages of Pashto and Dari) who agree to serve on active duty in Afghanistan for six years or the duration of the United States mission in Afghanistan, whichever occurs first. The assignment period required by the agreement shall provide for reasonable periods of leave.

(b) RELATION TO OTHER AUTHORITIES.—A program developed under subsection (a) may be provided

(1) without regard to the lack of specific authority for the program or policy under title 10 or title 37, United States Code; and

(2) notwithstanding any provision of such titles, or any rule or regulation prescribed under such provision, relating to methods of—

(A) determining requirements for operational assignment stability; and

(B) establishing programs to achieve greater stability when operational requirements so dictate.

(c) WAIVER OF OTHERWISE APPLICABLE LAWS.—Except as provided in subsection (a), a provision of title 10 or title 37, United States Code, may not be waived with respect to, or otherwise determined to be inapplicable to, a program developed under subsection (a) without the approval of the Secretary of Defense.

(d) NOTICE AND WAIT REQUIREMENT.—A program initiated under subsection (a) may not be implemented until—

(1) the Secretary of the Defense submits to Congress—

(A) a description of the program, including the purpose and the expected benefit to the Government;

(B) a description of the provisions of titles 10, or 37, United States Code, from which the program would require a waiver, and the rationale to support the waiver;

(C) a statement of the anticipated outcomes as a result of implementing the program; and

(D) the method to be used to evaluate the effectiveness of the program.

(e) DURATION OF DEVELOPED PROGRAM.—A program developed under subsection (a) may be provided for not longer than a three-year period beginning on the implementation date, except that the Secretary of Defense may extend the period if the Secretary determines that additional time is needed to fully evaluate the effectiveness of the program.

(f) REPORTING REQUIREMENTS.—

(1) REPORT.—The Secretary shall submit to Congress an annual report on the program provided under subsection (a) during the preceding year, including—

(A) a description of any programs developed and fielded under subsection (a) during that fiscal year; and

(B) an assessment of the impact of the programs on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(g) TERMINATION OF AUTHORITY.—Subject to subsection (e), the authority to carry out a program under this section expires on December 31, 2012.

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62. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESTAK OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. TREATMENT OF AUTISM UNDER TRICARE.

(a) IN GENERAL.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(18) In accordance with subsection (g), treatment of autism spectrum disorders."; and

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

"(g)(1) For purposes of subsection (a)(18), and to the extent that appropriated funds are available for the purposes of this subsection, treatment of autism spectrum disorders shall be provided if a health care professional determines that the treatment is medically necessary. Such treatment shall include the following:

"(A) Habilitative or rehabilitative care.

"(B) Pharmaceutical agents.

"(C) Psychiatric care.

"(D) Psychological care.

"(E) Speech therapy.

"(F) Occupational therapy.

"(G) Physical therapy.

"(H) Group therapy, if a health care professional determines it necessary to develop, maintain, or restore the skills of the beneficiary.

"(I) Any other care or treatment that a health care professional determines medically necessary.

"(2) Beneficiaries under the age of five who have developmental delays and are considered at-risk for autism may not be denied access to treatment described by paragraph (1) if a health care professional determines that the treatment is medically necessary.

"(3) The Secretary may not consider the use of applied behavior analysis or other structured behavior programs under this section to be special education for purposes of section 1079(a)(9) of this title.

"(4) In carrying out this subsection, the Secretary shall ensure that—

"(A) a person who is authorized to provide applied behavior analysis or other structured behavior programs is licensed or certified by a state, the Behavior Analyst Certification Board, or other accredited national certification board; and

"(B) if applied behavior analysis or other structured behavior program is provided by an employee or contractor of a person authorized to provide such treatment, the employee or contractor shall meet minimum qualifications, training, and supervision requirements consistent with business best practices in the field of behavior analysis and autism services.

"(5)(A) This subsection shall not apply to a medicare-eligible beneficiary.

"(B) Except as provided in subparagraph (A), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

"(i) this chapter;

"(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

"(iii) any other law.

"(6) In this section:

"(A) The term 'autism spectrum disorders' includes autistic disorder, Asperger's syndrome, and any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

"(B) The term 'habilitative and rehabilitative care' includes—

"(i) professional counseling;

"(ii) guidance service;

"(iii) treatment programs, including not more than 40 hours per week of applied behavior analysis; and

"(iv) other structured behavior programs that a health care professional determines necessary to develop, improve, maintain, or restore the functions of the beneficiary.

"(C) The term 'health care professional' has the meaning given that term in section 1094(e)(2) of this title.

"(D) The term 'medicare-eligible' has the meaning given that term in section 1111(b) of this title.".

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe such regulations as may be necessary to carry out section 1077(a)(18) of title 10, United States Code, as added by subsection (a).

(c) FUNDING.—

(1) FUNDING INCREASE.—The amount otherwise provided by section 1403 for TRICARE funding is hereby increased by

$50,000,000 to provide funds to carry out section 1077(a)(18) of title 10, United States Code, as added by subsection (a).

(2) OFFSETTING REDUCTION.—

Reduce the amount of Operation and Maintenance, Army, by $25,000,000, to be derived from the Service-wide Communications.

Reduce the amount of Operations and Maintenance, Navy, by $15,000,000, to be derived from Service-wide Communications.

Reduce the amount of Research Development Test & Evaluation, by $10,000,000, to be derived from Advanced Aerospace Systems Integrated Sensor IS Structure, PE 68286E.

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63. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III (page 94, after line 2), add the following new section:

SEC. 316. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.

(a) IN GENERAL.—The Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation lasting longer than one year.

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the use of open-air burn pits in contingency operations. The report shall include—

(1) a description of each type of waste burned in such open-air burn pits; and

(2) a discussion of the feasibility of alternative methods of disposing of covered waste, including—

(A) a plan to use such alternative methods; or

(B) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of such waste.

(d) DEFINITIONS.—In this section:

(1) The term "contingency operation" has the meaning given that term by section 101(a)(13) of title 10, United States Code.

(2) The term "covered waste" includes—

(A) hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5));

(B) medical waste; and

(C) solid waste containing plastic.

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64. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLUMENAUER OF OREGON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—Section 2710(a)(2)(B) of title 10, United States Code, is amended by inserting ", county," after "identification of the State".

(b) MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.—The Secretary of Defense shall—

(1) as part of the Secretary's annual budget submission to Congress, include the funding levels requested for Military Munitions Response Program and Installation Restoration Program; and

(2) evaluate and report on the progress of such programs in the Defense Environmental Program's Annual Report to Congress.

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65. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTOR OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VI (page 230, after line 22), add the following new section:

SEC. 665. POSTAL BENEFITS PROGRAM FOR SENDING FREE MAIL TO MEMBERS OF THE ARMED FORCES SERVING IN CERTAIN OVERSEAS OPERATIONS AND HOSPITALIZED MEMBERS.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided during fiscal year 2010 to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term "qualified individual" means a member of the Armed Forces described in subsection (a)(1) of section 3401 of title 39, United States Code, who is entitled to free mailing privileges under such section.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit (in this section referred to as a "voucher") to permit a person possessing the voucher to make a qualified mailing to any qualified individual without charge using the Postal Service. The vouchers may be in printed, electronic, or such other format as the Secretary of Defense, in consultation with the Postal Service, shall determine to be appropriate.

(2) QUALIFIED MAILING.—In this section, the term "qualified mailing" means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 15 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to any qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every month (or part of a month) during fiscal year 2010 in which the member is a qualified individual. Subject to subsection (f)(2), a voucher earned during fiscal year 2010 may be used after the end of such fiscal year.

(e) TRANSFER OF VOUCHERS.—A qualified individual may transfer a voucher to a member of the family of the qualified individual, a nonprofit organization, or any other person selected by the qualified individual for use to send qualified mailings to the qualified individual or other qualified individuals.

(f) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than one qualified mailing, whether that mailing is a first-class letter or a parcel; or

(2) after the expiration date of the voucher, as designated by the Secretary of Defense.

(g) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(h) TRANSFERS OF FUNDS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this subsection for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the expiration date of the final vouchers issued under the program.

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(i) FUNDING.—

(1) FUNDING SOURCE AND LIMITATION.—In addition to the amounts authorized to be appropriated in section 301(1) for operation and maintenance for Army for fiscal year 2010, $50,000,000 is authorized to be appropriated for postal benefits provided in the this section

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in section 301 in fiscal year 2010 for operation and maintenance are reduced as follows:

(A) For operation and maintenance for the Army, Army Claims is reduced by $10,000,000.

(B) For operation and maintenance for the Navy, System-Wide Navy Communications is reduced by $10,000,000.

(C) For operation and maintenance for the Air Force, System-Wide Air Force Communications is reduced by $30,000,000.

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66. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCDERMOTT OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. MAP OF MINERAL-RICH ZONES AND AREAS UNDER THE CONTROL OF ARMED GROUPS IN DEMOCRATIC REPUBLIC OF THE CONGO.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(1) to produce a map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo; and

(2) to make such map available to the public.

The map required under this subsection shall be known as the "Congo Conflict Minerals Map". Mines located in areas under the control of armed groups in the Democratic Republic of the Congo, as depicted on the Congo Conflict Minerals Map, shall be known as "conflict zone mines".

(b) UPDATES.—The Secretary of Defense, in consultation with the Secretary of State, shall update the map required by subsection (a) not less frequently than once every 180 days until the Secretary of Defense certifies that no armed party to any ongoing armed conflict in the Democratic Republic of the Congo or any other country is involved in the mining, sale, or export of columbite-tantalite, cassiterite, wolframite, or gold, or the control thereof, or derives benefits from such activities.

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67. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHIFF OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 86, after line 16, insert the following new section:

SEC. 248. AUTHORITY FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat 2695) is amended by adding at the end the following new subparagraph:

"(C) A federally funded research and development center of the National Aeronautics and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program, for activities including, but not limited to, those conducted by the center under contract with or on behalf of the Department of Defense or through transfer of funds from the Department of Defense to the National Aeronautics and Space Administration.".

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68. AN AMENDMENT TO BE OFFERED BY DELEGATE BORDALLO OF GUAM, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of division A of the bill, insert the following new title:

TITLE XVI—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

SEC. 1601. SHORT TITLE.

This title may be cited as the "Guam World War II Loyalty Recognition Act".

SEC. 1602. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 1603. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—Subject to the availability of appropriations authorized to be appropriated under section 1606(a), after receipt of certification pursuant to section 1604(b)(8) and in

accordance with the provisions of this title, the Secretary of the Treasury shall make payments as follows:

(1) RESIDENTS INJURED.—The Secretary shall pay compensable Guam victims who are not deceased before any payments are made to individuals described in paragraphs (2) and (3) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), $12,000.

(C) If the victim is not described in subparagraph (A) or (B) but has suffered an injury described in subsection (c)(2)(C), $10,000.

(2) SURVIVORS OF RESIDENTS WHO DIED IN WAR.—In the case of a compensable Guam decedent, the Secretary shall pay $25,000 for distribution to eligible survivors of the decedent as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraph (1) and before payments are made under paragraph (3).

(3) SURVIVORS OF DECEASED INJURED RESIDENTS.—In the case of a compensable Guam victim who is deceased, the Secretary shall pay $7,000 for distribution to eligible survivors of the victim as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraphs (1) and (2).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Payments under paragraph (2) or (3) of subsection (a) to eligible survivors of an individual who is a compensable Guam decedent or a compensable Guam victim who is deceased shall be made as follows:

(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parents (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term "compensable Guam decedent" means an individual determined under section 1604(a)(1) to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under

the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term "compensable Guam victim" means an individual determined under section 1604(a)(1) to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1604. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1603.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this title. Such rules and regulations shall be published in the Federal Register.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1603 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 1603 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this title. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim. If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments,

amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79–224).

(5) INTEREST.—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this title shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 1603.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1603 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual's eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 1603(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of payment under section 1603 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79–224), the implementing regulations issued by the United States Navy pursuant thereto, or this title.

(11) PENALTY FOR FALSE CLAIMS.—The provisions of section 1001 of title 18 of the United States Code (relating to criminal penalties for false statements) apply to claims submitted under this subsection.

SEC. 1605. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 1606(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the

events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) ELIGIBILITY.—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.

(a) GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.—For purposes of carrying out sections 1603 and 1604, there are authorized to be appropriated $126,000,000, to remain available for obligation until September 30, 2013, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 1605, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2013.

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69. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAYSON OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, add the following new section:

SEC. 830. REQUIREMENT TO JUSTIFY THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(2) of title 10, United States Code, is amended—

(1) by striking "and" at the end of clause (i); and

(2) by inserting after clause (ii) the following new clause:

"(iii) in the case of a solicitation in which factors other than cost or price when combined are more important than cost or price, the reasons why assigning at least equal importance to cost or price would not better serve the Government's interest; and".

(b) REPORT.—Section 2305(a)(3) of such title is amended by adding at the end the following new subparagraph:

"(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of Defense, a report describing the solicitations for which a statement pursuant to paragraph (2)(A)(iii) was included.".

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