

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5136) TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 2011 FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE, TO PRESCRIBE MILITARY PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES; WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES; AND FOR OTHER PURPOSES

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MAY 26, 2010.—Referred to the House Calendar and ordered to be printed

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

## R E P O R T

[To accompany H. Res. 1404]

The Committee on Rules, having had under consideration House Resolution 1404, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5136, the “National Defense Authorization Act for Fiscal Year 2011,” under a structured rule. The resolution provides one hour of 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 provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute 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 only those amendments printed in this report and amendments en bloc described in section 3 of the resolution. The amendments made in order may be offered only in the order printed in this report (except as specified in section 4 of the resolution), may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time

specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments printed in this report or amendments en bloc are waived except those arising under clause 9 or 10 of rule XXI.

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

The resolution provides that the Chair of the Committee of the Whole may recognize for consideration of 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 or his designee announces from the floor a request to that effect. The resolution provides one motion to recommit with or without instructions.

The resolution provides that the Chair may entertain a motion that the Committee rise only if offered by the Chair of the Committee on Armed Services or his designee and that the Chair may not entertain a motion to strike out the enacting words of the bill.

The resolution provides that, in engrossment, the Clerk shall add the text of H.R. 5013, as passed by the House, as new matter at the end of H.R. 5136.

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

Finally, the resolution provides that measures may be considered under suspension of the rules at any time through Sunday, May 30, 2010, and that the Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration under suspension of the rules.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except those arising under clause 9 or 10 of rule XXI) includes a waiver of clause 3(e) of rule XIII (requiring the inclusion of a comparative print of any part of the bill or joint resolution proposing to amend the statute and of the statute or part thereof proposed to be amended). The waiver of all points of order against the amendment in the nature of a substitute (except those arising under clause 10 of rule XXI) includes a waiver of clause 7 of rule XVI (germaneness), clause 4 of rule XXI (prohibiting appropriations

in legislative bills), and section 303 of the Congressional Budget Act (prohibiting consideration of legislation providing new budget authority for a fiscal year until the budget resolution for that year has been agreed).

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. 427*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Mr. Dreier.

Summary of motion: To limit the martial law authority granted under the rule to rules providing for consideration of measures relating to the extension of expiring programs.

Results: Defeated 3–7.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 428*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. McKeon (CA), #113, a second-degree amendment in the nature of a substitute to amendment #43 by Rep. Patrick Murphy (PA), that would revise the guidance, terms of reference and objectives for the Department of Defense Working Group reviewing possible repeal of the current policy concerning homosexuality in the Armed Forces, and require that the Working Group's report be provided to the House and Senate Committees on Armed Services, together with the recommendations of the chiefs of the military services.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 429*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gingrey (GA), #18, which would prohibit funds authorized by the bill from being used to transfer any individual who is detained at Guantanamo Bay to the United States or any U.S. territory.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 430*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Biggert (IL) and Rep. Shimkus (IL) and Rep. Roskam (IL) and Rep. Johnson (IL) and Rep. Kirk (IL) and Rep. Schock (IL) and Rep. Manzullo (IL), #158, which would require that 90 days before the proposed transfer to the U.S. of any person detained at Guantanamo Bay, Cuba, information regarding the detainee's legal name, country of residence, act of terrorism committed, and behavioral record since capture shall be released to the general public.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 431*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Flake (AZ), #92, which would prohibit funding for the earmarks listed in House Report 111–491.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 432*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Gingrey (GA), #14, which would provide waiver authority to the Secretary of Defense (or a designee) to section 526 of the Energy Independence Act of 2007 if such a waiver is deemed necessary by the Secretary to further the readiness of the Armed Forces and national security objectives.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 433*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Olson (TX), #72, which would prohibit Habeas petitions in U.S. Federal Court on behalf of enemy combatants housed at the Bagram Air Base in Afghanistan and other U.S. Military Bases around the world.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 434*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Heller (NV), #25, which would require the Secretary of the Air Force to establish maps of acceptable, unacceptable, and unassessed locations for geothermal, wind, solar photovoltaic, and solar thermal trough systems on Air Force and adjoining property.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 435*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Olson (TX), #73, which would prohibit any civilian criminal trials in U.S. Federal Court for detainees housed at the detention center at Guantanamo Bay, Cuba.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 436*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bachmann (MN), #116, which would prohibit the Secretary of Defense from entering into contracts with any entity that provides Iran with censorship or surveillance technology or crime control equipment.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 437*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Burton (IN), #165, which would prevent any agreement for nuclear cooperation between the United States and any country that is assisting the nuclear program of Iran from entering into force and would prevent any license from

being issued for export to such country of any nuclear goods or services until the President determines that Iran has verifiably dismantled its nuclear program.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 438*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Franks (AZ), #146, which would prevent the expenditure of any funds authorized in the bill from being used to support U.S. participation in the International Criminal Court.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 439*

Date: May 26, 2010.

Measure: H.R. 5136.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Duncan Jr. (TN), #119, which would clarify the circumstances under which marriages between U.S. military personnel and foreign nationals shall be recognized as valid for immigration purposes in the event of the untimely death of the military member.

Results: Defeated 3–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Skelton (MO): Would correct a variety of technical errors in the bill. (10 minutes)

2. Bartlett (MD): Would prohibit funds authorized to be appropriated in section 101(5) for other procurement, Army, from being obligated or expended by the Secretary of the Army for line-haul tractors unless the source selection is made based on a full and open competition. (10 minutes)

3. Smith, Adam (WA): Would ensure that the spouse, children and parents of a deployed or deploying member of the Armed Forces, who are not covered under the Family Medical Leave Act, have the ability to take at least two weeks of unpaid leave from their job in order to address issues that arise over the course of a deployment cycle. (10 minutes)

4. Marshall (GA): Would express the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or

likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts. (10 minutes)

5. Bordallo (GU): Would incorporate the text of H.R. 44, the Guam World War II Loyalty Recognition Act, into the bill as Title XVII. This title would implement the recommendations of the Guam War Claims Review Commission which was authorized by an Act of the 107th Congress (P.L. 107-333) and which submitted its final report to Congress in June 2004. The amendment authorizes the Foreign Claims Settlement Commission of the United States to settle claims resulting from the occupation of Guam during World War II based on other war claims programs previously authorized by Congress for other Americans. (10 minutes)

6. Coffman (CO), Ellsworth (IN): Would require the Department of Defense to formulate and submit a plan to establish a domestic source of neodymium iron boron magnets for use in the defense supply chain. (10 minutes)

7. Shea-Porter (NH), Langevin (RI): Would require the President to commission a study to assess the need for and implications of a common alignment of world regions in the internal organization of departments and agencies of the Federal government with international responsibilities. (10 minutes)

8. Courtney (CT), Petri (WI), Matsui (CA): Would transfer the Troops to Teachers program from the Department of Education to the Department of Defense. It would also make several changes to the program that would expand eligibility for service members who have served on active duty since September 11, 2001, expand the number of schools eligible to participate in the program, and create an advisory board charged with improving awareness of the program, increasing participation, and ensuring that the program meets the needs of our schools and our veterans. (10 minutes)

9. Giffords (AZ): Would authorize the Secretary of Defense, acting through Joint Task Force North, to share with the Department of Homeland Security and the Department of Justice any data gathered during training exercises. (10 minutes)

10. Nye (VA), Larsen, Rick (WA): Would require the Department of Defense to report to the House Armed Services Committee and the Small Business Committee on their plans to support the Regional Advanced Technology Clusters. (10 minutes)

11. Kratovil (MD): Would clarify that no funds authorized to be appropriated in this Act or otherwise made available to the Department of Defense shall be used in violation of section 1040 of the National Defense Authorization Act for Fiscal Year 2010. (10 minutes)

12. Owens (NY): Would provide Congress enhanced and updated budget and quantity information on proposed equipment purchases. The information to be provided includes both the per unit cost for each item for each year in the five-year budget window and the total five-year equipment quantities needed. (10 minutes)

13. McGovern (MA), Emerson (MO), Bishop, Sanford (GA): Would include a Sense of Congress stating that hunger and obesity are impairing military recruitment and must be properly addressed. (10 minutes)

14. McGovern (MA), Jones (NC), Welch (VT): Would require the President to certify that the Afghanistan Independent Election

Commission and the Afghan Electoral Complaints Commission have the professional capacity, legal authority and independence to carry out and oversee free, fair and honest elections, absent the fraud that characterized the 2009 presidential elections, before funds are made available to support the holding of elections in Afghanistan. (10 minutes)

15. Hastings, Alcee (FL): Would require the Department of Defense, in consultation with the Secretary of State, Attorney General, Secretary of Homeland Security, Administrator of the United States Agency for International Development (USAID), and heads of other appropriate Federal agencies (as determined by the Secretary of Defense) to produce a needs assessment of U.S. affiliated Iraqis and their status. It would also require the Secretary of Defense, Secretary of State, and Secretary of Homeland Security to develop a plan using the needs assessment to expedite resettlement of U.S.-affiliated Iraqis at risk as the United States withdraws from Iraq. (10 minutes)

16. Sessions (TX), Platts (PA): Would establish a 5 year “pay-for-performance” pilot program for the treatment of traumatic brain injuries. It would authorize healthcare providers to treat active duty soldiers and veterans at no cost to the patient, and DoD/VA only reimburses services proven successful. (10 minutes)

17. Polis (CO), Langevin (RI), Cohen (TN): Would clarify that federal agencies can procure commercially available fuels that have less than a majority proportion of alternative fuels with greater life cycle emissions than traditional petroleum fuels. (10 minutes)

18. Dingell (MI), Stupak (MI), Miller, Brad (NC): Would require the Secretary of Defense to provide the Agency for Toxic Substances and Disease Registry (ATSDR) with the following information pertaining to Marine Corps Base Camp Lejeune’s historic drinking water contamination no later than 90 days after enactment: (1) an electronic inventory of all existing document, data, and records in its possession and update the inventory based on new documents, data, and records generated or discovered by Secretary of the Navy; and (2) all existing data, documents, and records pertaining to the contaminated water present at Camp Lejeune. In addition, the amendment would require the Secretary of the Navy to ensure personnel within the Department of Defense with the appropriate environmental expertise are utilized to identify, compile, and submit existing and new documents, data, and records that will assist ATSDR in gathering data relating to the contamination and remediation of Camp Lejeune base-wide drinking-water systems. (10 minutes)

19. Conyers (MI), Davis, Geoff (KY): Would require the Secretary of Defense, in coordination with the Secretary of State, to issue a report evaluating naval security in the Persian Gulf and the Strait of Hormuz. The report shall include an assessment of the strategic benefits of the successful negotiation of a bilateral or multilateral “Incidents at Sea” agreement including the United States and the Government of Iran. (10 minutes)

20. Burton (IN), Napolitano (CA): Would express the Sense of Congress that the President, as Commander-in-Chief, should treat all military personnel and military families equally and overturn the policy that prohibits sending a presidential letter of condolence



to the family of a member of the Armed Forces who has died by suicide. (10 minutes)

21. Gutierrez (IL): Would stipulate that, should the Secretary of Defense determine that BP or its subsidiaries performing any contract with the Department are no longer a “responsible source,” the Secretary shall consider debarring BP or its subsidiaries from contracting with the Department no later than 90 days after making such determination. (10 minutes)

22. Holden (PA): Would make any person who served in combat as a pilot or crew member of a Medevac unit beginning June 25, 1950, eligible for the Combat Medevac Badge. (10 minutes)

23. Pomeroy (ND): Would authorize the continuation of the Joint Family Support Assistance Program, which provides support and services to families of service members, with a primary focus on those families that do not live near a military installation and would not otherwise have access to the services available at those facilities. (10 minutes)

24. Jackson Lee (TX): Would require the Secretary of Defense shall provide, by December 1, 2010, a report to the Congressional Black Caucus that includes a list of minority-owned, women-owned and disadvantaged-owned businesses over the past 10 years who have received contracts resulting from authorized funding to the Department. (10 minutes)

25. Jackson Lee (TX): Would make available post-traumatic stress counseling for civilians affected by the Fort Hood shooting, and shootings at other domestic military bases. (10 minutes)

26. Latham (IA), Boren (OK): Would express the Sense of Congress that an erroneous interpretation of recent changes to age and service requirements for reserve retirement pay should be corrected, to ensure that members of the Guard and Reserve receive full credit for time spent on deployments in reducing the age at which retirement pay may be received under section 647 of the NDAA for FY08, which sought to modernize reserve retirement benefits to reflect the increased use of the reserved components to support contingency operations. (10 minutes)

27. Kennedy (RI): Would add neurology to the list of selected residency programs at military medical treatment facilities subject to a program review. (10 minutes)

28. Etheridge (NC), Kissell, Larry (NC), Bishop, Sanford (GA): Would clarify that the Department of Defense Office of Economic Adjustment’s existing grant-making authority for community adjustment and economic diversification to assist communities affected by the 2005 Base Realignment and Closure Process includes development assistance. (10 minutes)

29. Pascrell (NJ), Platts (PA), Andrews (NJ), Cole (OK), Ortiz (TX), Coffman (CO), Wilson, Joe (SC): Would require that the same cognitive screening tool be used pre-deployment and post-deployment until a new, comprehensive policy for screening our soldiers to detect cognitive injuries is implemented. Would require DOD to complete outstanding studies on the effectiveness of various cognitive assessment tools. (10 minutes)

30. Shadegg (AZ): Would prohibit members of the Armed Forces or veterans from receiving burial benefits if they are convicted of certain sexual offenses requiring them to register as “Tier III” sex offenders. (10 minutes)

31. Lee, Barbara (CA): Would express the Sense of Congress that there is potential for additional and significant cost savings through further reductions by the Secretary of Defense in waste, fraud, and abuse and that the Secretary should make implementation of remaining Government Accountability Office (GAO) recommendations an utmost priority of the Department of Defense. (10 minutes)

32. Holt (NJ), Bishop, Tim (NY), Himes (CT): Would require that the Secretary of Defense ensure that each member of the Individual Ready Reserve (IRR) or those designated as Individual Mobilization Augmentees (IMA) who have served at least one tour in Iraq or Afghanistan receive at least quarterly counseling and health and welfare calls from personnel properly trained to provide such services. (10 minutes)

33. Schakowsky (IL), McGovern (MA), Conyers (MI), Hinchey (NY), Moran, James (VA): Would require the Special Inspector General for Afghanistan Reconstruction to report on existing oversight of contractors in Afghanistan, as well as to make recommendations for increasing oversight, decreasing reliance on contractors responsible for civilian deaths, and preventing contractors responsible for waste, fraud, and abuse from getting future contracts. (10 minutes)

34. Harman (CA): Would call for expedited and priority consideration of an application for permanent change of base or unit transfer for victims of sexual assault to reduce the possibility of retaliation against the victim. (10 minutes)

35. Putnam (FL): Would express a sense of Congress in support of recreational hunting and fishing on military installations. States that military installations that sell recreational hunting and fishing permits should provide a discount to active and retired members of the Armed Forces and veterans with disabilities, and promote access to such facilities to those with disabilities. (10 minutes)

36. Watson (CA), Langevin (RI): Would insert language based on H.R. 4900 and H.R. 5247, that contain the following provisions: (1) the establishment of a new National Office for Cyberspace; (2) management and oversight reforms for agency information security programs; (3) security related acquisition requirements for federal information technology investments; (4) the establishment of a federal Chief Technology Officer; and (5) make the Director of the National Office for Cyberspace a member of the National Security Council and grant the office additional government-wide coordinating responsibilities. (10 minutes)

37. Chandler (KY): Would strike section 2412(c), which would prohibit funds from being allocated to the Blue Grass Army Depot Chemical Demilitarization program as it is currently contracted. (10 minutes)

38. Herseth Sandlin (SD), Fleming (LA): Would require reports to Congress on U.S. bomber modernization, sustainment and recapitalization efforts in support of the national defense strategy. (10 minutes)

39. Lipinski (IL), Murphy, Christopher (CT), Edwards, Donna (MD): Would require the Department of Defense to solicit bids from domestic suppliers when procuring articles, materials, or supplies for use outside of the United States. (10 minutes)

40. 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. The costs to procure the badges would be borne by these individuals, not the military. (10 minutes)

41. Braley (IA): Would require the Secretary of Defense, with contributions from the Secretary of State and Secretary of Veterans Affairs, to submit a report on the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom. It would require the report to make cost projections through Fiscal Year 2020, and specifies scenarios and factors which the Secretary must consider in the report. (10 minutes)

42. Eshoo (CA), Holt (NJ), Thompson, Mike (CA), Schakowsky (IL), Berman (CA), Tierney (MA): Would require the DNI to cooperate with GAO inquiries that are initiated by Committees. Would allow all committees of jurisdiction to request that GAO perform audits of the intelligence community. Would allow the DNI to designate certain reports or portions of reports as sources and methods sensitive or reportable only to the intelligence committees, and those reports or portions would go only to the intelligence committees. Would establish certain procedures to ensure that GAO safeguards information. (10 minutes)

43. Murphy, Christopher (CT), Lipinski (IL), Edwards, Donna (MD): Would require the Department of Defense to include in its yearly assessment of waivers granted under the Buy American Act to include in that report an analysis of the domestic capacity to supply the articles, materials or supplies procured from overseas and an analysis of the reasons for the yearly increase or decrease in Buy American waivers granted. (10 minutes)

44. Richardson (CA): Would require Transportation Command (TRANSCOM) to update the PORT LOOK 2008 Strategic Seaports study and in that update include consideration of the infrastructure in the vicinity of the strategic port (including bridges, roads, and rail capacity). (10 minutes)

45. Murphy, Tim (PA): Would direct the Surgeons General of the Army, Navy, and Air Force to submit a report to Congress on whether additional behavioral health professionals are needed to treat members of the Armed Forces for PTSD/TBI, and offer recommendations for ways to provide incentives for health care professionals to join active and reserve components. (10 minutes)

46. Space (OH): Would require the Secretary of the VA to send an electronic copy of service members' separation paperwork to the States. (10 minutes)

47. Sarbanes (MD): Would require non-Defense agencies to establish contractor inventories and insourcing programs to mirror current law for the Department of Defense. It would also prevent agencies from establishing any numerical goal, target, or quota for the conversion to performance by Federal employees, require OMB to report to Congress on agency insourcing policies and GAO to evaluate OMB reporting. (10 minutes)

48. Walz (MN): Would revise the language of the Alternative Career Track Pilot Program slightly to ensure officers are not penalized with regards to promotion for participating in the pilot program. (10 minutes)

49. Childers (MS): Would require the Secretary of Defense to submit a report to Congress regarding the procurement and the feasibility of sustained low-level production of Mine Resistant Ambush Protective Vehicles. (10 minutes)

50. Broun (GA): Would express the sense of Congress strongly encouraging the President to order the flag of the United States flown on military outposts of the United States in the Republic of Haiti. (10 minutes)

51. Edwards, Donna (MD), Lipinski (IL), Murphy, Christopher (CT): Would direct the Department of Defense to include the impact on domestic jobs in their periodic assessments of defense capability. (10 minutes)

52. Carson (IN): Would amend the Department of Defense pre-separation counseling program to provide discharging service members and their spouses with financial and job placement counseling. (10 minutes)

53. Foster (IL): Would direct the Secretary of Defense to commission an independent study by assessing the optimal balance of unmanned versus manned platforms, and the current ability of each branch of the military to defend against unmanned aerial vehicles. It would require the conclusions of this study to be reported to Congress by December 1, 2011. (10 minutes)

54. Hare (IL): Would direct the Secretary of the Army to deliver a report to Congress that provides a detailed explanation of the Army's Heirloom Chest policy, the Army's plans to continue the Heirloom Chest program, and a cost estimate for the procurement to expand the number of Heirloom Chests to additional family members. (10 minutes)

55. Luetkemeyer (MO): Would direct the Secretary of each military department to review the service records of eligible Jewish American veterans from World War I to determine whether such veterans should be awarded the Medal of Honor. (10 minutes)

56. Dahlkemper (PA): Would allow the Secretary of Defense to make excess nonlethal supplies available for domestic emergency assistance purposes, in coordination with the Secretary of Homeland Security. (10 minutes)

57. Price, David (NC), Spratt (SC): Would extend certain provisions of the Fiscal Year 2008 National Defense Authorization Act (FY 2008 NDAA) pertaining to private security contractors in Iraq and Afghanistan to additional overseas areas with a significant contractor presence. Specifically, the amendment would require the Secretary of Defense to issue regulations extending section 862 of the FY 2008 NDAA to additional areas in which significant military operations are being carried out by the U.S. Armed Forces. The amendment leaves the designation of such areas to the Secretary but stipulates that it should include, at a minimum, the Horn of Africa, Yemen, Haiti, and the Philippines. (10 minutes)

58. Kirkpatrick (AZ): Would eliminate gaps in existing law that have resulted in unauthorized and improper disposal of Department of Defense property. (10 minutes)

59. Kosmas (FL): Would require DoD and NASA to conduct a study of the feasibility of joint usage of the NASA Shuttle Logistics Depot (NSLD), which utilizes a highly-skilled workforce and has unique capabilities, to supplement requirements for products and services in support of reset initiatives, engineering analysis, indus-

trial base capabilities, and innovative technology processes to improve procurement and reduce risk, cost, and cycle time of system delivery. (10 minutes)

60. Luján (NM): Would instruct the Administrator of the National Nuclear Security Administration to encourage technology transfer activities at its national security laboratories that will lead to enhanced private-sector employment opportunities. It would require the Administrator to submit a report each year detailing the number of new private-sector employment opportunities created as a result of the technology transfer activities at each of its national security laboratories. (10 minutes)

61. Markey, Betsy (CO): Would create the Department of Veterans Affairs HONOR Scholarship Program for veterans' pursuit of graduate and post-graduate degrees in behavioral health sciences. (10 minutes)

62. McMahan (NY): Would express a Sense of Congress concerning the implementation of the Congressionally-mandated recommendations of the Institute of Medicine study. (10 minutes)

63. McMahan (NY): Would express a Sense of Congress to encourage the Secretary of the Navy to name a naval vessel after Medal of Honor recipient and Navy chaplain, Father Vincent Capodanno. (10 minutes)

64. Minnick (ID): Would authorize the Secretary of Education to provide support to help cover operating costs of new state programs under the National Guard Youth Challenge Program. (10 minutes)

65. Perriello (VA): Would ensure that Department of Defense in sourcing decisions are performance based by excluding from consideration the value of employer sponsored health plans and retirement benefits plans provided by both DoD and private government contractors. (10 minutes)

66. Schrader (OR): Would require the Secretary of Defense to ensure that each member of a reserve component of the Armed Forces who is mobilized or demobilized is provided a clear and comprehensive statement of the medical care and treatment to which such member is entitled under Federal law by reason of being so mobilized or demobilized. (10 minutes)

67. Schrader (OR): Would instruct the DoD Inspector General to conduct a study assessing the medical processing of National Guard and Reserve soldiers mobilizing and demobilizing under Title X. (10 minutes)

68. Teague (NM), Markey, Betsy (CO), Perriello (VA), Owens (NY): Would provide health insurance to dependents of permanently and totally disabled veterans, as well as veterans who died from service connected disabilities, through the age of 26. Currently under CHAMPVA, which is administered by the Department of Veterans' Affairs (VA), coverage can only be provided to dependent children up to the age of 23. (10 minutes)

69. Titus (NV), Heller (NV), Costa (CA): Would provide the Secretary of Defense the flexibility to change the effective date of the Homeowners Assistance Program for members of the armed forces permanently reassigned during the mortgage crisis. (10 minutes)

70. Tonko (NY): Would express a Sense of Congress encouraging the development of next generation semiconductor technologies. (10 minutes)

71. Critz (PA): Would allow military claims offices to pay full replacement value, instead of fair market value, on claims that fall outside the current contractual arrangements for providing full replacement value for the household goods of service members and civilian employees moved at the expense of the Department of Defense. It would clarify existing law on this policy. (10 minutes)

72. Hinchey (NY): Would require the Department of Defense to apply the Buy American Act to the procurement of photovoltaic devices purchased through subcontracts. (10 minutes)

73. Hinchey (NY), Schakowsky (IL), Moran, James (VA): Would require armed private security contractors who are using U.S. citizens in Iraq or Afghanistan to hire those individuals as direct employees rather than independent contractors. It would only apply to U.S. citizens who are required to have U.S. security clearances for such contracts and contains a national security waiver. (10 minutes)

74. Klein, Ron (FL): Would require companies that are applying for Department of Defense contracts to certify that they do not conduct business in Iran, as defined by Section 5 of the Iran Sanctions Act. It would prohibit any entity that cannot complete this certification from receiving Department of Defense contracts. (10 minutes)

75. Connolly (VA): Would require the Secretary of Defense to establish monitoring and evaluation mechanisms for its programs in the Horn of Africa. (10 minutes)

76. Connolly (VA): Would standardize federal agency and OPM reporting requirements regarding federal internship programs, with the goal of improving the conversion rate of interns to full time federal employees. (10 minutes)

77. Pingree (ME), Michaud (ME): Would require the Department of Defense to continue commissary and exchange stores at BRAC locations with significant military populations for one fiscal year after base closure to study the economic feasibility of continuing operations at the stores. (10 minutes)

78. Grayson (FL): Would require cost or price be given at least equal importance in evaluating competitive proposals for procurement contracts with the United States Department of Defense. (10 minutes)

79. Murphy, Patrick (PA): Would repeal "Don't Ask Don't Tell" only after: (1) receipt of the recommendations of the Pentagon's Comprehensive Review Working Group on how to implement a repeal of DADT (due December 1, 2010) and (2) a certification by the Secretary of Defense, Chairman of the Joint Chiefs and President that repeal is first, consistent with military readiness, military effectiveness, unit cohesion & recruiting, and second, that the DoD has prepared the necessary policies and regulations to implement its repeal. It would also include a 60 day period after certification before the repeal took effect. (10 minutes)

80. Pingree (ME), Rooney (FL), Larson, John (CT), Altmire (PA), Berry (AR), Blumenauer (OR), Boren (OK), Cardoza (CA), Castor (FL), Cleaver (MO), Cohen (TN), Courtney (CT), Davis, Danny K. (IL), Davis, Lincoln (TN), DeFazio (OR), DeGette (CO), DeLauro (CT), Ellison (MN), Gonzalez (TX), Gordon (TN), Green, Al (TX), Grijalva, Raul (AZ), Hastings, Alcee (FL), Herseth Sandlin (SD), Johnson, Hank (GA), Kagen (WI), Meeks, Gregory (NY), Moore,

Dennis (KS), Murphy, Christopher (CT), Nadler (NY), Owens (NY), Polis (CO), Rodriguez (TX), Westmoreland (GA): Would strike funding for the Joint Strike Fighter's Alternate Engine Program. (10 minutes)

81. Shea-Porter (NH): Would require a penalty for prime contractors that do not provide information to databases on contracts in Iraq and Afghanistan, and it adds a reporting requirement. The penalty would withhold award and incentive fee payments. (10 minutes)

82. Inslee (WA), Tiahrt (KS), DeLauro (CT), Larsen, Rick (WA), Turner (OH), Carnahan (MO): Would require the Department of Defense to take into consideration during the KC-X or any successor aerial tanker replacement program any unfair competitive advantage an offeror may possess, and to report any such unfair competitive advantage to Congressional defense committees within 60 days of bid submissions. (10 minutes)

TEXT OF AMENDMENTS TO BE MADE IN ORDER

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

Page 172, line 10, strike "of an enlisted member of the Armed Forces" and insert "of a candidate".

Page 172, beginning line 12, strike "member," and insert "candidate".

Page 172, line 15, insert after "(1)" the following: "is an enlisted member of the Armed Forces and".

Page 404, line 6, strike "or later".

Page 437, strike line 19 and all that follows through page 438, line 14 (and redesignate subsequent sections accordingly).

Page 603, in the table above line 1, in the column titled "Installation or Location", strike "Miami" and insert "North Fort Myers", strike "West Palm Beach" and insert "Tallahassee", strike "Kansas City" and insert "Belton", strike "Dallas" and insert "Denton", and strike "Virginia Beach" and insert "Fort Story".

Page 670, lines 1 and 2, strike "NATIONAL SECURITY AGENCY" and insert "DEPARTMENT OF DEFENSE" (and conform the table of contents in section 2(b)).

Page 670, line 7, strike "National Security Agency" and insert "Department of Defense".

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

Page 28, after line 3, insert the following:

**SEC. 113. LIMITATION ON USE OF FUNDS FOR LINE-HAUL TRACTORS.**

(a) LIMITATION.—None of the funds authorized to be appropriated by section 101(5) for other procurement, Army, may be obligated or expended by the Secretary of the Army for line-haul tractors unless the source selection is made based on a full and open competition.

(b) WAIVER.—The Secretary of the Army may waive the limitation under subsection (a) if the Secretary certifies to the congress-

sional defense committees by not later than 90 days after the date of the enactment of this Act that a sole source selection—

- (1) is needed to fulfill mission requirements; or
- (2) is more cost effective than a full and open competition.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH, ADAM OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle I of title V, insert the following:

**SEC. 5 . ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by adding at the end the following new chapter:

**“CHAPTER 44—ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES**

“Sec.

“4401. Definitions.

“4402. Leave requirement.

“4403. Certification.

“4404. Employment and benefits protection.

“4405. Prohibited acts.

“4406. Enforcement.

“4407. Miscellaneous provisions.

**“§ 4401. Definitions**

“In this chapter:

“(1) The terms ‘benefit’, ‘rights and benefits’, ‘employee’, ‘employer’, and ‘uniformed services’ have the meaning given such terms in section 4303 of this title.

“(2) The term ‘contingency operation’ has the same meaning given such term in section 101(a)(13) of title 10.

“(3) The term ‘eligible employee’ means an individual who is—

“(A) a family member of a member of a uniformed service;

“(B) an employee of the employer with respect to whom leave is requested under section 4402 of this title; and

“(C) not entitled to leave under section 102(a)(1)(E) of the Family Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)(E)).

“(4) The term ‘family member’ means an individual who is, with respect to another individual, one of the following:

“(A) The spouse of the other individual.

“(B) A son or daughter of the other individual.

“(C) A parent of the other individual.

“(5) The term ‘reduced leave schedule’ means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

“(6) The terms ‘spouse’, ‘son or daughter’, and ‘parent’ have the meaning given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).



**“§ 4402. Leave requirement**

“(a) ENTITLEMENT TO LEAVE.—In any 12-month period, an eligible employee shall be entitled to two workweeks of leave for each family member of the eligible employee who, during such 12-month period—

“(1) is in the uniformed services; and

“(2)(A) receives notification of an impending call or order to active duty in support of a contingency operation; or

“(B) is deployed in connection with a contingency operation.

“(b) LEAVE TAKEN INTERMITTENTLY OR ON REDUCED LEAVE SCHEDULE.—(1) Leave under subsection (a) may be taken by an eligible employee intermittently or on a reduced leave schedule as the eligible employee considers appropriate.

“(2) The taking of leave intermittently or on a reduced leave schedule pursuant to this subsection shall not result in a reduction in the total amount of leave to which the eligible employee is entitled under subsection (a) beyond the amount of leave actually taken.

“(c) PAID LEAVE PERMITTED.—Leave granted under subsection (a) may consist of paid leave or unpaid leave as the employer of the eligible employee considers appropriate.

“(d) RELATIONSHIP TO PAID LEAVE.—(1) If an employer provides paid leave to an eligible employee for fewer than the total number of workweeks of leave that the eligible employee is entitled to under subsection (a), the additional amount of leave necessary to attain the total number of workweeks of leave required under subsection (a) may be provided without compensation.

“(2) An eligible employee may elect, and an employer may not require the eligible employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the eligible employee for leave provided under subsection (a) for any part of the total period of such leave the eligible employee is entitled to under such subsection.

“(e) NOTICE FOR LEAVE.—In any case in which an eligible employee chooses to use leave under subsection (a), the eligible employee shall provide such notice to the employer as is reasonable and practicable.

**“§ 4403. Certification**

“(a) IN GENERAL.—An employer may require that a request for leave under section 4402(a) of this title be supported by a certification of entitlement to such leave.

“(b) TIMELINESS OF CERTIFICATION.—An eligible employee shall provide, in a timely manner, a copy of the certification required by subsection (a) to the employer.

“(c) SUFFICIENT CERTIFICATION.—A copy of the notification, call, or order described in section 4402(a)(2) of this title shall be considered sufficient certification of entitlement to leave for purposes of providing certification under this section. The Secretary may prescribe such additional forms and manners of certification as the Secretary considers appropriate for purposes of providing certification under this section.

**“§ 4404. Employment and benefits protection**

“(a) IN GENERAL.—An eligible employee who takes leave under section 4402 of this title for the intended purpose of the leave shall be entitled, on return from such leave—

“(1) to be restored by the employer to the position of employment held by the eligible employee when the leave commenced; or

“(2) to be restored to an equivalent position with equivalent rights and benefits of employment.

“(b) LOSS OF BENEFITS.—The taking of leave under section 4402 of this title shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

“(c) LIMITATIONS.—Nothing in this section shall be construed to entitle any restored employee to—

“(1) the accrual of any seniority or employment benefits during any period of leave; or

“(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

**“§ 4405. Prohibited acts**

“(a) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this chapter.

“(b) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this chapter.

**“§ 4406. Enforcement**

“The provisions of subchapter III of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.

**“§ 4407. Miscellaneous provisions**

“The provisions of subchapter IV of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.”.

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 43 the following new item:

**“44. Annual Leave for Family of Deployed Members of the Uniformed Services ..... 4401.”.**

**4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARSHALL, JIM OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 122, after line 18, insert the following:

**SEC. 359. SENSE OF CONGRESS REGARDING FIRE-RESISTANT UTILITY ENSEMBLES FOR NATIONAL GUARD PERSONNEL IN CIVIL AUTHORITY MISSIONS.**

It is the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or likely to become engaged, in

defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BORDALLO, MADELEINE OF GUAM OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of division A of the bill, insert the following new title:

**TITLE XVII—GUAM WORLD WAR II  
LOYALTY RECOGNITION ACT**

**SEC. 1701. SHORT TITLE.**

This title may be cited as the “Guam World War II Loyalty Recognition Act”.

**SEC. 1702. 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. 1703. 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 1706(a), after receipt of certification pursuant to section 1704(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 1704(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 1704(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. 1704. 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 1703.

(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 1703 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 1703 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 1703.

(9) **TREATMENT OF AFFIDAVITS.**—For purposes of section 1703 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 1703(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 1703 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.

**SEC. 1705. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.**

(a) **ESTABLISHMENT.**—Subject to section 1706(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. 1706. AUTHORIZATION OF APPROPRIATIONS.**

(a) **GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.**—For purposes of carrying out sections 1703 and 1704, 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 1705, there are authorized to be appropriated

\$5,000,000, to remain available for obligation until September 30, 2013.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COFFMAN, MIKE OF COLORADO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 839. DEFENSE INDUSTRIAL BASE PRIORITY FOR RARE EARTH NEODYMIUM IRON BORON MAGNETS.**

(a) FINDINGS.—Congress finds the following:

(1) There is an urgent need to restore the United States capability to manufacture sintered neodymium iron boron magnets for use in defense applications and there is an urgent need to eliminate the domestic supply-chain vulnerability related to these key materials in the defense supply-chain.

(2) An April 14, 2010 report by the Government Accountability Office entitled “Rare Earth Materials in the Defense Supply Chain” demonstrates—

(A) the “United States is not currently producing neodymium iron boron magnets,” a key rare earth material;

(B) that future availability of neodymium is largely controlled by Chinese suppliers;

(C) that alternatives to rare earth materials could reduce the demand and dependence on rare earth materials in 10 to 15 years, but these materials might not meet current application requirements;

(D) where rare earth materials are used in defense systems, the materials are responsible for the functionality of the component and would be difficult to replace without losing performance;

(E) fin actuators used in precision-guided munitions are specifically designed around the capabilities of neodymium iron boron rare earth magnets, which are primarily available from Chinese suppliers;

(F) the DDG-51 Hybrid Electric Drive Ship Program uses permanent-magnet motors using neodymium magnets from China; and

(G) future generations of some defense system components, such as transmit and receive modules for radars, will continue to depend on rare earth materials.

(3) The United States has the technological capability to restore its neodymium iron boron manufacturing capability.

(4) Worldwide supplies of rare earth materials, including neodymium, are expected to tighten significantly within the next 3–5 years.

(5) A domestic effort to restore domestic sintered neodymium iron boron magnet manufacturing capability, including efforts to qualify those magnets for use in defense applications, will take between 3–5 years and should begin immediately to avoid future weapon system delivery disruption.

(b) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the

Senate a plan to establish a domestic source of sintered neodymium iron boron magnets for use in the defense supply chain.

(c) **SINTERED NEODYMIUM IRON BORON MAGNETS.**—For the purposes of subsection (b), the capability to manufacture sintered neodymium iron boron magnets includes the alloying, pressing, and sintering of magnet materials. It does not include manufacturing magnets from standard shapes or imported blocks of neodymium. The Secretary’s plan shall not allow the grinding or reprocessing of neodymium to be considered a “domestic source of sintered neodymium iron boron magnets”.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHEA-PORTER, CAROL OF NEW HAMPSHIRE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 1047. STUDY ON COMMON ALIGNMENT OF WORLD REGIONS IN DEPARTMENTS AND AGENCIES WITH INTERNATIONAL RESPONSIBILITIES.**

(a) **STUDY REQUIRED.**—The President shall commission a study to assess the need for and implications of a common alignment of world regions in the internal organization of departments and agencies of the Federal Government with international responsibilities.

(b) **PARTICIPATING DEPARTMENTS AND AGENCIES.**—The following departments and agencies, at a minimum, shall participate in the study:

- (1) The Department of Defense, including the combatant commands.
- (2) The Department of State.
- (3) The United States Agency for International Development.
- (4) The Department of Justice.
- (5) The Department of Commerce.
- (6) The Department of the Treasury.
- (7) The intelligence community.
- (8) Such other departments and agencies as the President considers appropriate.

(c) **COOPERATION AND ACCESS.**—The heads of the departments and agencies participating in the study shall provide full cooperation with, and access to appropriate information to, the team carrying out the study.

(d) **MATTERS COVERED.**—The study required under subsection (a) shall, at a minimum, assess—

- (1) the problems resulting from different geographic boundaries within the various departments and agencies;
- (2) potential obstacles to implementing a common alignment;
- (3) the advantages and disadvantages of a common alignment; and
- (4) impediments to interagency coordination because of differing regional authority levels.

(e) **REPORT.**—The President shall submit to Congress a report on the study required under subsection (a) not later than 180 days after the date of the enactment of this Act.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COURTNEY, JOE OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**SEC. 599(a). TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE.**

(a) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), is transferred from the Secretary of Education to the Secretary of Defense.

(2) EFFECTIVE DATE.—The transfer under paragraph (1) shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act, or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program**

“(a) DEFINITIONS.—In this section:

“(1) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.

“(2) MEMBER OF THE ARMED FORCES.—The term member of the armed forces” includes a former member of the armed forces.

“(3) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

“(4) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified teacher’, ‘local educational agency’, ‘secondary school’, and ‘state’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(b) PROGRAM AUTHORIZATION.—The Secretary may carry out a program (to be known as the “Troops-to-Teachers Program”)—

“(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—

“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

“(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

“(B) in elementary schools or secondary schools, or as vocational or technical teachers.

“(c) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may provide placement assistance and referral services to members of the armed forces who meet the criteria described in subsection (d), including meeting the education qualification requirements under subsection (d)(3)(B). Such members shall not be eligible for financial assistance under paragraphs (3) and (4) of subsection (e).

“(d) ELIGIBILITY AND APPLICATION PROCESS.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

“(iii) has been transferred to the Retired Reserve.

“(B) Any member who, on or after January 8, 2002—

“(i)(I) is separated or released from active duty after six or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least ten years of active duty service, ten years of service computed under section 12732 of this title, or ten years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than three years under paragraph (5)(B).

“(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

“(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

“(B) An application shall be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than four years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(ii) If a member of the armed forces is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

“(I) to have received the equivalent of one year of college from an accredited institution of higher education and have six or more years of military experience in a vocational or technical field; or

“(II) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

“(C) A member of the armed forces is eligible to participate in the Program only if the member’s last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member’s last period of service is characterized as honorable by the Secretary concerned.

“(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

“(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects; and

“(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

“(5) OTHER CONDITIONS ON SELECTION.—

“(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than three years (in addition to any other reserve commitment the member may have).

“(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

“(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and receive financial assistance under this sub-

section shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years with a high-need local educational agency or public charter school, as such terms are defined in section 2102 of the Elementary and Secondary Education Act (20 U.S.C. 6602), to begin the school year after obtaining that certification or licensing.

“(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the three-year commitment.

“(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;

“(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

“(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

“(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than \$5,000.

“(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus of \$10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly quali-

fied teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years in a high-need school.

“(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal year may not exceed 3,000.

“(C) For purposes of subparagraph (A), the term ‘high-need school’ means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

“(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).

“(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et. seq.).

“(5) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

“(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this subsection shall be required to repay the stipend or bonus under the following circumstances:

“(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (e)(1).

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the three years of required service in violation of the participation agreement.

“(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of three years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

“(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(h) PARTICIPATION BY STATES.—

“(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed \$5,000,000.”

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

“1154. Troops-to-Teachers Program.”

(c) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)” and inserting “under sections 1152, 1153, and 1154 of this title”.

(d) TERMINATION OF ORIGINAL PROGRAM.—

(1) TERMINATION.—

(A) Chapter A of subpart 1 of Part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(B) The table of contents in section 2 of Part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to chapter A of subpart 1 of Part C of said Act.

(2) EXISTING AGREEMENTS.—The repeal of such chapter shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under chapter A of subpart 1 of Part C of the Elementary and Secondary Edu-

cation Act of 1965 (20 U.S.C. 6671 et seq.), or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date of the transfer under subsection (a).

**SEC. 599B. ENHANCEMENTS TO THE TROOPS TO TEACHERS PROGRAM.**

(a) YEARS OF SERVICE REQUIREMENTS.—Subsection (d) of section 1154 title 10, United States Code, as added by section 599A, is amended—

(1) in paragraph (1)—

(A) by striking “or” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(D) commencing on or after September 11, 2001, serves at least four years on active duty (as such term is defined in section 101(d)(1) of this title, except that such term does not include a period of service described in paragraphs (1) through (3) of section 3311(d) of title 38) in the Armed Forces (excluding service on active duty in entry level or skills training) and, after completion of such service, is discharged or released as follows:

“(i) A discharge from active duty in the armed forces with an honorable discharge.

“(ii) A release after service on active duty in the armed forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

“(iii) A release from active duty in the armed forces for further service in a reserve component of the armed forces after service on active duty characterized by the Secretary concerned as honorable service.”; and

(b) DEFINITION OF LOCAL EDUCATION AGENCY AND PUBLIC CHARTER SCHOOLS.—Such section is further amended as follows:

(1) Clause (i) of subsection (b)(2)(A) of such section is amended to read as follows:

“(i) receiving grants under part A of title I, a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021(3)), or public charter school;”.

(2) In subsection (e)(1)(A)(ii), by striking “or public charter school receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.)” and inserting “receiving grants under part A of title I, a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021(3)) or public charter school”.

(c) TROOPS TO TEACHERS ADVISORY BOARD.—Such section is further amended by adding at the end the following new subsection:

“(f) ADVISORY BOARD.—

“(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of section 1154 of this title, the Secretary of Education and the Secretary of Defense shall establish an advisory board composed of—

“(A) a representative from the Department of Defense;

“(B) a representative from the Department of Education;

“(C) representatives from 3 State offices that operate to recruit eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers; and

“(D) a representative from each of 3 veteran service organizations.

“(2) DUTIES.—The advisory board established under subsection (a) shall—

“(A) collect, consider, and disseminate feedback from participants and State offices described in subsection (a)(4) on—

“(i) the best practices for improving recruitment of eligible members of the Armed Forces in States, local educational agencies, and public charter schools under served by the Program;

“(ii) ensuring that high-need local educational agencies and public charter schools are aware of the Program and how to participate in it;

“(iii) coordinating the goals of the Program with other Federal, State, and local education needs and programs; and

“(iv) other activities that the advisory board deems necessary; and

“(B) not later than 1 year after the date of the enactment of section 1154 of this title, and annually thereafter, prepare and submit a report to the Committees on Health, Education, Labor, and Pensions and Armed Services of the Senate and the Committees on Education and Labor and Armed Services of the House of Representatives, which shall include—

“(i) information with respect to the activities of the advisory board;

“(ii) information with respect to the Program, including—

“(I) the number of participants in the Program;

“(II) the number of States participating in the Program;

“(III) local educational agencies and schools in where participants are employed;

“(IV) the grade levels at which participants teach;

“(V) the academic subjects taught by participants;

“(VI) rates of retention of participants by the local educational agencies and public charter schools employing participant;



- “(VII) other demographic information as may be necessary to evaluate the effectiveness of the program; and
- “(VIII) a review of the stipend and bonus available to participants under paragraphs (3) and (4)(A) of subsection (d); and
- “(iii) recommendations for—
- “(I) improvements to local, State, and Federal recruitment and retention efforts;
- “(II) legislative or executive policy changes to improve the Program, enhance participant experience, and increase participation in the program; and
- “(III) other changes necessary to ensure that the Program is meeting the purpose described in subsection (b).”.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GIFFORDS, GABRIELLE OF ARIZONA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 452, after line 10, insert the following:

**SEC. 1065. SHARED INFORMATION REGARDING TRAINING EXERCISES.**

The Secretary of Defense, acting through Joint Task Force North, may share with the Department of Homeland Security and the Department of Justice any data gathered during training exercises.

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

Page 79, after line 6, insert the following:

**SEC. 244. REPORT ON REGIONAL ADVANCED TECHNOLOGY CLUSTERS.**

(a) REPORT.—Not later than March 1, 2011, the Secretary of Defense shall submit to the appropriate congressional committees a report on regional advanced technology clusters.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An analysis of regional advanced technology clusters throughout the United States, including—

(A) an estimate of the amount of public and private funding activities within each cluster;

(B) an assessment of the technical competencies of each of these regional advanced technology clusters;

(C) a comparison of the technical competencies of each regional advanced technology cluster with the technology needs of the Department of Defense; and

(D) a review of current Department of Defense interaction, cooperation, or investment in regional advanced technology clusters.

(2) A strategic plan for encouraging the development of innovative, advanced technologies, such as robotics and autonomous systems, to address national security, homeland security, and first responder challenges by—

(A) enhancing regional advanced technology clusters that support the technology needs of the Department of Defense; and

(B) identifying and assisting the expansion of additional new regional advanced technology clusters to foster research and development into emerging, disruptive technologies identified through strategic planning documents of the Department of Defense.

(3) An identification of the resources needed to establish, sustain, or grow regional advanced technology clusters.

(4) An identification of mechanisms for collaborating and cost sharing with other state, local, and Federal agencies with respect to regional advanced technology clusters, including any legal impediments that may inhibit collaboration or cost sharing.

(c) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The Committees on Armed Services, Appropriations, and Small Business of the House of Representatives.

(B) The Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate.

(2) The term “regional advanced technology cluster” means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

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

**SEC. 1038. PROHIBITION ON USE OF FUNDS TO GIVE MIRANDA WARNINGS TO AL QAEDA TERRORISTS.**

None of the funds authorized to be appropriated in this Act or otherwise made available to the Department of Defense shall be used in violation of section 1040 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2454; 10 U.S.C. 801 note).

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OWENS, BILL OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 27, line 3, strike “and”.

Page 27, line 8, strike the period and insert “; and”.

Page 27, after line 8, strike insert the following:

(5) for each item included in the list of equipment described in paragraph (3)—

(A) an updated average procurement unit cost for each year of the covered five-year period; and

(B) the updated total Army acquisition objective.

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

Add at the end of subtitle F of title X, the following:

**SEC. 1065. FINDINGS AND SENSE OF CONGRESS ON OBESITY AND FEDERAL CHILD NUTRITION PROGRAMS.**

(a) FINDINGS.—Congress find the following:

(1) According to the April 2010 report, “Too Fat to Fight”, more than 100 retired generals and admirals wrote that, “[o]besity among children and young adults have increased so dramatically that they threaten not only the overall health of America but the future strength of our military.”

(2) Twenty-seven percent, over 9,000,000, 17–24-year-olds in the United States are too fat to serve in the military.

(3) Between 1995 and 2008, the military had 140,000 individuals who showed up at the centers for processing but failed their entrance physicals because they were too heavy.

(4) Being overweight is now the leading medical reason for rejection from military service.

(5) Between 1995 and 2008, the proportion of potential recruits who failed their physicals each year because they were overweight rose nearly 70 percent.

(6) The military annually discharges over 1,200 first-term enlistees before their contracts are up because of weight problems.

(7) The military must then recruit and train their replacements at a cost of \$50,000 for each man or woman.

(8) Training replacements for those discharged because of weight problems adds up to more than \$60,000,000 annually.

(10) Overweight adolescents are more likely to become overweight adults.

(11) Overweight adolescents and overweight adults are at risk of developing obesity-related, life-threatening diseases including cancer, type 2 diabetes, stroke, heart disease, arthritis, and breathing problems.

(12) According to the American Public Health Association, “left unchecked, obesity will add nearly \$344 billion to the nations annual health care costs by 2018 and account for more than 21 percent of health care spending”.

(13) Overweight and undernourished adolescents face academic challenges due to poor health behaviors, resulting in even greater risk to their future health and earning and the Nation’s economic growth and worldwide competition.

(14) For decades military leaders have championed efforts to improve the nutrition of young people in America.

(15) During World War II, 40 percent of rejected recruits were turned away because of poor or under nutrition.

(16) The preamble to the Richard B. Russell National School Lunch Act (42 U.S.C. 1751) states “It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation’s children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants in aid and other means, in providing an ade-

quate supply of food and other facilities for the establishment, maintenance, operation and expansion of nonprofit school lunch programs”.

(17) Over 17 million children were food insecure, or hungry, in 2008, according to data collected by the Department of Agriculture.

(18) The Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are proven to be effective in combating both hunger and obesity.

(19) President Obama has called for a historic investment in the Federal Child Nutrition Programs in order to respond to 2 of the greatest child health challenges of our time, hunger and poor nutrition.

(20) Two hundred twenty-one Members of Congress signed a letter to Speaker Pelosi in support of President Obama’s budget request for the Federal Child Nutrition Programs.

(21) This same letter requested identification of possible off-sets for the new investments in these important anti-hunger and nutrition programs.

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

(1) reducing domestic childhood obesity and hunger is a matter of national security;

(2) obesity and hunger will continue to negatively impact recruitment for Armed Forces without access to physical activity, healthy food, and proper nutrition;

(3) Congress should act to reduce childhood obesity and hunger;

(4) the Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) should be funded at the President’s request; and

(5) the increases in funding for such programs should be properly offset.

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

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

**SEC. 12xx. LIMITATION ON AVAILABILITY OF FUNDS FOR ELECTIONS IN AFGHANISTAN.**

(a) LIMITATION.—No funds authorized to be appropriated by this Act may be made available to support the holding of elections in Afghanistan unless and until the President submits a certification described in subsection (b) to the congressional officials specified in subsection (c).

(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is certification in writing that contains a determination of the President of the following:

(1) The Afghanistan Independent Election Commission has the professional capacity, personnel, skills, independence, and

legal authority to conduct and oversee free, fair, and honest elections.

(2) The Afghanistan Independent Election Commission, to the extent possible, has been purged of all members and staff who committed or were otherwise participants in any fraud of the 2009 presidential elections, including covering up the electoral fraud or otherwise were negligent in investigating allegations of electoral fraud.

(3) The Afghan Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by President Hamid Karzai.

(c) CONGRESSIONAL OFFICIALS SPECIFIED.—The congressional officials specified in this subsection are the following:

(1) The Speaker and minority leader of the House of Representatives.

(2) The majority leader and minority leader of the Senate.

(3) The Chairman and ranking member of the Committee on Armed Services and the Chairman and ranking member of the Committee on Foreign Affairs of the House of Representatives.

(4) The Chairman and ranking member of the Committee on Armed Services and the Chairman and ranking member of the Committee on Foreign Relations of the Senate.

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

At the end of title XII, add the following:

**SEC. 1237. REPORT ON CERTAIN IRAQIS AFFILIATED WITH THE UNITED STATES.**

(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, the Attorney General, the Secretary of Homeland Security, the Administrator of the United States Agency for International Development, and the heads of other appropriate Federal agencies (as determined by the Secretary of Defense), shall submit to the Congress a report containing the information described in subsection (b). In preparing such report, the Secretary of Defense shall use available information from organizations and entities closely associated with the United States mission in Iraq that have received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(b) INFORMATION.—The information described in this subsection is the following:

(1) The number of Iraqis who were or are employed by the United States Government in Iraq or who are or were employed in Iraq by an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(2) The number of Iraqis who have applied—

(A) for resettlement in the United States as a refugee under section 1243 of the Refugee Crisis in Iraq Act of

2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 395 et seq.); or

(B) to enter the United States as a special immigrant under section 1244 of such Act.

(3) The status of each application described in paragraph (2).

(4) The estimated number of individuals described in paragraph (1) who have been injured or killed in Iraq.

(c) EXPEDITED PROCESSING.—The Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security shall develop a plan using the report submitted under subsection (a) to expedite the processing of the applications described in subsection (b)(2) in the case of Iraqis at risk as the United States withdraws from Iraq.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESSIONS,  
PETE OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title VII, insert the following:

**SEC. 7 . . . PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.**

(a) PAYMENT PROCESS.—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) CONDITIONS FOR PAYMENT.—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment or study protocol used in treating the member or veteran must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The approved treatment or study protocol (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment or study protocol must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment or study protocol must be receiving the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) ADDITIONAL RESTRICTIONS PROHIBITED.—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this Act.

(d) PAYMENT DEADLINE.—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment or study protocol pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment or study protocol. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) PAYMENT SOURCE.—Subsection (c)(1) of section 1074 of title 10, United States Code, shall apply with respect to the payment by the Secretary of Defense for treatment or study protocols pursuant to subsection (a) of traumatic brain injury and post-traumatic stress disorder received by members of the Armed Forces.

(f) PAYMENT AMOUNT.—A payment under this Act shall be made at the equivalent Centers for Medicare and Medicaid Services reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment or study protocol is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) DATA COLLECTION AND AVAILABILITY.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment or study protocol, in the case of data relating to a patient case involving the use of such treatment or study protocol.

(2) ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996

(Public Law 104–191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) QUALIFIED INSTITUTIONAL REVIEW BOARDS.—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet website of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this Act.

(h) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.—

(1) ASSIGNMENT TO TEMPORARY DUTY.—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment or study protocol for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member’s permanent duty station.

(2) PAYMENT OF PER DIEM.—A member who is away from the member’s permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) GIFT RULE WAIVER.—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment or study protocol under this Act, or for the provision of such treatment or study protocol, shall not be subject to or covered by any such rule.

(i) RETALIATION PROHIBITED.—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment or study protocol as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For purposes of this Act, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) MEMORANDA OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment or study protocol approved by and under the oversight of civilian institutional review boards that would qualify for payment under this Act.

(l) OUTREACH REQUIRED.—

(1) OUTREACH TO VETERANS.—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this Act.

(2) OUTREACH TO MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall notify each member of the Armed



Forces with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this Act.

(m) REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this Act, the Secretaries shall jointly submit to Congress an annual report on the implementation of this Act. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this Act.

(2) The condition for which each such individual receives treatment for which payment is provided under this Act and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this Act and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this Act into facilities of the Department of Defense and Department of Veterans Affairs.

(n) TERMINATION.—The authority to make a payment under this Act shall terminate on the date that is five years after the date of the enactment of this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this Act.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS, JARED OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B 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.”.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DINGELL, JOHN OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES.

Page 84, after line 24, insert the following:

**SEC. 315. INFORMATION SHARING RELATING TO INVESTIGATION OF EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.**

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

(1) The Secretary of the Navy and Commandant of the Marine Corps are responsible for the identification and timely sharing of all relevant records relating to the Camp Lejeune base-wide drinking-water systems, including all records of which the Agency for Toxic Substances and Disease Registry (hereinafter in this section referred to as the “ATSDR”) may not be aware and all records that are in the possession of the Department of Defense, and all contractors, sub-contractors, and consultants of the Department but may no longer be located at the Camp Lejeune base.

(2) On April 28, 2009, during a Camp Lejeune Community Assistance Panel (hereinafter in this section referred to as “CAP”) meeting, it was stated by the ATSDR that it had recently discovered electronic data on a “hundred or more underground storage and above-ground storage tanks” housed on a Naval Facilities Engineering Command Internet web portal.

(3) This revelation occurred after the ATSDR requested in 2005 that all relevant data for its health studies be turned over from the Department of Defense to the agency, and the response by the Department’s CAP representative was that the information was “not new, just newly found.”

(4) On March 22, 2010, the ATSDR stated in a letter to the Navy and Marine Corps that the ATSDR was informed for the first time of an electronic database containing approximately 700,000 records of analytical data.

(5) In a response letter, dated March 26, 2010, the Navy stated that “the Marine Corps is neither in a position to determine the relevance of information nor does it have the subject matter expertise to determine the relevance of documents in all cases.”.

(6) It is necessary that the Secretary of the Navy be required to add or assign personnel with the relevant expertise to complete the transfer of all documents and materials pertaining to the contaminated drinking water at Camp Lejeune.

(7) Discovery of such records must not rely on specific requests from the ATSDR but on a shared goal of ensuring the scientific accuracy of the current health study and the responsibility of the Secretary of Defense to provide such information.

(b) REQUIREMENT.—By not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide ATSDR with an electronic inventory of all existing documents, records, and electronic data pertaining to the CERCLA listed and RCRA listed contamination sites at Camp Lejeune and all existing

documents, records, and electronic data pertaining to the contaminated drinking water at Camp Lejeune. If after the date of enactment of this Act, the Secretary of Defense generates new documents, records and electronic data, or comes into possession of existing documents, records or electronic data not previously included in the electronic inventory, the Secretary of the Navy shall provide ATSDR with an updated electronic inventory incorporating the newly located or generated documents, records and electronic data. The Secretary of the Navy shall ensure that Department of Defense personnel with appropriate experience and expertise, including in the area of environmental engineering and the conduct of water modeling, working in conjunction with ATSDR, are utilized to identify, compile, and submit existing and new documents, records, and electronic data in Navy and Marine Corps records and electronic libraries that would assist the ATSDR in gathering data relating to the contamination and remediation of Camp Lejeune base-wide drinking-water systems.

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS JR., JOHN OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 12xx. REPORT ON THE STRATEGIC IMPLICATIONS OF THE SUCCESSFUL NEGOTIATION OF AN INCIDENTS AT SEA AGREEMENT BETWEEN THE UNITED STATES AND THE GOVERNMENT OF IRAN.**

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report evaluating naval security in the Persian Gulf and the Strait of Hormuz.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include an assessment of the strategic benefits of the successful negotiation of a multilateral or bilateral Incidents at Sea military-to-military agreement including the United States and the Government of Iran aimed at defusing tension and preventing accidental naval conflict in the Persian Gulf and the Strait of Hormuz. Such an assessment should consider and evaluate the effect that such an agreement might have on commercial, military, and other naval traffic in the region, as well as other United States regional strategic interests.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and
- (2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURTON, DAN OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 452, after line 10, insert the following:

**SEC. 1065. SENSE OF CONGRESS REGARDING PRESIDENTIAL LETTERS OF CONDOLENCE TO THE FAMILIES OF MEMBERS OF THE ARMED FORCES WHO HAVE DIED BY SUICIDE.**

(a) FINDINGS.—Congress finds that—

(1) suicide is a growing problem in the Armed Forces that cannot be ignored;

(2) a record number of military suicides was reported in 2008, with 128 active-duty Army and 48 Marine deaths reported;

(3) the number of military suicides during 2009 is expected to equal or exceed the 2008 total;

(4) long-standing policy prevents President Obama from sending a condolence letter to the family of a member of the Armed Forces who has died by suicide;

(5) members of the Armed Forces sacrifice their physical, mental, and emotional well-being for the freedoms Americans hold dear;

(6) the military family also bears the cost of defending the United States, with military spouses and children sacrificing much and standing ready to provide unending support to their spouse or parent who is a member of the Armed Forces;

(7) the loss of a member of the Armed Forces to suicide directly and tragically affects military spouses and children, as well as the United States;

(8) much more needs to be done to protect and address the mental health needs of members of the Armed Forces, just as they serve to protect and defend the freedoms of the United States;

(9) a presidential letter of condolence is not only about the deceased because it also serves as a sign of respect for the grieving family and an acknowledgment of the family for their personal loss; and

(10) a lack of acknowledgment and condolence from the President only leaves these families with an emotional vacuum and a feeling that somehow their sacrifices have been less than the sacrifices of others.

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

(1) the current policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide only serves to perpetuate the stigma of mental illness that pervades the Armed Forces; and

(2) the President, as Commander-in-Chief, should overturn the policy and treat all military families equally.

**21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GUTIERREZ, LUIS OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

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

**SEC. 839. DEBARMENT OF BP AND ITS SUBSIDIARIES.**

(a) CONTRACTS WITH BP AND ITS SUBSIDIARIES.—If the Secretary of Defense determines that BP or any of its subsidiaries performing any contract with the Department of Defense is no longer a responsible source (as defined in section 2302 of title 10, United States Code), the Secretary shall determine, not later than 90 days after

making such determination, whether BP or its subsidiaries should be debarred from contracting with the Department of Defense.

(b) DEBAR.—In this section, the term “debar” has the meaning given that term by section 2393(c) of title 10, United States Code.

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

At the end of subtitle H of title V, add the following new section:

**SEC. 5 . ESTABLISHMENT OF COMBAT MEDEVAC BADGE.**

(a) ARMY.—

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

**“§ 3757. Combat Medevac Badge**

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

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

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

“3757. Combat Medevac Badge”.

(b) NAVY AND MARINE CORPS.—

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

**“§ 6259. Combat Medevac Badge**

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

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

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

“6259. Combat Medevac Badge”.

(c) AIR FORCE.—

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

**“§ 8757. Combat Medevac Badge**

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

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

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

“8757. Combat Medevac Badge”.

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

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

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

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POMEROY, EARL OF NORTH DAKOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle I of title V, add the following new section:

**SEC. 5 . CODIFICATION AND CONTINUATION OF JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.**

(a) CODIFICATION AND CONTINUATION.—Chapter 88, of title 10, United States Code, is amended by inserting after section 1788 the following new section:

**“§ 1788a. Joint Family Support Assistance Program**

“(a) PROGRAM REQUIRED.—The Secretary of Defense shall continue to carry out the program known as the ‘Joint Family Support Assistance Program’ for the purpose of providing to families of members of the armed forces the following types of assistance:

“(1) Financial and material assistance.

“(2) Mobile support services.

“(3) Sponsorship of volunteers and family support professionals for the delivery of support services.

“(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other Federal agencies, State and local agencies, and non-profit entities.

“(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

“(6) Non-medical counseling.

“(7) Such other assistance that the Secretary considers appropriate.

“(b) LOCATIONS.—The Secretary of Defense shall carry out the program in at least six areas of the United States selected by the Secretary. Up to three of the areas selected for the program shall be areas that are geographically isolated from military installations.

“(c) RESOURCES AND VOLUNTEERS.—The Secretary of Defense shall provide personnel and other resources of the Department of Defense necessary for the implementation and operation of the program and may accept and utilize the services of non-Government volunteers and non-profit entities under the program.

“(d) PROCEDURES.—The Secretary of Defense shall establish procedures for the operation of the program and for the provision of assistance to families of members of the Armed Forces under the program.

“(e) RELATION TO FAMILY SUPPORT CENTERS.—The program is not intended to operate in lieu of other family support centers, but is instead intended to augment the activities of the family support centers.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 1788a the following new item:

“1788a. Joint Family Support Assistance Program.”

(c) REPEAL OF SUPERCEDED PROVISION.—Section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 119 Stat. 2273; 10 U.S.C. 1781 note) is repealed.

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24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE, SHEILA OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 839. REPORT RELATED TO MINORITY-OWNED, WOMEN-OWNED, AND DISADVANTAGED-OWNED SMALL BUSINESSES.**

Not later than December 1, 2010, the Secretary of Defense shall provide to the Congressional Black Caucus a report that includes a list of minority-owned, women-owned, and disadvantaged-owned small businesses that receive contracts resulting from authorized funding to the Department of Defense. The list shall cover the 10 calendar years preceding the date of the enactment of this Act and shall include, for each listed business, the name of the business and the business owner and the amount of the contract award.

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE, SHEILA OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 284, after line 22, insert the following:

**SEC. 727. POST-TRAUMATIC STRESS DISORDER COUNSELING FOR CIVILIAN VICTIMS OF THE FORT HOOD SHOOTING AND OTHER SIMILAR INCIDENTS.**

The Secretary of Defense shall make available to each civilian victim of a shooting on a military installation in the United States, including the shooting at Fort Hood on November 5, 2009, extensive counseling for post-traumatic stress disorder.

**26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LATHAM, TOM OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

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

**SEC. 6 . SENSE OF CONGRESS CONCERNING AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR SERVICE.**

It is the sense of Congress that—

(1) the amendments made to section 12731 of title 10, United States Code, by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 160) were intended to reduce the minimum age at which members of a reserve component of the Armed Forces would begin receiving retired pay according to time spent deployed, by three months for every 90-day period spent on active duty over the course of a career, rather than limiting qualifying time to such periods wholly served within the same fiscal year, as interpreted by the Department of Defense; and

(2) steps should be taken to correct this erroneous interpretation by the Department of Defense in order to ensure reserve component members receive the full retirement benefits intended to be provided by such section 12731.

**27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KENNEDY, PATRICK OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 274, after line 13, insert the following:

(E) neurology;

Page 274, line 14, strike “(E)” and insert “(F)”.

Page 274, line 15, strike “(F)” and insert “(G)”.

Page 274, line 16, strike “(G)” and insert “(H)”.

Page 274, line 17, strike “(H)” and insert “(I)”.

**28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ETHERIDGE, BOB OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 633, after line 10, add the following:

**SEC. 2815. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.**

Section 2391(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following:

“If the proposed or actual establishment or expansion of a military installation would otherwise qualify a State or local gov-



ernment for assistance under this paragraph and is the result of base realignment and closure activities authorized by the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), the Secretary may make grants, conclude cooperative agreements, and supplement funds available under Federal programs administered by agencies other than the Department of Defense in order to assist the State or local government with development of the public infrastructure (including construction) required by the proposed or actual establishment or expansion.”; and

(2) in paragraph (5)(A), by striking “in planning community adjustments and economic diversification” and inserting “as provided in paragraph (1)”.

29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PASCRELL JR., BILL OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 279, after line 16, insert the following:

(e) **COGNITIVE IMPAIRMENT SCREENINGS.**—Until the comprehensive policy under subsection (a) is implemented, the Secretary shall use the same cognitive screening tool for pre-deployment and post-deployment screening to compare new data to previous baseline data for the purposes of detecting cognitive impairment (as described in section 1618(e)(6) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note)) for each member of the Armed Forces—

(1) who returns from a deployment in support of a contingency operation; and

(2) who completed a neurocognitive assessment prior to the implementation of a new pre-deployment and post-deployment screening tool.

(f) **CONCLUSION OF STUDIES ON COGNITIVE ASSESSMENT TOOLS.**—Not later than September 30, 2011, the Secretary of Defense shall complete any outstanding comparative studies on the effectiveness of various cognitive screening tools, including existing tools used for pre-deployment and post-deployment screenings, for the implementation of the comprehensive policy under subsection (a).

30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHADEGG, JOHN OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 260, after line 19, insert the following:

**SEC. 674. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM RECEIVING CERTAIN BURIAL-RELATED BENEFITS AND FUNERAL HONORS.**

(a) **PROHIBITION AGAINST INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERY ADMINISTRATION, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS’ CEMETERIES; PROHIBITION AGAINST PROVISION OF PRESIDENTIAL MEMORIAL CERTIFICATE, FLAG, AND HEADSTONE OR MARKER.**—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) A person who is classified as a tier III sex offender under the Sex Offender Registration and Notification Act.”.

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to terminate any benefit available to any person except those benefits specifically terminated by the amendment made by subsection (a).

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to interments and memorializations that occur on or after the date of the enactment of this Act.

(d) **CONSTITUTIONAL AUTHORITY.**—The constitutional authority on which this section rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in article I, section 8, clause 14 of the United States Constitution.

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

Page 323, after line 11, insert the following:

**SEC. 839. SENSE OF CONGRESS REGARDING COST SAVINGS THROUGH REDUCTIONS IN WASTE, FRAUD, AND ABUSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Secretary of Defense has undertaken meaningful efforts to eliminate waste, fraud, and abuse through contractor oversight and new policies and procedures aimed at increasing emphasis on ethics, governance, and fraud prevention.

(2) The Government Accountability Office report dated December 16, 2009, on the status of 3,099 recommendations made to the Department of Defense by the Government Accountability Office between 2001 and 2008, indicates that the Department of Defense has implemented 1,871, or 61 percent, of the recommendations.

(3) The Government Accountability Office estimates that the implementation of these recommendations yielded the Federal Government a savings of \$89 billion from 2001 through 2007, averaging \$12.7 billion in annual financial benefit.

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

(1) there is potential for additional and significant cost savings through further reductions by the Secretary of Defense in waste, fraud, and abuse, particularly with regard to contracting processes; and

(2) the Secretary of Defense should make implementation of the remaining Government Accountability Office recommendations an utmost priority of the Department of Defense.

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

Page 266, after line 8, insert the following:

**SEC. 706. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE AND INDIVIDUAL MOBILIZATION AUGMENTEES.**

(a) **FINDINGS.**—Congress finds that a veteran who is a member of the Individual Ready Reserve (or who is an individual mobilization augmentee) and is not assigned to a unit that musters regu-

larly and has an established support structure is less likely to be helped by existing suicide prevention programs carried out by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) IN GENERAL.—

(1) SUICIDE PREVENTION.—Chapter 55 of title 10, United States Code, is amended by adding after section 1074l the following new section:

**“§ 1074m Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees**

“(a) IN GENERAL.—The Secretary of Defense shall ensure that each covered member receives a telephone call described in subsection (b) not less than once every 90 days during the period in which—

“(1) the covered member is a member of the Individual Ready Reserve; or

“(2) the Secretary determines that the covered member is an individual mobilization augmentee.

“(b) COUNSELING CALL.—A telephone call described in this subsection is a call from properly trained personnel to determine the emotional, psychological, medical, and career needs and concerns of the covered member.

“(c) REFERRAL.—(1) The personnel making a telephone call described in subsection (b) shall refer a covered member identified as being at-risk of self-caused harm to the nearest military medical treatment facility or accredited TRICARE provider for immediate evaluation and treatment by a qualified mental health care provider.

“(2) If a covered member is referred under paragraph (1), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

“(d) REPORTS.—Not later than January 31 of each year, beginning in 2011, the Secretary shall submit to Congress a report on the number of covered members who have been referred for counseling or mental health treatment under this section, as well as the health and career status of such members.

“(e) COVERED MEMBER DEFINED.—In this section, the term ‘covered member’ means—

“(1) a member of the Individual Ready Reserve described in section 10144(b) of this title who has deployed to Afghanistan or Iraq in support of a contingency operation; or

“(2) a member of a reserve component who the Secretary determines is an individual mobilization augmentee who has deployed to Afghanistan or Iraq in support of a contingency operation.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074l the following new item:

“1074m. Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees.”.

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

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

**SEC. 12xx. RECOMMENDATIONS ON OVERSIGHT OF CONTRACTORS ENGAGED IN ACTIVITIES RELATING TO AFGHANISTAN.**

(a) **RECOMMENDATIONS REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Special Inspector General for Afghanistan Reconstruction shall, in consultation with the Inspector General of the Department of Defense, the Inspector General of the United States Agency for International Development, and the Inspector General of the Department of State—

(1) issue recommendations on measures to increase oversight of contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse;

(2) report on the status of efforts of the Department of Defense, the United States Agency for International Development, and the Department of State to implement existing recommendations regarding oversight of such contractors; and

(3) report on the extent to which military and security contractors or subcontractors engaged in activities relating to Afghanistan have been responsible for the deaths of Afghan civilians.

(b) **ELEMENTS OF RECOMMENDATIONS.**—The recommendations issued under subsection (a)(1) shall include—

(1) recommendations for reducing the reliance of the United States on—

(A) military and security contractors or subcontractors engaged in activities relating to Afghanistan that have been responsible for the deaths of Afghan civilians; and

(B) Afghan militias or other armed groups that are not part of the Afghan National Security Forces; and

(2) recommendations for prohibiting the Department of Defense, the Department of State, or the United States Agency for International Development from entering into contracts with contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse.

34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HARMAN, JANE OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 1648. EXPEDITED CONSIDERATION AND PRIORITY FOR APPLICATION FOR CONSIDERATION OF A PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONDITIONS FOR VICTIM OF SEXUAL ASSAULT.**

(a) **IN GENERAL.**—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

**“§ 673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault**

“(a) EXPEDITED CONSIDERATION AND PRIORITY FOR APPROVAL.— To the maximum extent practicable, the Secretary concerned shall provide for the expedited consideration and approval of an application for consideration of a permanent change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920 of this title (article 120) so as to reduce the possibility of retaliation against the member for reporting the sexual assault.

“(b) REGULATIONS.— The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

“673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault”.

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35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PUTNAM, ADAM OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title X, insert the following new section:

**SEC. 1065. SENSE OF CONGRESS REGARDING RECREATIONAL HUNTING AND FISHING ON MILITARY INSTALLATIONS.**

It is the sense of the Congress that—

(a) military installations that permit public access for recreational hunting and fishing should continue to permit such hunting and fishing where appropriate;

(b) permitting the public to access military installations for recreational hunting and fishing benefits local communities by conserving and promoting the outdoors and establishing positive relations between the civilian and defense sectors;

(c) any military installations that make recreational hunting and fishing permits available for purchase should provide a discounted rate for active and retired members of the Armed Forces and veterans with disabilities; and

(d) the Department of Defense, all of the service branches, and military installations that permit public access for recreational hunting and fishing should promote access to such installations by making the appropriate accommodations for members of the Armed Forces and veterans with disabilities.

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

At the end of division A, add the following new title:

## TITLE XVII—FEDERAL INFORMATION SECURITY

### Subtitle A—Federal Information Security Amendments

#### SEC. 1701. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

#### “SUBCHAPTER II—INFORMATION SECURITY

##### “§ 3551. Purposes

“The purposes of this subchapter are to—

“(1) provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) recognize the highly networked nature of the current Federal computing environment and provide effective Governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

“(3) provide for development and maintenance of minimum controls required to protect Federal information and information infrastructure;

“(4) provide a mechanism for improved oversight of Federal agency information security programs;

“(5) acknowledge that commercially developed information security products offer advanced, dynamic, robust, and effective information security solutions, reflecting market solutions for the protection of critical information infrastructures important to the national defense and economic security of the Nation that are designed, built, and operated by the private sector; and

“(6) recognize that the selection of specific technical hardware and software information security solutions should be left to individual agencies from among commercially developed products.

##### “§ 3552. Definitions

“(a) SECTION 3502 DEFINITIONS.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

“(b) ADDITIONAL DEFINITIONS.—In this subchapter:

“(1) The term ‘adequate security’ means security that complies with the regulations promulgated under section 3554 and the standards promulgated under section 3558.

“(2) The term ‘incident’ means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system, information infrastructure, or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of

security policies, security procedures, or acceptable use policies.

“(3) The term ‘information infrastructure’ means the underlying framework that information systems and assets rely on in processing, storing, or transmitting information electronically.

“(4) The term ‘information security’ means protecting information and information infrastructure from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

“(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

“(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

“(C) availability, which means ensuring timely and reliable access to and use of information; and

“(D) authentication, which means using digital credentials to assure the identity of users and validate access of such users.

“(5) The term ‘information technology’ has the meaning given that term in section 11101 of title 40.

“(6)(A) The term ‘national security system’ means any information infrastructure (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

**“§ 3553. National Office for Cyberspace**

“(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

“(b) DIRECTOR.—

“(1) IN GENERAL.—There shall be at the head of the Office a Director, who shall be appointed by the President by and with

the advice and consent of the Senate. The Director of the National Office for Cyberspace shall administer all functions under this subchapter and collaborate to the extent practicable with the heads of appropriate agencies, the private sector, and international partners. The Office shall serve as the principal office for coordinating issues relating to achieving an assured, reliable, secure, and survivable information infrastructure and related capabilities for the Federal Government.

“(2) BASIC PAY.—The Director shall be paid at the rate of basic pay for level III of the Executive Schedule.

“(c) STAFF.—The Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

“(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5.

**“§ 3554. Federal Cybersecurity Practice Board**

“(a) ESTABLISHMENT.—Within the National Office for Cyberspace, there shall be established a board to be known as the ‘Federal Cybersecurity Practice Board’ (in this section referred to as the ‘Board’).

“(b) MEMBERS.—The Board shall be chaired by the Director of the National Office for Cyberspace and consist of not more than 10 members, with at least one representative from—

“(1) the Office of Management and Budget;

“(2) civilian agencies;

“(3) the Department of Defense;

“(4) the Federal law enforcement community;

“(5) the Federal Chief Technology Office; and

“(6) such additional military and civilian agencies as the Director considers appropriate.

“(c) RESPONSIBILITIES.—

“(1) DEVELOPMENT OF POLICIES AND PROCEDURES.—Subject to the authority, direction, and control of the Director of the National Office for Cyberspace, the Board shall be responsible for developing and periodically updating information security policies and procedures relating to the matters described in paragraph (2). In developing such policies and procedures, the Board shall require that all matters addressed in the policies and procedures are consistent, to the maximum extent practicable and in accordance with applicable law, among the civilian, military, intelligence, and law enforcement communities.

“(2) SPECIFIC MATTERS COVERED IN POLICIES AND PROCEDURES.—

“(A) MINIMUM SECURITY CONTROLS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to minimum security controls for information technology, in order to—

“(i) provide Governmentwide protection of Government-networked computers against common attacks; and

“(ii) provide agencywide protection against threats, vulnerabilities, and other risks to the information infrastructure within individual agencies.



“(B) MEASURES OF EFFECTIVENESS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to measurements needed to assess the effectiveness of the minimum security controls referred to in subparagraph (A). Such measurements shall include a risk scoring system to evaluate risk to information security both Governmentwide and within contractors of the Federal Government.

“(C) PRODUCTS AND SERVICES.—The Board shall be responsible for developing and periodically updating information security policies, procedures, and minimum security standards relating to criteria for products and services to be used in agency information systems and information infrastructure that will meet the minimum security controls referred to in subparagraph (A). In carrying out this subparagraph, the Board shall act in consultation with the Office of Management and Budget and the General Services Administration.

“(D) Remedies.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to methods for providing remedies for security deficiencies identified in agency information infrastructure.

“(3) ADDITIONAL CONSIDERATIONS.—The Board shall also consider—

“(A) opportunities to engage with the international community to set policies, principles, training, standards, or guidelines for information security;

“(B) opportunities to work with agencies and industry partners to increase information sharing and policy coordination efforts in order to reduce vulnerabilities in the national information infrastructure; and

“(C) options necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

“(4) RELATIONSHIP TO OTHER STANDARDS.—The policies and procedures developed under paragraph (1) are supplemental to the standards promulgated by the Director of the National Office for Cyberspace under section 3558.

“(5) RECOMMENDATIONS FOR REGULATIONS.—The Board shall be responsible for making recommendations to the Director of the National Office for Cyberspace on regulations to carry out the policies and procedures developed by the Board under paragraph (1).

“(d) REGULATIONS.—The Director of the National Office for Cyberspace, in consultation with the Director of the Office of Management and the Administrator of General Services shall promulgate and periodically update regulations to carry out the policies and procedures developed by the Board under subsection (c).

“(e) ANNUAL REPORT.—The Director of the National Office for Cyberspace shall provide to Congress a report containing a summary of agency progress in implementing the regulations promulgated under this section as part of the annual report to Congress required under section 3555(a)(8).

“(f) NO DISCLOSURE BY BOARD REQUIRED.—The Board is not required to disclose under section 552 of title 5 information submitted by agencies to the Board regarding threats, vulnerabilities, and risks.

**“§ 3555. Authority and functions of the Director of the National Office for Cyberspace**

“(a) IN GENERAL.—The Director of the National Office for Cyberspace shall oversee agency information security policies and practices, including—

“(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 3558;

“(2) requiring agencies, consistent with the standards promulgated under section 3558 and other requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(A) information collected or maintained by or on behalf of an agency; or

“(B) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(3) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(4) overseeing agency compliance with the requirements of this subchapter, including through any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;

“(5) reviewing at least annually, and approving or disapproving, agency information security programs required under section 3556(b);

“(6) coordinating information security policies and procedures with related information resources management policies and procedures;

“(7) overseeing the operation of the Federal information security incident center required under section 3559;

“(8) reporting to Congress no later than March 1 of each year on agency compliance with the requirements of this subchapter, including—

“(A) a summary of the findings of audits required by section 3557;

“(B) an assessment of the development, promulgation, and adoption of, and compliance with, standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 3558;

“(C) significant deficiencies in agency information security practices;

“(D) planned remedial action to address such deficiencies; and

“(E) a summary of, and the views of the Director of the National Office for Cyberspace on, the report prepared by the National Institute of Standards and Technology under section 20(d)(10) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

“(9) coordinating the defense of information infrastructure operated by agencies in the case of a large-scale attack on information infrastructure, as determined by the Director;

“(10) establishing a national strategy, in consultation with the Department of State, the United States Trade Representative, and the National Institute of Standards and Technology, to engage with the international community to set the policies, principles, standards, or guidelines for information security; and

“(11) coordinating information security training for Federal employees with the Office of Personnel Management.

“(b) NATIONAL SECURITY SYSTEMS.—Except for the authorities described in paragraphs (4) and (8) of subsection (a), the authorities of the Director of the National Office for Cyberspace under this section shall not apply to national security systems.

“(c) DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY SYSTEMS.—(1) The authorities of the Director of the National Office for Cyberspace described in paragraphs (1) and (2) of subsection (a) shall be delegated to the Secretary of Defense in the case of systems described in paragraph (2) and to the Director of Central Intelligence in the case of systems described in paragraph (3).

“(2) The systems described in this paragraph are systems that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on behalf of the Department of Defense that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Department of Defense.

“(3) The systems described in this paragraph are systems that are operated by the Central Intelligence Agency, a contractor of the Central Intelligence Agency, or another entity on behalf of the Central Intelligence Agency that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Central Intelligence Agency.

“(d) BUDGET OVERSIGHT AND REPORTING.—(1) The head of each agency shall submit to the Director of the National Office for Cyberspace a budget each year for the following fiscal year relating to the protection of information infrastructure for such agency, by a date determined by the Director that is before the submission of such budget by the head of the agency to the Office of Management and Budget.

“(2) The Director shall review and offer a non-binding approval or disapproval of each agency’s annual budget to each

agency before the submission of such budget by the head of the agency to the Office of Management and Budget.

“(3) If the Director offers a non-binding disapproval of an agency’s, budget, the Director shall transmit recommendations to the head of such agency for strengthening its proposed budget with regard to the protection of such agency’s information infrastructure.

“(4) Each budget submitted by the head of an agency pursuant to paragraph (1) shall include—

“(A) a review of any threats to information technology for such agency;

“(B) a plan to secure the information infrastructure for such agency based on threats to information technology, using the National Institute of Standards and Technology guidelines and recommendations;

“(C) a review of compliance by such agency with any previous year plan described in subparagraph (B); and

“(D) a report on the development of the credentialing process to enable secure authentication of identity and authorization for access to the information infrastructure of such agency.

“(5) The Director of the National Office for Cyberspace may recommend to the President monetary penalties or incentives necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

#### “§ 3556. Agency responsibilities

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of the agency; and

“(ii) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(B) complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including—

“(i) the regulations promulgated under section 3554 and the information security standards promulgated under section 3558;

“(ii) information security standards and guidelines for national security systems issued in accordance with law and as directed by the President;

“(iii) and ensuring the standards implemented for information infrastructure and national security systems under the agency head are complementary and uniform, to the extent practicable; and

“(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(2) ensure that senior agency officials provide information security for the information and information infrastructure that support the operations and assets under their control, including through—

“(A) assessing the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information infrastructure;

“(B) determining the levels of information security appropriate to protect such information and information infrastructure in accordance with regulations promulgated under section 3554 and standards promulgated under section 3558, for information security classifications and related requirements;

“(C) implementing policies and procedures to cost effectively reduce risks to an acceptable level; and

“(D) continuously testing and evaluating information security controls and techniques to ensure that they are effectively implemented;

“(3) delegate to an agency official, designated as the ‘Chief Information Security Officer’, under the authority of the agency Chief Information Officer the responsibility to oversee agency information security and the authority to ensure and enforce compliance with the requirements imposed on the agency under this subchapter, including—

“(A) overseeing the establishment and maintenance of a security operations capability on an automated and continuous basis that can—

“(i) assess the state of compliance of all networks and systems with prescribed controls issued pursuant to section 3558 and report immediately any variance therefrom and, where appropriate and with the approval of the agency Chief Information Officer, shut down systems that are found to be non-compliant;

“(ii) detect, report, respond to, contain, and mitigate incidents that impair adequate security of the information and information infrastructure, in accordance with policy provided by the Director of the National Office for Cyberspace, in consultation with the Chief Information Officers Council, and guidance from the National Institute of Standards and Technology;

“(iii) collaborate with the National Office for Cyberspace and appropriate public and private sector security operations centers to address incidents that impact the security of information and information infrastructure that extend beyond the control of the agency; and

“(iv) not later than 24 hours after discovery of any incident described under subparagraph (A)(ii), unless otherwise directed by policy of the National Office for Cyberspace, provide notice to the appropriate security operations center, the National Cyber Investigative Joint Task Force, and the Inspector General of the agency;

“(B) developing, maintaining, and overseeing an agency wide information security program as required by subsection (b);

“(C) developing, maintaining, and overseeing information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558;

“(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

“(E) assisting senior agency officials concerning their responsibilities under paragraph (2);

“(4) ensure that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

“(5) ensure that the Chief Information Security Officer, in coordination with other senior agency officials, reports biannually to the agency head on the effectiveness of the agency information security program, including progress of remedial actions; and

“(6) ensure that the Chief Information Security Officer possesses necessary qualifications, including education, professional certifications, training, experience and the security clearance required to administer the functions described under this subchapter; and has information security duties as the primary duty of that official.

“(b) AGENCY PROGRAM.—Each agency shall develop, document, and implement an agencywide information security program, approved by the Director of the National Office for Cyberspace under section 3555(a)(5), to provide information security for the information and information infrastructure that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes—

“(1) continuous automated technical monitoring of information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency to assure conformance with regulations promulgated under section 3554 and standards promulgated under section 3558;

“(2) testing of the effectiveness of security controls that are commensurate with risk (as defined by the National Institute of Standards and Technology and the National Office for Cyberspace) for agency information infrastructure;

“(3) policies and procedures that—

“(A) mitigate and remediate, to the extent practicable, information security vulnerabilities based on the risk posed to the agency;

“(B) cost effectively reduce information security risks to an acceptable level;

“(C) ensure that information security is addressed throughout the life cycle of each agency information system and information infrastructure;

“(D) ensure compliance with—

“(i) the requirements of this subchapter;

“(ii) policies and procedures as may be prescribed by the Director of the National Office for Cyberspace, and information security standards promulgated under section 3558;

“(iii) minimally acceptable system configuration requirements, as determined by the Director of the National Office for Cyberspace; and

“(iv) any other applicable requirements, including—

“(I) standards and guidelines for national security systems issued in accordance with law and as directed by the President;

“(II) the policy of the Director of the National Office for Cyberspace;

“(III) the National Institute of Standards and Technology guidance; and

“(IV) the Chief Information Officers Council recommended approaches;

“(E) develop, maintain, and oversee information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558; and

“(F) ensure the oversight and training of personnel with significant responsibilities for information security with respect to such responsibilities;

“(4) ensuring that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

“(5) to the extent practicable, automated and continuous technical monitoring for testing, and evaluation of the effectiveness and compliance of information security policies, procedures, and practices, including—

“(A) management, operational, and technical controls of every information infrastructure identified in the inventory required under section 3505(b); and

“(B) management, operational, and technical controls relied on for an evaluation under section 3556;

“(6) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;

“(7) to the extent practicable, continuous automated technical monitoring for detecting, reporting, and responding to security incidents, consistent with standards and guidelines issued by the Director of the National Office for Cyberspace, including—

“(A) mitigating risks associated with such incidents before substantial damage is done;

“(B) notifying and consulting with the appropriate security operations response center; and

“(C) notifying and consulting with, as appropriate—

“(i) law enforcement agencies and relevant Offices of Inspectors General;

“(ii) the National Office for Cyberspace; and

“(iii) any other agency or office, in accordance with law or as directed by the President; and  
“(8) plans and procedures to ensure continuity of operations for information infrastructure that support the operations and assets of the agency.

“(c) AGENCY REPORTING.—Each agency shall—

“(1) submit an annual report on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of this subchapter, including compliance with each requirement of subsection (b) to—

“(A) the National Office for Cyberspace;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

“(D) other appropriate authorization and appropriations committees of Congress; and

“(E) the Comptroller General;

“(2) address the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

“(A) annual agency budgets;

“(B) information resources management of this subchapter;

“(C) information technology management under this chapter;

“(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 and 2805 of title 39;

“(E) financial management under chapter 9 of title 31, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

“(F) financial management systems under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note); and

“(G) internal accounting and administrative controls under section 3512 of title 31; and

“(3) report any significant deficiency in a policy, procedure, or practice identified under paragraph (1) or (2)—

“(A) as a material weakness in reporting under section 3512 of title 31; and

“(B) if relating to financial management systems, as an instance of a lack of substantial compliance under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note).

“(d) PERFORMANCE PLAN.—(1) In addition to the requirements of subsection (c), each agency, in consultation with the National Office for Cyberspace, shall include as part of the performance plan required under section 1115 of title 31 a description of the resources, including budget, staffing, and training, that are necessary to implement the program required under subsection (b).

“(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (a)(2).



“(e) PUBLIC NOTICE AND COMMENT.—Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

**“§ 3557. Annual independent audit**

“(a) IN GENERAL.—(1) Each year each agency shall have performed an independent audit of the information security program and practices of that agency to determine the effectiveness of such program and practices.

“(2) Each audit under this section shall include—

“(A) testing of the effectiveness of the information infrastructure of the agency for automated, continuous monitoring of the state of compliance of its information infrastructure with regulations promulgated under section 3554 and standards promulgated under section 3558 in a representative subset of—

“(i) the information infrastructure used or operated by the agency; and

“(ii) the information infrastructure used, operated, or supported on behalf of the agency by a contractor of the agency, a subcontractor (at any tier) of such contractor, or any other entity;

“(B) an assessment (made on the basis of the results of the testing) of compliance with—

“(i) the requirements of this subchapter; and

“(ii) related information security policies, procedures, standards, and guidelines;

“(C) separate assessments, as appropriate, regarding information security relating to national security systems; and

“(D) a conclusion regarding whether the information security controls of the agency are effective, including an identification of any significant deficiencies in such controls.

“(3) Each audit under this section shall be performed in accordance with applicable generally accepted Government auditing standards.

“(b) INDEPENDENT AUDITOR.—Subject to subsection (c)—

“(1) for each agency with an Inspector General appointed under the Inspector General Act of 1978 or any other law, the annual audit required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency; and

“(2) for each agency to which paragraph (1) does not apply, the head of the agency shall engage an independent external auditor to perform the audit.

“(c) NATIONAL SECURITY SYSTEMS.—For each agency operating or exercising control of a national security system, that portion of the audit required by this section directly relating to a national security system shall be performed—

“(1) only by an entity designated head; and

“(2) in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

“(d) EXISTING AUDITS.—The audit required by this section may be based in whole or in part on another audit relating to programs or practices of the applicable agency.

“(e) AGENCY REPORTING.—(1) Each year, not later than such date established by the Director of the National Office for Cyberspace, the head of each agency shall submit to the Director the results of the audit required under this section.

“(2) To the extent an audit required under this section directly relates to a national security system, the results of the audit submitted to the Director of the National Office for Cyberspace shall contain only a summary and assessment of that portion of the audit directly relating to a national security system.

“(f) PROTECTION OF INFORMATION.—Agencies and auditors shall take appropriate steps to ensure the protection of information which, if disclosed, may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws and regulations.

“(g) NATIONAL OFFICE FOR CYBERSPACE REPORTS TO CONGRESS.—(1) The Director of the National Office for Cyberspace shall summarize the results of the audits conducted under this section in the annual report to Congress required under section 3555(a)(8).

“(2) The Director’s report to Congress under this subsection shall summarize information regarding information security relating to national security systems in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

“(3) Audits and any other descriptions of information infrastructure under the authority and control of the Director of Central Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

“(h) COMPTROLLER GENERAL.—The Comptroller General shall periodically evaluate and report to Congress on—

“(1) the adequacy and effectiveness of agency information security policies and practices; and

“(2) implementation of the requirements of this subchapter.

“(i) CONTRACTOR AUDITS.—Each year each contractor that operates, uses, or supports an information system or information infrastructure on behalf of an agency and each subcontractor of such contractor—

“(1) shall conduct an audit using an independent external auditor in accordance with subsection (a), including an assessment of compliance with the applicable requirements of this subchapter; and

“(2) shall submit the results of such audit to such agency not later than such date established by the Agency.

**“§ 3558. Responsibilities for Federal information systems standards**

“(a) REQUIREMENT TO PRESCRIBE STANDARDS.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Except as provided under paragraph (2), the Secretary of Commerce shall, on the basis

of proposed standards developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a)) and in consultation with the Secretary of Homeland Security, promulgate information security standards pertaining to Federal information systems.

“(B) REQUIRED STANDARDS.—Standards promulgated under subparagraph (A) shall include—

“(i) standards that provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)); and

“(ii) such standards that are otherwise necessary to improve the efficiency of operation or security of Federal information systems.

“(C) REQUIRED STANDARDS BINDING.—Information security standards described under subparagraph (B) shall be compulsory and binding.

“(2) STANDARDS AND GUIDELINES FOR NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems, as defined under section 3552(b), shall be developed, promulgated, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of an agency may employ standards for the cost-effective information security for all operations and assets within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards—

“(1) contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary; and

“(2) are otherwise consistent with policies and guidelines issued under section 3555.

“(c) REQUIREMENTS REGARDING DECISIONS BY THE SECRETARY.—

“(1) DEADLINE.—The decision regarding the promulgation of any standard by the Secretary of Commerce under subsection (b) shall occur not later than 6 months after the submission of the proposed standard to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3).

“(2) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), shall be made after the public is given an opportunity to comment on the Secretary’s proposed decision.

**“§ 3559. Federal information security incident center**

“(a) IN GENERAL.—The Director of the National Office for Cyberspace shall ensure the operation of a central Federal information security incident center to—

“(1) provide timely technical assistance to operators of agency information systems and information infrastructure regarding security incidents, including guidance on detecting and handling information security incidents;

“(2) compile and analyze information about incidents that threaten information security;

“(3) inform operators of agency information systems and information infrastructure about current and potential information security threats, and vulnerabilities; and

“(4) consult with the National Institute of Standards and Technology, agencies or offices operating or exercising control of national security systems (including the National Security Agency), and such other agencies or offices in accordance with law and as directed by the President regarding information security incidents and related matters.

“(b) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about information security incidents, threats, and vulnerabilities with the Federal information security incident center to the extent consistent with standards and guidelines for national security systems, issued in accordance with law and as directed by the President.

(c) REVIEW AND APPROVAL.—In coordination with the Administrator for Electronic Government and Information Technology, the Director of the National Office for Cyberspace shall review and approve the policies, procedures, and guidance established in this subchapter to ensure that the incident center has the capability to effectively and efficiently detect, correlate, respond to, contain, mitigate, and remediate incidents that impair the adequate security of the information systems and information infrastructure of more than one agency. To the extent practicable, the capability shall be continuous and technically automated.

#### “§ 3560. National security systems

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system;

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President; and

“(3) complies with the requirements of this subchapter.”.

#### SEC. 1702. INFORMATION SECURITY ACQUISITION REQUIREMENTS.

(a) IN GENERAL.—Chapter 113 of title 40, United States Code, is amended by adding at the end of subchapter II the following new section:

##### “11319. Information security acquisition requirements.

“(a) PROHIBITION.—Notwithstanding any other provision of law, beginning one year after the date of the enactment of the Federal Information Security Amendments Act of 2010, no agency may

enter into a contract, an order under a contract, or an interagency agreement for—

- “(1) the collection, use, management, storage, or dissemination of information on behalf of the agency;
- “(2) the use or operation of an information system or information infrastructure on behalf of the agency; or
- “(3) information technology;

unless such contract, order, or agreement includes requirements to provide effective information security that supports the operations and assets under the control of the agency, in compliance with the policies, standards, and guidance developed under subsection (b), and otherwise ensures compliance with this section.

“(b) COORDINATION OF SECURE ACQUISITION POLICIES.—

“(1) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Standards and Technology, the Director of the National Office for Cyberspace, and the Administrator of General Services, shall oversee the development and implementation of policies, standards, and guidance, including through revisions to the Federal Acquisition Regulation and the Department of Defense supplement to the Federal Acquisition Regulation, to cost effectively enhance agency-information security, including—

“(A) minimum information security requirements for agency procurement of information technology products and services; and

“(B) approaches for evaluating and mitigating significant supply chain security risks associated with products or services to be acquired by agencies.

“(2) REPORT.—Not later than two years after the date of the enactment of the Federal Information Security Amendments Act of 2010, the Director shall submit to Congress a report describing—

“(A) actions taken to improve the information security associated with the procurement of products and services by the Federal Government; and

“(B) plans for overseeing and coordinating efforts of agencies to use best practice approaches for cost-effectively purchasing more secure products and services.

“(c) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

“(1) REQUIREMENT FOR INITIAL VULNERABILITY ASSESSMENTS.—The Director shall require each agency to conduct an initial vulnerability assessment for any major system and its significant items of supply prior to the development of the system. The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

“(A) identify vulnerabilities;

“(B) define exploitation potential;

“(C) examine the system’s potential effectiveness;

“(D) determine overall vulnerability; and

“(E) make recommendations for risk reduction.

“(2) SUBSEQUENT VULNERABILITY ASSESSMENTS.—

“(A) The Director shall require a subsequent vulnerability assessment of each major system and its significant items of supply within a program if the Director deter-

mines that circumstances warrant the issuance of an additional vulnerability assessment.

“(B) Upon the request of a congressional committee, the Director may require a subsequent vulnerability assessment of a particular major system and its significant items of supply within the program.

“(C) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in subparagraphs (A) through (E) of paragraph (1).

“(3) CONGRESSIONAL OVERSIGHT.—The Director shall provide to the appropriate congressional committees a copy of each vulnerability assessment conducted under paragraph (1) or (2) not later than 10 days after the date of the completion of such assessment.

“(d) DEFINITIONS.—In this section:

“(1) ITEM OF SUPPLY.—The term ‘item of supply’—

“(A) means any individual part, component, sub-assembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including a spare part or replenishment part; and

“(B) does not include packaging or labeling associated with shipment or identification of an item.

“(2) VULNERABILITY ASSESSMENT.—The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.

“(3) MAJOR SYSTEM.—The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).”.

#### **SEC. 1703. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) TABLE OF SECTIONS IN TITLE 44.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the matter relating to subchapters II and III and inserting the following:

##### “SUBCHAPTER II—INFORMATION SECURITY

“3551. Purposes.

“3552. Definitions.

“3553. National Office for Cyberspace.

“3554. Federal Cybersecurity Practice Board.

“3555. Authority and functions of the Director of the National Office for Cyberspace.

“3556. Agency responsibilities.

“3557. Annual independent audit.

“3558. Responsibilities for Federal information systems standards.

“3559. Federal information security incident center.

“3560. National security systems.”.

(b) TABLE OF SECTIONS IN TITLE 40.—The table of sections for chapter 113 of title 40, United States Code, is amended by inserting after the item relating to section 11318 the following new item: “Sec. 11319. Information security acquisition requirements.”.

(c) OTHER REFERENCES.—

(1) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552(b)”.

(2) Section 2222(j)(6) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(3) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(4) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(5) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(A) in subsections (a)(2) and (e)(5), by striking “section 3532(b)(2)” and inserting “section 3552(b)”;

(B) in subsection (e)(2), by striking “section 3532(1)” and inserting “section 3552(b)”;

(C) in subsections (c)(3) and (d)(1), by striking “section 11331 of title 40” and inserting “section 3558 of title 44”.

(6) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3556(b)”.

(d) REPEAL.—

(1) Subchapter III of chapter 113 of title 40, United States Code, is repealed.

(2) The table of sections for chapter 113 of such title is amended by striking the matter relating to subchapter III.

(e) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: “Director of the National Office for Cyberspace.”.

(f) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

“(7) the Director of the National Office for Cyberspace;”.

**SEC. 1704. EFFECTIVE DATE.**

(a) IN GENERAL.—Unless otherwise specified in this section, this subtitle (including the amendments made by this subtitle) shall take effect 30 days after the date of enactment of this Act.

(b) NATIONAL OFFICE FOR CYBERSPACE.—Section 3553 of title 44, United States Code, as added by section 1701 of this division, shall take effect 180 days after the date of enactment of this Act.

(c) FEDERAL CYBERSECURITY PRACTICE BOARD.—Section 3554 of title 44, United States Code, as added by section 1701 of this division, shall take effect one year after the date of enactment of this Act.

## **Subtitle B—Federal Chief Technology Officer**

**SEC. 1711. OFFICE OF THE CHIEF TECHNOLOGY OFFICER.**

(a) ESTABLISHMENT AND STAFF.—

## (1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Executive Office of the President an Office of the Federal Chief Technology Officer (in this section referred to as the “Office”).

## (B) HEAD OF THE OFFICE.—

(i) FEDERAL CHIEF TECHNOLOGY OFFICER.—The President shall appoint a Federal Chief Technology Officer (in this section referred to as the “Federal CTO”) who shall be the head of the Office.

(ii) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Federal Chief Technology Officer.”.

(2) STAFF OF THE OFFICE.—The President may appoint additional staff members to the Office.

(b) DUTIES OF THE OFFICE.—The functions of the Federal CTO are the following:

(1) Undertake fact-gathering, analysis, and assessment of the Federal Government’s information technology infrastructures, information technology strategy, and use of information technology, and provide advice on such matters to the President, heads of Federal departments and agencies, and government chief information officers and chief technology officers.

(2) Lead an interagency effort, working with the chief technology and chief information officers of each of the Federal departments and agencies, to develop and implement a planning process to ensure that they use best-in-class technologies, share best practices, and improve the use of technology in support of Federal Government requirements.

(3) Advise the President on information technology considerations with regard to Federal budgets and with regard to general coordination of the research and development programs of the Federal Government for information technology-related matters.

(4) Promote technological innovation in the Federal Government, and encourage and oversee the adoption of robust cross-governmental architectures and standards-based information technologies, in support of effective operational and management policies, practices, and services across Federal departments and agencies and with the public and external entities.

(5) Establish cooperative public-private sector partnership initiatives to achieve knowledge of technologies available in the marketplace that can be used for improving governmental operations and information technology research and development activities.

(6) Gather timely and authoritative information concerning significant developments and trends in information technology, and in national priorities, both current and prospective, and analyze and interpret the information for the purpose of determining whether the developments and trends are likely to affect achievement of the priority goals of the Federal Government.

(7) Develop, review, revise, and recommend criteria for determining information technology activities warranting Federal support, and recommend Federal policies designed to advance



the development and maintenance of effective and efficient information technology capabilities, including human resources, at all levels of government, academia, and industry, and the effective application of the capabilities to national needs.

(8) Any other functions and activities that the President may assign to the Federal CTO.

(c) **POLICY PLANNING; ANALYSIS AND ADVICE.**—The Office shall serve as a source of analysis and advice for the President and heads of Federal departments and agencies with respect to major policies, plans, and programs of the Federal Government in accordance with the functions described in subsection (b).

(d) **COORDINATION OF THE OFFICE WITH OTHER ENTITIES.**—

(1) **FEDERAL CTO ON DOMESTIC POLICY COUNCIL.**—The Federal CTO shall be a member of the Domestic Policy Council.

(2) **FEDERAL CTO ON CYBER SECURITY PRACTICE BOARD.**—The Federal CTO shall be a member of the Federal Cybersecurity Practice Board.

(3) **OBTAIN INFORMATION FROM AGENCIES.**—The Office may secure, directly from any department or agency of the United States, information necessary to enable the Federal CTO to carry out this section. On request of the Federal CTO, the head of the department or agency shall furnish the information to the Office, subject to any applicable limitations of Federal law.

(4) **STAFF OF FEDERAL AGENCIES.**—On request of the Federal CTO, to assist the Office in carrying out the duties of the Office, the head of any Federal department or agency may detail personnel, services, or facilities of the department or agency to the Office.

(e) **ANNUAL REPORT.**—

(1) **PUBLICATION AND CONTENTS.**—The Federal CTO shall publish, in the Federal Register and on a public Internet website of the Federal CTO, an annual report that includes the following:

(A) Information on programs to promote the development of technological innovations.

(B) Recommendations for the adoption of policies to encourage the generation of technological innovations.

(C) Information on the activities and accomplishments of the Office in the year covered by the report.

(2) **SUBMISSION.**—The Federal CTO shall submit each report under paragraph (1) to—

(A) the President;

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

(C) the Committee on Science and Technology of the House of Representatives; and

(D) the Committee on Commerce, Science, and Transportation of the Senate.

37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHANDLER, BEN OF KENTUCKY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 599, strike lines 8 through 13.

38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HERSETH SANDLIN, STEPHANIE OF SOUTH DAKOTA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 415, after line 25, insert the following:

**SEC. 1047. REQUIRED REPORTS CONCERNING BOMBER MODERNIZATION, SUSTAINMENT, AND RECAPITALIZATION EFFORTS IN SUPPORT OF THE NATIONAL DEFENSE STRATEGY.**

(a) AIR FORCE REPORT.—

(1) REPORT REQUIRED.—Not later than 360 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees, the Director of the Congressional Budget Office, and the Comptroller General of the United States a report that includes—

(A) a discussion of the cost, schedule, and performance of all currently planned efforts to modernize and keep viable the existing B-1, B-2, and B-52 bomber fleets and a discussion of the forecasted service-life and all sustainment challenges that the Secretary of the Air Force may confront in keeping those platforms viable until the retirement of such aircraft;

(B) a discussion, presented in a comparison and contrast type format, of the scope of the 2007 Next-Generation Long Range Strike Analysis of Alternatives guidance and subsequent Analysis of Alternatives report tasked by the Under Secretary of Defense for Acquisition, Technology, and Logistics in the September 11, 2006, Acquisition Decision Memorandum, as compared to the scope and directed guidance of the year 2010 Long Range Strike Study effort currently being conducted by the Under Secretary of Defense for Policy and the Office of the Secretary of Defense's Cost Assessment and Program Evaluation Office;

(C) a discussion of an objectivity and sufficiency review of the final report issued subsequent to the 2010 Long Range Strike study effort currently being conducted by the Under Secretary of Defense for Policy and the Office of the Secretary of Defense's Cost Assessment and Program Evaluation Office;

(D) a discussion of the progress of efforts to field a next generation long-range strike platform, including a review of—

(i) the next generation long-range strike requirements development and validation;

(ii) the threshold and objective key performance parameters;

(iii) the acquisition strategy, the acquisition oversight strategy, projected life-cycle costs, the cost-risk analysis, the technology readiness levels of planned capabilities; and

(iv) the development, testing, production and fielding timelines;

(E) a discussion of the costs, development, testing, fielding and operational employment challenges, capability gaps, limitations and shortfalls of the Secretary of Defense's plan to field a long-range, penetrating, survivable,

persistent and enduring “family of systems” as compared to the development, testing, fielding and operational employment of a singular platform that encompasses all the required aforementioned characteristics; and

(F) a discussion of the planning efforts for developing and fielding a transformational long-range strike capability in the 2035 timeframe.

(2) PREPARATION OF REPORT.—The report under paragraph (1) shall be prepared by the Institute for Defense Analyses and submitted to the Secretary of the Air Force for submittal by the Secretary in accordance with that paragraph.

(b) COST ANALYSIS AND PROGRAM EVALUATION REPORT.—The Director of the Cost Analysis and Program Evaluation of the Office of the Secretary of Defense shall submit to the congressional defense committees, the Director of the Congressional Budget Office, and the Comptroller General of the United States a report that includes—

(1) the assumptions and estimated life-cycle costs of the Department’s long-range, penetrating, survivable, persistent, and enduring “family of systems” platforms; and

(2) the assumptions and estimated life-cycle costs of the Next Generation Platform program, as planned and approved by the Secretary of Defense, prior to the cancellation of the program on April 6, 2009.

(c) CBO REPORT.—Not later than 360 days after the date of the enactment of this Act, the Congressional Budget Office shall submit to the congressional defense committees and to the Comptroller General of the United States a report that includes—

(1) a life-cycle-cost analysis of the costs of modernizing and sustaining the current fleet of B–1, B–2 and B–52 bombers to meet future long-range strike requirements compared to the costs of development, testing, fielding, and operational employment of a singular Next Generation Bomber platform to replace the existing fleet of B–1, B–2 and B–52 platforms;

(2) a life-cycle-cost analysis of the costs of the Secretary of Defense’s plan to field a long-range, penetrating, survivable, persistent, and enduring “family of systems” compared to the costs of developing, testing, fielding and operational employment of a singular Next Generation Bomber platform;

(3) a life-cycle-cost analysis of the costs the Secretary of Defense’s plan to field a long-range, penetrating, survivable, persistent and enduring “family of systems” compared to the costs of modernizing and sustaining the current fleet of B–1, B–2 and B–52 bombers to meet future long-range strike requirements; and

(4) the results of an objectivity and sufficiency review of the cost analysis described in subsection (b)(1).

(d) ACCESS TO PROGRAMMATIC INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of the Air Force shall provide prompt access to programmatic information requested by agency personnel for the purpose of producing a report required under this section, including any and all classified information pertaining to the Department’s “family of systems” programs.

(2) **PROMPT ACCESS DEFINED.**—For purposes of paragraph (1), the term “prompt access” means access provided not later than 15 business days after receiving a request.

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

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

**SEC. 839. PROCUREMENT OF ARTICLES, MATERIALS, AND SUPPLIES FOR USE OUTSIDE THE UNITED STATES.**

(a) **REQUIREMENT.**—In procuring articles, materials, or supplies for use outside of the United States, including procurements for military construction projects, the Department of Defense shall solicit bids from United States sources.

(b) **EXCEPTION.**—Subsection (a) shall not apply if the articles, materials, or supplies to be procured are—

(1) not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities;

(2) needed on an urgent basis and not acquired on a regular basis; or

(3) perishable, or will otherwise degrade because of the time involved in shipping.

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

At the end of subtitle H of title V, add the following new section:

**SEC. 579. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.**

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

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

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41. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRALEY, BRUCE OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

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

**SEC. 12xx. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.**

(a) **FINDINGS.**—Congress finds the following:

(1) The United States has been engaged in military operations in Afghanistan since October 2001 and in military operations in Iraq since March 2003.

(2) According to the Congressional Research Service, through fiscal year 2009, Congress has appropriated \$944,000,000,000 for the Department of Defense, the Department of State, and for medical costs paid by the Department of Veterans Affairs. This amount includes \$683,000,000,000 for Iraq and \$227,000,000,000 for Afghanistan.

(3) Over 90 percent of Department of Defense funds for operations in Iraq and Afghanistan have been provided as emergency funds in supplemental or additional appropriations.

(4) The Congressional Budget Office and the Congressional Research Service have stated that future war costs are difficult to estimate because the Department of Defense provides little information on costs incurred to date, does not report outlays or actual expenditures for war because war and baseline funds are mixed in the same accounts, and because of a lack of information from the Department of Defense on many of the key factors that determine costs, including personnel levels or the pace of operations.

(5) Over 2 million United States troops have served in Iraq and Afghanistan since the beginning of the conflicts.

(6) Over 4,400 United States troops and Department of Defense civilian personnel have been killed in Operation Iraqi Freedom and over 1,060 United States troops and Department of Defense civilian personnel have been killed in Operation Enduring Freedom.

(7) Over 1,340 service members have suffered amputations as a result of their service in Iraq and Afghanistan.

(8) More than 243,685 Iraq and Afghanistan veterans have been treated for mental health conditions, more than 129,654 Iraq and Afghanistan veterans have been diagnosed with Post-Traumatic Stress Disorder, and approximately 30,000 have a confirmed Traumatic Brain Injury diagnosis.

(9) Approximately 46 percent of Iraq and Afghanistan veterans have sought treatment at Department of Veterans Affairs hospitals and clinics.

(10) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center identified Traumatic Brain Injury, Post-Traumatic Stress Disorder, increased survival of severe burns, and traumatic amputations as the four signature wounds of the current conflicts.

(11) The Independent Review Group report also states that the recovery process “can take months or years and must accommodate recurring or delayed manifestations of symptoms, extended rehabilitation and all the life complications that emerge over time from such trauma”.

(b) **REPORT REQUIREMENT; SCENARIOS.**—Not later than the date on which the budget of the United States Government is submitted under section 1105(a) of title 31, United States Code, for fiscal year

2012, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of the Department of Veterans Affairs, shall submit a report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall contain estimates for the following scenarios:

(1) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to approximately 150,000 by the end of fiscal year 2011, 65,000 by the end of fiscal year 2012, and 30,000 by the end of fiscal year 2013, and remains at that level through fiscal year 2020.

(2) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is increased from current levels to approximately 235,000 by the end of fiscal year 2010, is reduced to 230,000 by the end of fiscal year 2011, is reduced to 195,000 by the end of fiscal year 2012, is reduced to 135,000 by the end of fiscal year 2013, is reduced to 80,000 by the end of fiscal year 2014, is reduced to 60,000 by the end of fiscal year 2015, and remains at that level through fiscal year 2020.

(3) An alternative scenario, defined by the President and based on current war and withdrawal plans, which takes into account expected troop levels and the expected length of time that troops will be deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom.

(c) SPECIAL CONSIDERATIONS.—The estimates required for each scenario shall make projections through at least fiscal year 2020, shall be adjusted appropriately for inflation, shall be based on historical trends, and to the maximum extent practicable shall take into account and specify the following:

(1) The total number of troops expected to be activated and deployed to Iraq and Afghanistan during the course of Operation Iraqi Freedom and Operation Enduring Freedom. This number shall include all troops deployed in the region in support of Operation Iraqi Freedom and Operation Enduring Freedom and activated reservists in the United States who are training, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation Iraqi Freedom and Operation Enduring Freedom. This number shall also break down activations and deployments of Active Duty, Reservists, and National Guard troops.

(2) The number of troops, including National Guard and Reserve troops, who have served and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been utilized and are expected to be utilized during the course of the conflicts in Iraq and Afghanistan.

(4) The number of veterans currently suffering and expected to suffer from Post-Traumatic Stress Disorder, Traumatic Brain Injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during Operation Iraqi Freedom and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from Iraq and Afghanistan veterans, and the total number of Iraq and Afghanistan veterans expected to seek disability compensation benefits from the Department of Veterans Affairs.

(7) The total number of troops who have been killed and wounded in Iraq and Afghanistan to date, including noncombat casualties, the total number of troops expected to suffer injuries in Iraq and Afghanistan, and the total number of troops expected to be killed in Iraq and Afghanistan, including non-combat casualties.

(8) Funding already appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to the wars in Iraq and Afghanistan. This shall include an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to Iraq and Afghanistan.

(9) Current and future operational expenditures, including funding for combat operations; deploying, transporting, feeding, and housing troops (including fuel costs); deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghan forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; and payments to other countries for logistical assistance.

(10) Past, current, and future cost of government contractors and private military security firms.

(11) Average annual cost for each troop and combat brigade deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of activating National Guard and Reserve forces and paying them on a full-time basis.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support United States troops in Iraq and Afghanistan.

(16) Current and future cost of providing healthcare for returning veterans. This estimate shall include the cost of mental health treatment for veterans suffering from Post-Traumatic Stress Disorder and Traumatic Brain Injury, and other mental problems as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom. This estimate shall also include the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for lifetime of veterans.

(18) Current and future cost of providing survivors' benefits to survivors of service members.

(19) Cost of bringing troops and equipment home at the end of the wars, including cost of demobilizing troops, transporting troops home (including fuel costs), providing transition services from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment which will be left behind.

(20) Cost to restore the military and military equipment, including the National Guard and National Guard equipment, to full strength after the wars.

(21) Cost of the administration's plan to permanently increase the Army and Marine Corps by 92,000.

(22) Amount of money borrowed to pay for the wars in Iraq and Afghanistan, and the sources of that money.

(23) Interest on borrowed money, including interest for money already borrowed and anticipated interest payments on future borrowing for the war in Iraq and the war in Afghanistan to the extent all spending associated with the war in Iraq and the war in Afghanistan have been and will be financed with borrowed money.

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42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ESHOO, ANNA OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 923. AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) AUDITS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

“AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT  
ACCOUNTABILITY OFFICE

“SEC. 508. (a) IN GENERAL.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by one of the congressional intelligence committees.

“(b) AUDITS OF PROGRAMS INVOLVING SOURCES AND METHODS.—

(1) If the Director of National Intelligence determines that a portion of an analysis, evaluation, or investigation to be conducted by the Comptroller General that is requested by a committee of Congress with jurisdiction over the subject of such analysis, evaluation, or investigation involves a matter that is subject to the reporting requirements of section 503 or intelligence sources or methods, such portion may be redacted from such analysis, evaluation, or investigation and provided exclusively to the congressional intelligence committees.

“(2) If the Director of National Intelligence redacts a portion of an analysis, evaluation, or investigation under paragraph (1), the



Director shall inform the committee of Congress that requested such analysis, evaluation, or investigation of the redaction.

“(c) NOTICE OF ANALYSIS, EVALUATION, OR INVESTIGATION AND PROCEDURES.—Not later than 15 days before initiating an analysis, evaluation, or investigation of an element of the intelligence community, the Comptroller General shall submit to the congressional intelligence committees a notice that includes—

“(1) a description of the analysis, evaluation, or investigation to occur and the purposes of such analysis, evaluation, or investigation;

“(2) the names of the personnel who will conduct such analysis, evaluation, or investigation and the level of security clearance possessed by such personnel; and

“(3) the procedures to be used in the course of such analysis, evaluation, or investigation for examining classified information, including a description of all facilities and materials that will be used.

“(d) DISCUSSION OF PROCEDURES.—(1) Prior to initiating an analysis, evaluation, or investigation of an element of the intelligence community, the Comptroller General, in consultation with the congressional intelligence committees, shall discuss with the Director of National Intelligence the procedures for conducting such analysis, evaluation, or investigation.

“(2) Not later than five days after the discussion referred to in paragraph (1), the Director of National Intelligence may submit to the Comptroller General a written comment suggesting any changes or modifications to the procedures referred to in paragraph (1).

“(e) CONFIDENTIALITY.—The Comptroller General shall maintain the same level of confidentiality for a record made available during the course of an analysis, evaluation, or investigation involving sources or methods as is required of the head of the element of the intelligence community from which such record is obtained. An officer or employee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of a record as an officer or employee of the element of the intelligence community that provided the Comptroller General or such officer or employee of the Government Accountability Office with access to such record.

“(f) WORKPAPERS.—All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during the course of an analysis, evaluation, or investigation involving sources or methods shall remain in facilities provided by the element of the intelligence community providing such records and property.

“(g) PROVISION OF SUPPLIES.—The head of each element of the intelligence community that is a subject of an analysis, evaluation, or investigation by the Comptroller General involving sources or methods shall provide the Comptroller General with suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of such analysis, evaluation, or investigation.

“(h) PROCEDURES FOR PROTECTION OF INFORMATION.—The Comptroller General, in consultation with the congressional intelligence committees, shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information fur-

nished to the Comptroller General in the course of conducting an analysis, evaluation, or investigation involving sources and methods.

“(i) SUBMISSION OF NAMES OF PERSONNEL CONDUCTING ANALYSIS, EVALUATION, OR INVESTIGATION.—Prior to initiating an analysis, evaluation, or investigation involving sources and methods, the Comptroller General shall provide the Director of National Intelligence and the head of each element of the intelligence community that is a subject of such analysis, evaluation, or investigation with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, the head of such element shall make available records and information during the course of such analysis, evaluation, or investigation.

“(j) COOPERATION.—The head of each element of the intelligence community that is a subject of an analysis, evaluation, or investigation shall cooperate fully with the Comptroller General and provide timely responses to requests by the Comptroller General for documentation and information made pursuant to this section.

“(k) RULE OF CONSTRUCTION.—Except as provided in subsection (b), nothing in this section or any other provision of law shall be construed to restrict or limit the authority of the Comptroller General to audit, evaluate, or obtain access to the records of an element of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.”.

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43. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY, CHRISTOPHER OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 839. ADDITIONAL INFORMATION ON WAIVERS UNDER BUY AMERICAN ACT BY DEPARTMENT OF DEFENSE REQUIRED TO BE INCLUDED IN ANNUAL REPORT.**

Section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2501 note) is amended in subsection (c)(2)(A) by striking clause (vi) and inserting the following:

“(v) An itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.), including—

“(I) an analysis of the domestic capacity to supply the articles, materials, or supplies; and

“(II) an analysis of the reasons for an increase or decrease in the number of waivers granted from fiscal year to fiscal year.”.

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44. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICHARDSON, LAURA OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 99, after line 23, insert the following:

**SEC. 336. REQUIREMENT TO UPDATE STUDY ON STRATEGIC SEAPORTS.**

The Commander of the United States Transportation Command shall update the study entitled “PORT LOOK 2008 Strategic Seaports Study”. In updating the study under this section, the commander shall consider the infrastructure in the vicinity of a strategic port, including bridges, roads, and rail, and any issues relating to the capacity and condition of such infrastructure

45. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY, TIM OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 6 . REPORT ON PROVISION OF ADDITIONAL INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS FOR RESERVE COMPONENTS.**

Not later than 90 days after the date of the enactment of this Act, the Surgeons General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. The report shall specifically identify the positions in most critical need for additional health care professionals, including the number of physicians needed and whether additional behavioral health professionals, such as psychologists and psychiatrists, are needed to treat members of the Armed Forces for the growing concerns of post traumatic stress disorder and traumatic brain injury. The report shall include recommendations for providing incentives for health care professionals with more than 20 years of clinical experience to join the active or reserve components, including whether changes in age or length of service requirements to qualify for partial retired pay for non-regular service could be used as a recruitment or retention incentives.

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

At the end of subtitle C of title V (page 151, after line 12), add the following new section:

**SEC. 523. SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).**

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note) is amended—

(1) by inserting “(a) ELECTION TO FORWARD CERTIFICATE TO VA OFFICES—” before “The Secretary of Defense”; and

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

“(b) SECURE METHOD OF ELECTRONIC DELIVERY.—

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

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

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

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

**SEC. 839. OFFICE OF FEDERAL PROCUREMENT POLICY ACT AMENDMENTS.**

(a) **SERVICE CONTRACT INVENTORY REQUIREMENT.**—

(1) **IN GENERAL.**—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

**“SEC. 45. SERVICE CONTRACT INVENTORY REQUIREMENT.**

“(a) **SERVICE CONTRACT INVENTORY REQUIREMENT.**—

“(1) **GUIDANCE.**—The Director of the Office of Management and Budget shall develop and disseminate guidance to aid executive agencies in establishing systems for the collection of information required to meet the requirements of this section and to ensure consistency of inventories across agencies.

“(2) **REPORT.**—The Director of the Office of Management and Budget shall submit a report to Congress on the status of efforts to enable executive agencies to prepare the inventories required under paragraph (3), including the development, as appropriate, of guidance, methodologies, and technical tools.

“(3) **INVENTORY CONTENTS.**—Not later than December 31, 2010, and annually thereafter, the head of each executive agency required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note), other than the Department of Defense, shall submit to the Office of Management and Budget an annual inventory of service contracts awarded or extended through the exercise of an option or a task order, for or on behalf of such agency. For each service contract, the entry for an inventory under this section shall include, for the preceding fiscal year, the following:

“(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order.

“(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service.

“(C) The total dollar amount obligated for services under the contract and the funding source for the contract.

“(D) The total dollar amount invoiced for services under the contract.

“(E) The contract type and date of award.

“(F) The name of the contractor and place of performance.

“(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract, using direct labor hours and associated cost data collected from contractors.

“(H) Whether the contract is a personal services contract.

“(I) Whether the contract was awarded on a noncompetitive basis, regardless of date of award.

“(b) FORM.—Reports required under this section shall be submitted in unclassified form, but may include a classified annex.

“(c) PUBLICATION.—Not later than 30 days after the date on which the inventory under subsection (a)(3) is required to be submitted to the Office of Management and Budget, the head of each executive agency shall—

“(1) make the inventory available to the public; and

“(2) publish in the Federal Register a notice that the inventory is available to the public.

“(d) GOVERNMENT-WIDE INVENTORY REPORT.—Not later than 90 days after the deadline for submitting inventories under subsection (a)(3), and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress and make publicly available on the Office of Management and Budget website a report on the inventories submitted. The report shall identify whether each agency required to submit an inventory under subsection (a)(3) has met such requirement and summarize the information submitted by each executive agency required to have a Chief Financial Officer pursuant to section 901 of title 31, United States Code.

“(e) REVIEW AND PLANNING REQUIREMENTS.—Not later than 180 days after the deadline for submitting inventories under subsection (a)(3) for an executive agency, the head of the executive agency, or an official designated by the agency head shall—

“(1) review the contracts and information in the inventory;

“(2) ensure that—

“(A) each contract in the inventory that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations;

“(B) the contracts do not include to the maximum extent practicable functions that are closely associated with inherently governmental functions;

“(C) the agency is not using contractor employees to perform inherently governmental functions;

“(D) the agency has specific safeguards and monitoring systems in place to ensure that work being performed by contractors has not changed or expanded during performance to become an inherently governmental function;

“(E) the agency is not using contractor employees to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations; and

“(F) there are sufficient internal agency resources to manage and oversee contracts effectively;

“(3) identify contracts that have been poorly performed, as determined by a contracting officer, because of excessive costs or inferior quality; and

“(4) identify contracts that should be considered for conversion to—

“(A) performance by Federal employees of the executive agency in accordance with agency insourcing guidelines required under section 736 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111–8, division D) and section 46 of this Act; or

“(B) an alternative acquisition approach that would better enable the agency to efficiently utilize its assets and achieve its public mission.

“(f) REPORT ON ACTIONS TAKEN IN RESPONSE TO ANNUAL INVENTORY.—Not later than one year after submitting an annual inventory under subsection (a)(3), the head of each executive agency submitting such an inventory shall submit to the Office of Management and Budget a report summarizing the actions taken pursuant to subsection (e), including any actions taken to consider and convert functions from contractor to Federal employee performance. The report shall be included as an attachment to the next annual inventory and made publicly available in accordance with subsection (c).

“(g) SUBMISSION OF SERVICE CONTRACT INVENTORY BEFORE PUBLIC-PRIVATE COMPETITION.—Notwithstanding any other provision of law, beginning in fiscal year 2011, if an executive agency has not submitted to the Office of Management and Budget the inventory required under subsection (a)(3) for the prior fiscal year, the agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation or directive until such time as the inventory is submitted for the prior fiscal year.

“(h) GAO REPORTS ON IMPLEMENTATION.—

“(1) REPORT ON GUIDANCE.—Not later than 120 days after submission of the report by the Director of the Office of Management and Budget required under subsection (a)(2), the Comptroller General of the United States shall report on the guidance issued and actions taken by the Director. The report shall be submitted to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

“(2) REPORTS ON INVENTORIES.—

“(A) INITIAL INVENTORY.—Not later than September 30, 2011, the Comptroller General of the United States shall submit a report to the Committees named in the preceding paragraph on the initial implementation by executive agencies of the inventory requirement in subsection (a)(3) with respect to inventories required to be submitted by December 31, 2010.

“(B) SECOND INVENTORY.—Not later than September 30, 2012, the Comptroller General shall submit a report to the same Committees on annual inventories required to be submitted by December 31, 2011.

“(3) PERIODIC BRIEFINGS.—The Comptroller General shall provide periodic briefings, as may be requested by the Committees, on matters related to implementation of this section.

“(i) EXECUTIVE AGENCY DEFINED.—In this section, the term ‘executive agency’ has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).”

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act is amended by adding at the end the following new item:

“Sec. 45. Service contract inventory requirement.”

(3) REPEAL OF SUPERSEDED LAW.—Section 743(c) of the Financial Services and General Government Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3216) is amended by striking “and annually thereafter.”

(b) PROHIBITION AGAINST DIRECT CONVERSIONS.—

(1) IN GENERAL.—Section 43(a)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 439) is amended by striking “10 or more”.

(2) GUIDANCE.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidance to all Federal agencies other than the Department of Defense to ensure that no function last performed by Federal employees is converted to contractor performance without complying with the requirements of section 43 of such Act, as amended by this section.

(c) GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (a), is further amended by adding at the end the following new section:

**“SEC. 46. GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.**

“(a) GUIDELINES REQUIRED.—(1) The heads of executive agencies subject to the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note) shall devise and implement guidelines and procedures to ensure that consideration is given to using, on a regular basis, Federal employees to perform new functions and functions that are performed by contractors and could be performed by Federal employees.

“(2) The guidelines and procedures required under subparagraph (A) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Federal employees.

“(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under paragraph (1) shall provide for special consideration to be given to using Federal employees to perform any function that—

“(1) is performed by a contractor and—

- “(A) has been performed by Federal employees at any time during the previous 10 years;
- “(B) is a function closely associated with the performance of an inherently governmental function;
- “(C) has been performed pursuant to a contract awarded on a non-competitive basis; or
- “(D) has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or
- “(2) is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Federal employees or is a function closely associated with the performance of an inherently governmental function.
- “(c) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—The head of an executive agency may not conduct a public-private competition under Office of Management and Budget Circular A-76 or any other provision of law or regulation before—
- “(1) in the case of a new agency function, assigning the performance of the function to Federal employees;
- “(2) in the case of any agency function described in paragraph (2), converting the function to performance by Federal employees; or
- “(3) in the case of an agency function performed by Federal employees, expanding the scope of the function.
- “(d) DEADLINE.—(1) The head of each executive agency shall implement the guidelines and procedures required under this subsection by not later than 120 days after the date of the enactment of this subsection.
- “(2) Not later than 210 days after the date of the enactment of this subsection, the Government Accountability Office shall submit a report on the implementation of this subsection to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.
- “(e) DEFINITIONS.—In this subsection:
- “(1) The term ‘inherently governmental functions’ has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.
- “(2) The term ‘functions closely associated with inherently governmental functions’ means the functions described in section 7.503(d) of the Federal Acquisition Regulation.
- “(f) APPLICABILITY.—This subsection shall not apply to the Department of Defense.”
- (2) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act, as amended by subsection (a), is further amended by adding at the end the following new item:
- “Sec. 46. Guidelines on insourcing new and contracted out functions.”
- (3) REPEAL OF SUPERSEDED LAW.—Subsection (b) of section 739 of division D of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2030) is repealed.
- (d) CONVERSION OF FUNCTIONS TO PERFORMANCE BY FEDERAL EMPLOYEES.—



(1) **DECISION TO INSOURCE.**—The Office of Management and Budget shall not establish any numerical goal, target, or quota for the conversion to performance by Federal employees of functions previously performed by contractors unless such goal, target, or quota is based on considered research and analysis.

(2) **REPORTS.**—

(A) **REPORT TO CONGRESS.**—The Office of Management and Budget shall submit to Congress a report on the aggregate results of the efforts of each Federal agency to convert functions from contractor performance to performance by Federal agency employees made during fiscal year 2010. Such report shall include—

(i) agency decisions for converting such functions to Federal employee performance;

(ii) the basis and rationale for the agency decisions;

(iii) the number of contractor employees whose functions were converted to performance by Federal employees.

(B) **COMPTROLLER GENERAL REPORT.**—Not later than 120 days after the submittal of the report under paragraph (1), the Comptroller General of the United States shall submit to the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report.

(3) **DEPARTMENT OF DEFENSE.**—Nothing in this subsection shall apply to the Department of Defense.

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

Strike subtitle F of title VI and insert the following new subtitle:

## **Subtitle F—Alternative Career Track Pilot Program**

**SEC. 661. PILOT PROGRAM TO EVALUATE ALTERNATIVE CAREER TRACK FOR COMMISSIONED OFFICERS TO FACILITATE AN INCREASED COMMITMENT TO ACADEMIC AND PROFESSIONAL EDUCATION AND CAREER-BROADENING ASSIGNMENTS.**

(a) **PROGRAM AUTHORIZED.**—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

**“§ 673. Alternative career track for commissioned officers pilot program**

“(a) **PROGRAM AUTHORIZED.**—(1) Under regulations prescribed pursuant to subsection (g) and approved by the Secretary of Defense, the Secretary of a military department may establish a pilot program for an armed force under the jurisdiction of the Secretary under which an eligible commissioned officer, while on active duty—

“(A) participates in a separate career track characterized by expanded career opportunities extending over a longer career;

“(B) agrees to an additional active duty service obligation of at least five years to be served concurrently with other active duty service obligations; and

“(C) would be required to accept further active duty service obligations, as determined by the Secretary, to be served concurrently with other active duty service obligations, including the active duty service obligation accepted under subparagraph (B), in connection with the officer’s entry into education programs, selection for career broadening assignments, acceptance of additional special and incentive pays, or selection for promotion.

“(2) The Secretary of the military department concerned may waive an active duty service obligation accepted under subparagraph (B) or (C) of paragraph (1) to facilitate the separation or retirement of a participant in the program.

“(3) The program shall be known as the ‘Alternative Career Track Pilot Program’ (in this section referred to as the ‘program’).

“(b) ELIGIBLE OFFICERS.—Commissioned officers with between 13 and 18 years of service are eligible to volunteer to participate in the program.

“(c) NUMBER OF PARTICIPANTS.—No more than 50 officers of each armed force may be selected per year to participate in the program.

“(d) ALTERNATIVE CAREER ELEMENTS OF PROGRAM.—(1) The Secretaries of the military departments may establish separate basic pay and special and incentive pay and promotion systems unique to the officers participating in the program, without regard to the requirements of this title, title 37, or administrative year group cohort designation..

“(2) The Secretaries of the military departments may establish separation and retirement policies for officers participating in the program without regard to grade and years of service requirements established under this title.

“(3) Participants serving in a grade below brigadier general or rear admiral (lower half) may serve in the grade without regard to the limits on the number of officers in the grade established under this title.

“(e) TREATMENT OF GENERAL AND FLAG OFFICER PARTICIPANTS.—(1) A participant serving in a grade above colonel, or captain in the Navy, but below lieutenant general or vice admiral, shall be—

“(A) counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position requiring the assignment of a military officer; but

“(B) excluded from limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position not typically occupied by a military officer.

“(2) A participant serving in the grade of lieutenant general, vice admiral, general, or admiral shall be counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers.

“(f) RETURN TO STANDARD CAREER PATH; EFFECT.—(1) The Secretaries of the military departments retain the authority to involuntarily return an officer to the standard career path.

“(2) The Secretary of the military department concerned may return an officer to the standard career path at the request of the officer.

“(3) If the program is terminated pursuant to paragraph (4) or (5) of subsection (i), officers participating in the program at the time of the termination shall be returned to the standard career path with appropriate adjustments to their administrative record to ensure they are not penalized for participating in the pilot program.

“(4) An officer returned to the standard career path under paragraph (1), (2), or (3) shall retain the grade, date-of-rank, and basic pay level earned while a participant in the program but shall revert to the special and incentive pay authorities established in title 37 upon the expiration of the agreement between the Secretary and the officer providing any special and incentive pays under the program. Subsequent increases in the officer’s rate of monthly basic pay shall conform to the annual percentage increases in basic pay rates provided in the basic pay table.

“(5) Services will adjust the participating officer’s cohort year group to the appropriate year to ensure the officer remains competitive for all promotions and command opportunities in their standard career path.

“(g) ANNUAL REPORT.—(1) The Secretaries of the military departments, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing the findings and recommendations of the Secretary of Defense and the Secretaries of the military departments concerning the progress of the program for each armed force.

“(2) The Secretary of a military department, with the consent of the Secretary of Defense, may include in the report for a year a recommendation that the program be made permanent for an armed force under the jurisdiction of that Secretary.

“(h) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out the program. The regulations shall be subject to the approval of the Secretary of Defense.

“(i) COMMENCEMENT; DURATION.—(1) Before authorizing the commencement of the program for an armed force, the Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed program structure of the alternative career track, associated personnel and compensation policies, implementing instructions and regulations, and a summary of the specific provisions of this title and title 37 to be waived under the program. The authority to conduct the program for that armed force commences 120 days after the date of the submission of the report.

“(2) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may authorize revision of the program structure, associated personnel and compensation policies, implementing instructions and regulations, or laws waived, as submitted by the Secretary under paragraph (1). The Secretary of

the military department concerned, with the consent of the Secretary of Defense, shall submit the proposed revisions to the Committees on Armed Services of the Senate and House of Representatives. The revisions shall take effect 120 days after the date of their submission.

“(3) If the program for an armed force has not commenced before December 31, 2015, as provided in paragraph (1), the authority to commence the program for that armed force terminates.

“(4) No officer may be accepted to participate in the program after December 31, 2026.

“(5) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may terminate the pilot program for an armed force before the date specified in paragraph (4). Not later than 90 days after terminating the pilot program, the Secretary of the military department concerned, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the reasons for the termination.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

“673. Alternative career track for commissioned officers pilot program.”.

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49. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHILDERS, TRAVIS OF MISSISSIPPI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 528, after line 17, insert the following:

**SEC. 1523. REPORT ON MINE RESISTANT AMBUSH PROTECTED VEHICLES.**

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the procurement of mine resistant ambush protected vehicles.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An evaluation of potential cost benefits and manufacturing efficiencies with respect to mine resistant ambush protected vehicles.

(2) An evaluation of the advisability and feasibility of sustained low-level production of mine resistant ambush protected vehicles across the industrial base as part of a long-term sustainment fleet integration strategy.

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50. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROUN, PAUL OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the appropriate place in the bill insert the following:

Whereas, on January 12, 2010, the nation of Haiti was hit by a magnitude 7.0 earthquake, adversely affecting nearly 3,000,000 people;

Whereas the United States Government has provided millions of dollars in humanitarian assistance to meet immediate needs on the ground and plans to give more over the next year;

Whereas the United States Armed Forces have diligently worked to aid the people of Haiti during their time of need, providing humanitarian aid and logistical support;  
 Whereas the United States Armed Forces, civilians, and charitable groups have led the charge in an effort to maintain civility and bring some small semblance of hope to the devastated nation;  
 Whereas members of the United States Armed Forces serve as the premier ambassadors of liberty, freedom, and goodwill when tasked with a humanitarian mission;  
 Whereas the generosity of the people of the United States is known the world over and the United States flag is universally recognized as a symbol of that generosity; and  
 Whereas the United States Government has provided more aid to the nation of Haiti than all other nations combined: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) commends the United States Armed Forces for their commitment to completing their humanitarian mission in Haiti; and

(2) encourages the President to order the United States flag to be flown over all military and civilian outposts in Haiti under the United States' jurisdiction.

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51. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDWARDS, DONNA OF MARYLAND OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 839. REQUIREMENT TO INCLUDE EFFECTS ON DOMESTIC JOBS IN PERIODIC ASSESSMENTS OF DEFENSE CAPABILITY.**

Section 2505(b)(4) of title 10, United States Code, is amended by inserting after "title" the following: ", including the effects on domestic jobs,".

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52. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARSON, ANDRÉ OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 5 . MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.**

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking "job placement counseling for the spouse" and inserting "inclusion of the spouse when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs";

(2) in paragraph (9), by inserting before the period the following: ", including information on budgeting, saving, credit, loans, and taxes";

(3) in paragraph (10), by striking "and employment" and inserting ", employment, and financial";

(4) by striking paragraph (16) and inserting the following new paragraph:

“(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.”; and

(5) in paragraph (17), by inserting before the period the following: “, and information regarding the means by which the member can receive additional counseling regarding the member’s actual entitlement to such benefits and apply for such benefits”.

53. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOSTER,  
BILL OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 452, after line 10, insert the following:

**SEC. 1065. STUDY ON OPTIMAL BALANCE OF MANNED AND UNMANNED  
AERIAL VEHICLE CAPABILITY.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commission a study by an independent, non-profit organization on the optimal balance between manned and unmanned aerial vehicle forces of the Armed Forces.

(2) SELECTION.—The independent, non-profit organization selected for the study under paragraph (1) shall be qualified on the basis of having performed work in the fields of national security and combat systems.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) With respect to each military department (but in particular the Air Force), an assessment of the feasibility and desirability of a more rapid transition from manned to unmanned vehicles for a range of operations, including combat operations.

(2) An evaluation of the current ability of each military department to resist attacks mounted by foreign militaries with significant investments in research and development and deployment of unmanned combat drones, including an assessment of each military department’s ability to defend against—

(A) a large enemy force of unmanned aerial vehicles; and

(B) any other relevant unmanned scenario the Secretary determines appropriate.

(3) An analysis of—

(A) current and future capabilities of foreign militaries in developing and deploying unmanned systems; and

(B) vulnerabilities to drone systems revealed in past war games and other strategy materials.

(4) Conclusions on the matters described in paragraphs (1) through (3) and what the independent, non-profit organization conducting the study determines is the optimal balance of investment in development and deployment of manned versus unmanned platforms.

(c) REPORT.—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Oversight and Government Reform of the House of

Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the study under subsection (a).

(d) FORM.—

(1) STUDY.—The study under subsection (a) shall include a classified annex with respect to the matters described in subsection (b)(3).

(2) REPORT.—The report under subsection (c) may include a classified annex.

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

Page 219, after line 5, insert the following:

**SEC. 599. REPORT ON EXPANSION OF NUMBER OF HEIRLOOM CHEST AWARDED TO SURVIVING FAMILIES.**

The Secretary of the Army shall submit to the congressional defense committees a report on the heirloom chest policy of the Army, including—

- (1) a detailed explanation of such policy;
- (2) the plans of the Secretary to continue the heirloom chest program; and
- (3) an estimate of the procurement costs to expand the number of such chests to additional family members.

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55. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUETKEMEYER, BLAINE OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle H of title V, add the following new section:

**SEC. 5 . REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS.**

(a) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Navy shall review the service records of each Jewish American World War I veteran described in subsection (b) to determine whether that veteran should be posthumously awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American World War I veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American World War I veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or other military decoration for service during World War I.

(2) Any other Jewish American World War I veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary concerned shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) **RECOMMENDATION BASED ON REVIEW.**—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American World War I veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor posthumously to that veteran.

(e) **AUTHORITY TO AWARD MEDAL OF HONOR.**—A Medal of Honor may be awarded posthumously to a Jewish American World War I veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) **WAIVER OF TIME LIMITATIONS.**—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or other military decoration has been awarded.

(g) **DEFINITIONS.**—In this section:

(1) The term “Jewish American World War I veteran” means any person who served in the Armed Forces during World War I and identified himself or herself as Jewish on his or her military personnel records.

(2) The term “Secretary concerned” means—

(A) the Secretary of the Army, in the case of the Army; and

(B) the Secretary of the Navy, in the case of the Navy and the Marine Corps.

(3) The term “World War I” means the period beginning on April 6, 1917, and ending on November 11, 1918.

56. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAHLKEMPER, KATHLEEN OF PENNSYLVANIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 122, after line 18, insert the following:

**SEC. 359. AUTHORITY TO MAKE EXCESS NONLETHAL SUPPLIES AVAILABLE FOR DOMESTIC EMERGENCY ASSISTANCE.**

(a) **DOMESTIC AUTHORITY.**—Section 2557 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: “In addition, the Secretary may make nonlethal excess supplies of the Department available to support domestic emergency assistance activities.”; and

(2) in subsection (b)—

(A) by inserting “(1)” before “Excess”; and

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

“(2) Excess supplies made available under this section to support domestic emergency assistance activities shall be transferred to the Secretary of Homeland Security. The Secretary of Defense may provide assistance in the distribution of such supplies at the request of the Secretary of Homeland Security.”.

(b) **CLERICAL AMENDMENTS.**—



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

**“§ 2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance”.**

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 152 of such title is amended to read as follows:

“2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance.”.

57. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PRICE, DAVID OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 839. EXTENSION OF REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.**

(a) EXTENSION OF REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall issue regulations to extend and apply the requirements of section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) to additional areas as designated under paragraph (2) and as listed in paragraph (3).

(2) ADDITIONAL AREAS DESIGNATED.—The Secretary of Defense shall designate as additional areas for purposes of this section any area—

(A) that is an area within a foreign country or an area covering all or part of more than one foreign country;

(B) that is not an area of combat operations as designated under subsection (c) of section 862 of such Act; and

(C) in which significant military operations, as designated by the Secretary, are being carried out by United States Armed Forces.

(3) ADDITIONAL AREAS LISTED.—In addition to any areas designated by the Secretary under paragraph (2), the following areas shall be considered additional areas listed in this paragraph for purposes of this section:

(A) The Horn of Africa region.

(B) Yemen.

(C) The Philippines.

(D) Haiti.

(b) EXTENSION TIMELINES.—The Secretary shall prescribe regulations applicable to the additional areas—

(1) designated under subsection (a)(2), not later than March 1, 2012; and

(2) listed in subsection (a)(3), not later than March 1, 2011.

(c) REPORT ON IMPLEMENTATION.—Not later than 90 days after the dates specified in subsection (b), the Secretary of Defense, in coordination with the Secretary of State, shall submit to Congress a report on the implementation of the regulations prescribed under this section. The report shall include—

(1) a complete list of additional areas designated by the Secretary under subsection (a)(2), and a detailed description of the criteria used to make the designation;

(2) the total number of contractors performing private security functions in each additional area designated under subsection (a)(2) or listed in subsection (a)(3); and

(3) an assessment of the long-term options for reducing the use of contractors for private security functions, including the use of Government personnel to provide such functions.

(d) PRIVATE SECURITY FUNCTIONS.—Notwithstanding Section 864 of the National Defense Authorization Act for FY2008 (P.L. 110–181), as amended by Section 813 of the NDAA for FY2010 (P.L. 111–84), in this section, the term “private security functions” means activities engaged in by a contractor as follows:

(1) Guarding of personnel, facilities, or property of a Federal agency.

(2) Any other activity for which personnel are required to carry weapons in the performance of their duties.

Page 304, line 15, strike “and”.

Page 304, line 21, strike the period and insert “; and”.

Page 304, after line 21, insert the following:

“(C) the desirability and feasibility of including in the common databases identified under section 861(b)(4) information about contracts subject to the regulations required by section 839 of the National Defense Authorization Act for Fiscal Year 2011 (providing for extending and applying the requirements of section 862 to additional areas designated or listed in that section 839).

58. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIRKPATRICK, ANN OF ARIZONA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 122, after line 18, insert the following:

**SEC. 359. RECOVERY OF MISSING DEPARTMENT OF DEFENSE PROPERTY.**

(a) IN GENERAL.—Section 2789 of title 10, United States Code, is amended to read as follows:

**“§ 2789. Recovery of Department of Defense property: unauthorized or improper disposition**

“(a) PROHIBITIONS.—No member of the armed forces, civilian employee of the Government, employee or agent of a contractor, or any other person may sell, lend, pledge, barter, give, transfer, or otherwise dispose of any clothing, arms, articles, equipment, or any other military or Department of Defense property—

“(1) to any person not authorized to receive the property in accordance with applicable requirements established by the Department of Defense or a component thereof; or

“(2) in violation of applicable demilitarization regulations of the Department of Defense or a component thereof.

“(b) SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If a member of the armed forces, civilian employee of the Government, employee or agent of a contractor, or any other person has improperly disposed of military or Department of Defense property in violation

of subsection (a), any civil or military officer of the United States or any State or local law enforcement official may seize the property, wherever found. Title to military or Department of Defense property disposed of in violation of subsection (a) remains with the United States. Possession of such property by a person who is neither a member of the armed forces nor an official of the United States is prima facie evidence that the property has been disposed of in violation of subsection (a).

“(c) DELIVERY OF SEIZED PROPERTY.—Any official who seizes property under subsection (b) and is not authorized to retain it for the United States shall immediately deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

“(d) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property which was the subject of unauthorized disposition any time after January 1, 2002. This section shall apply to significant military equipment which was the subject of unauthorized disposition at any time.

“(e) SEVERABILITY CLAUSE.—In the event that any portion of this section is held unenforceable, all other portions of this section shall remain in full force and effect.

“(f) DEFINITION.—In this section, the term ‘significant military equipment’ means defense articles on the United States Munitions List for which special export controls are warranted because of their capacity for substantial military utility or capability.”

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 165 of such title is amended to read as follows:

“2789. Recovery of Department of Defense property: unauthorized or improper disposition.”

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59. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KOSMAS, SUZANNE OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 99, after line 23, insert the following:

**SEC. 336. STUDY AND REPORT ON FEASIBILITY OF JOINT USAGE OF THE NASA SHUTTLE LOGISTICS DEPOT.**

(a) STUDY.—The Secretary of Defense, in conjunction with the Administrator of the National Aeronautics and Space Administration, shall conduct a study of the feasibility of joint usage of the National Aeronautics and Space Administration Shuttle Logistics Depot in Cape Canaveral, Florida, to supplement requirements for products and services in support of reset initiatives, Advanced Technology Clusters, engineering and reverse engineering analysis, and development of innovative technology and processes to improve product procurement and reduce risk, cost, and cycle time of system delivery.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the committees on Armed Services of the Senate and House of Representatives a report on the study required under subsection (a).

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60. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUJÁN,  
BEN OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MIN-  
UTES

Page 679, after line 25, insert the following:

**SEC. 3115. ENHANCING PRIVATE-SECTOR EMPLOYMENT THROUGH  
TECHNOLOGY TRANSFER ACTIVITIES.**

(a) IN GENERAL.—The Administrator for Nuclear Security shall encourage technology transfer activities at the national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)) that lead to the creation of new private-sector employment opportunities.

(b) REPORTS.—Not later than January 31 of each year, the Administrator shall submit to Congress a report detailing the number of new private-sector employment opportunities created as a result of the previous years' technology transfer activities at each national security laboratory.

61. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY,  
BETSY OF COLORADO OR HER DESIGNEE, DEBATABLE FOR 10 MIN-  
UTES

Page 258, after line 12, insert the following:

**SEC. 674. SCHOLARSHIP PROGRAM FOR VETERANS FOR PURSUIT OF  
GRADUATE AND POST-GRADUATE DEGREES IN BEHAV-  
IORAL HEALTH SCIENCES.**

(a) SCHOLARSHIP PROGRAM.—

(1) PROGRAM.—The Secretary of Veterans Affairs shall carry out a program to provide scholarships to qualifying veterans for pursuit of a graduate or post-graduate degree in behavioral health sciences.

(2) DESIGNATION.—The program carried out under this section shall be known as the “Department of Veterans Affairs HONOR Scholarship Program” (in this section referred to as the “scholarship program”).

(b) QUALIFYING VETERANS.—For purposes of this section, a qualifying veteran is any veteran who—

(1) during service on active duty in the Armed Forces, participated for such period as the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall specify for purposes of the scholarship program in a theater of combat or during a contingency operation overseas;

(2) was retired, discharged, separated, or released from service in the Armed Forces on or after a date (not earlier than August 2, 1990) specified by the Secretary of Defense for purposes of the scholarship program;

(3) at the time of the submittal of an application to participate in the scholarship program, holds an undergraduate or graduate degree, as applicable, from an institution of higher education that qualifies the veteran for pursuit of a graduate or post-graduate degree in behavioral sciences; and

(4) meets such other qualifications as the Secretary of Veterans Affairs may establish for purposes of the scholarship program.

(c) APPLICATION.—Each qualifying veteran seeking to participate in the scholarship program shall submit to the Secretary of Veterans Affairs an application therefor setting forth such information as the Secretary shall specify for purposes of the scholarship program.

(d) AGREEMENT.—Each qualifying veteran selected by the Secretary of Veterans Affairs for participation in the scholarship program shall enter into an agreement with the Secretary regarding participation in the scholarship program. The agreement shall contain such terms and conditions as the Secretary shall specify for purposes of the scholarship program.

(e) SCHOLARSHIPS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall provide to each qualifying veteran who enters into an agreement under subsection (d) a scholarship for such number of academic years as the Secretary shall specify in the agreement for pursuit of a graduate or post-graduate degree in behavioral health sciences at an institution of higher education offering such degree that is approved by the Secretary for purposes of the scholarship program.

(2) ELEMENTS.—The scholarship provided a qualifying veteran for an academic year shall consist of payment of the following:

(A) Tuition of the qualifying veteran for pursuit of the graduate or post-graduate degree concerned in the academic year.

(B) Reasonable educational expenses of the qualifying veteran (including fees, books, and laboratory expenses) in pursuit of such degree in the academic year.

(C) A stipend in connection with the pursuit of such degree in the academic year in such amount as the Secretary shall specify in the agreement of the qualifying veteran under subsection (d).

(f) OBLIGATED SERVICE.—Each qualifying veteran who participates in the scholarship program shall, after completion of the graduate or post-graduate degree concerned and as jointly provided by the Secretary of Veterans Affairs and the Secretary of Defense in the agreement of such qualifying veteran under subsection (d), perform service as follows:

(1) Such service for the Department of Veterans Affairs in connection with the furnishing of mental health services to veterans, and for such period, as the Secretary of Veterans Affairs shall specify in the agreement.

(2) Such service for the Department of Defense in connection with the furnishing of mental health services to members of the Armed Forces, and for such period, as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(3) Such combination of service described by paragraphs (1) and (2), and for such period, as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(g) BREACH OF AGREEMENT.—Each qualifying veteran participating in the scholarship who fails to complete satisfactorily the terms of the agreement of such qualifying veteran under subsection

(d), whether through failure to obtain the graduate or post-graduate degree concerned or failure to perform service required of the qualifying veteran under subsection (f), shall be liable to the United States in such form and manner as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(h) CONTINGENCY OPERATION DEFINED.—In this section, the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

62. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MCMAHON, MICHAEL OF NEW YORK OR HIS DESIGNEE, DEBAT-  
ABLE FOR 10 MINUTES

Page 284, after line 22, insert the following:

**SEC. 727. SENSE OF CONGRESS CONCERNING THE IMPLEMENTATION  
OF THE CONGRESSIONALLY-MANDATED RECOMMENDA-  
TIONS OF THE INSTITUTE OF MEDICINE STUDY.**

(a) FINDINGS.—Congress finds the following:

(1) Section 717 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1073 note) directed the Secretary of Defense to enter into a contract with the Institute of Medicine of the National Academy of Sciences to conduct a study and make recommendations regarding the credentials, preparation, and training of licensed mental health counselors.

(2) In the study, the Institute of Medicine of the National Academy of Sciences recommends permitting counselors to practice independently under the TRICARE program.

(3) In addition, the Institute of Medicine of the National Academy of Sciences recommends that TRICARE implement a comprehensive quality management system for all of its mental health professionals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should implement the requirements of subsection (a) of such section 717 by not later than December 31, 2010, because such implementation will increase the urgently needed mental health staff of the Department of Defense and ensure that members of the Armed Forces will receive timely and confidential post-deployment screenings with a mental health professional.

63. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MCMAHON, MICHAEL OF NEW YORK OR HIS DESIGNEE, DEBAT-  
ABLE FOR 10 MINUTES

Page 389, after line 7, insert the following:

**SEC. 1025. EXPRESSING THE SENSE OF CONGRESS REGARDING THE  
NAMING OF A NAVAL COMBAT VESSEL AFTER FATHER  
VINCENT CAPODANNO.**

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

(1) Father Vincent Capodanno was born on February 13, 1929, in Staten Island, New York.

(2) After attending Fordham University for a year, he entered the Maryknoll Missionary Seminary in upstate New York in 1949, and was ordained a Catholic priest in June 1957.

(3) Father Capodanno's first assignment as a missionary was working with aboriginal Taiwanese people in the mountains of Taiwan where he served in a parish and later in a school. After several years, Father Capodanno returned to the United States for leave and then was assigned to a Maryknoll school in Hong Kong.

(4) Father Vincent Capodanno volunteered as a Navy Chaplain and was commissioned a Lieutenant in the Chaplain Corps of the United States Naval Reserve on December 28, 1965.

(5) Father Vincent Capodanno selflessly extended his combat tour in Vietnam on the condition he was allowed to remain with the infantry.

(6) On September 4, 1967, during a fierce battle in the Thang Binh District of the Que Son Valley in Vietnam, Father Capodanno went among the wounded and dying, giving last rites and caring for the injured. He was killed that day while taking care of his Marines.

(7) On January 7, 1969, Father Vincent Capodanno was awarded the Medal of Honor posthumously for comforting the wounded and dying during the Vietnam conflict. For his dedicated service, Father Capodanno was also awarded the Bronze Star, the Purple Heart, the Presidential Unit Citation, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Gallantry Cross with Palm, and the Vietnam Campaign Medal.

(8) In his memory, the U.S.S. Capodanno was commissioned on September 17, 1973. It is the only Naval vessel to date to have received a Papal blessing by Pope John Paul II in Naples, Italy, on September 4, 1981.

(9) The U.S.S. Capodanno was decommissioned on July 30, 1993.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should name a combat vessel of the United States Navy the "U.S.S. Father Vincent Capodanno", in honor of Father Vincent Capodanno, a lieutenant in the Navy Chaplain Corps.

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

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

**SEC. 5 \_\_\_\_ . SUPPORT FROM DEPARTMENT OF EDUCATION TO HELP COVER COSTS OF NEW STATE PROGRAMS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.**

Paragraph (2) of section 509(d) of title 32, United States Code, is amended to read as follows:

"(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense. Using funds available to the Department of Education, the Secretary of Education may provide assistance to cover the difference between the amount provided by the Department of Defense and the total costs of operating a new

State program of the Program during the first three full fiscal years in which the new State program is in operation.”.

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65. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
PERRIELLO, THOMAS OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

Page 92, after line 24, insert the following:

**SEC. 326. TREATMENT OF EMPLOYER CONTRIBUTIONS TO HEALTH  
BENEFITS AND RETIREMENT PLANS FOR PURPOSES OF  
COST-COMPARISONS OF CONTRACTOR AND CIVILIAN EM-  
PLOYEE PERFORMANCE OF DEPARTMENT OF DEFENSE  
FUNCTIONS.**

Section 2463 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new sub-  
section (f):

“(f) TREATMENT OF CONTRIBUTIONS TO HEALTH AND RETIREMENT  
PLANS.—For purposes of conducting a cost comparison to determine  
whether to convert a function from contractor performance to per-  
formance by Department of Defense civilian employee, the costs of  
employer contributions made by the Department of Defense or by  
a contractor towards employer-sponsored health benefits and re-  
tirement benefits plans shall not be considered unless, in the case  
of such contributions made by a contractor, the contractor does not  
receive an advantage for reducing costs for the Department of De-  
fense by—

“(1) not making an employer-sponsored health insurance  
plan available to the contractor employees who perform the  
function under the contract;

“(2) offering to such employees an employer-sponsored health  
benefits plan that requires the employer to contribute less to-  
wards the premium or subscription share than the amount  
that is paid by the Federal Government for health benefits for  
civilian employees under chapter 89 of title 5, United States  
Code; or

“(3) offering to such employees a retirement benefit that, in  
any year, costs less than the annual retirement cost factor ap-  
plicable to Federal employees under chapter 84 of title 5,  
United States Code.”.

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

Page 266, after line 8, insert the following:

**SEC. 706. PROVISION OF INFORMATION TO MEMBERS OF THE RE-  
SERVE COMPONENTS REGARDING HEALTH CARE BENE-  
FITS.**

(a) PROVISION OF INFORMATION.—The Secretary of Defense shall  
ensure that each member of a reserve component of the Armed  
Forces who is mobilized or demobilized is provided, together with  
the orders providing for such mobilization or demobilization, a clear  
and comprehensive statement of the medical care and treatment to



which such member is entitled under Federal law by reason of being so mobilized or demobilized.

(b) **FREQUENCY.**—The statement required to be provided a member under subsection (a) upon a mobilization or demobilization shall be provided to the member each time the member is mobilized or demobilized, as the case may be.

(c) **ELEMENTS.**—The statement provided a member under subsection (a) shall include the following:

(1) A clear, comprehensive statement of the medical care and treatment to which the member is entitled under Federal law by reason of being mobilized or demobilized, as applicable, including—

(A) the nature and range of the care and treatment to which the member is entitled;

(B) the departments and agencies of the Federal Government that will provide such care and treatment;

(C) the period for which such care and treatment will be so provided; and

(D) the obligations, if any, of the member in connection with the receipt of such care and treatment.

(2) A clear, comprehensive statement of the health care insurance available under Federal law for the member's family, if any, by reason of the mobilization or demobilization of the member.

(3) A clear, comprehensive description of the mental health assessments available to the member before, during, and after deployment pursuant to section 708 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2376; 10 U.S.C. 1074f note).

(4) Such other matters as the Secretary considers appropriate.

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

Page 219, after line 5, insert the following:

**SEC. 599. STUDY OF TREATMENT OF MEMBERS OF THE RESERVE COMPONENTS.**

(a) **STUDY.**—The Inspector General of the Department of Defense shall conduct a study of the treatment of members of the reserve components.

(b) **MATTERS INCLUDED.**—The study under subsection (a) shall include the following:

(1) An analysis of the treatment of members of the reserve components—

(A) at mobilization and demobilization sites of the Army, including warrior transition units and joint medical battalions; and

(B) during predeployment and postdeployment medical examinations under section 1074(f) of title 10, United States Code.

(2) An analysis of the quality of care, treatment, and information that members of the reserve components receive before, during, and after deployment.

(3) An analysis of patterns of treatment of members of the reserve components during the period following a deployment, including during medical examinations or other actions that could affect health care and disability benefits, as compared to the treatment of members of the regular components during such period.

(4) Identification of any improvements needed so that members of the reserve components and members of the regular components are treated equally.

(c) REPORT.—Not later than December 31, 2010, the Inspector General shall submit to the congressional defense committees a report on the study under subsection (a).

68. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TEAGUE, HARRY OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 219, after line 5, insert the following:

**SEC. 599. INCREASE OF MAXIMUM AGE FOR CHILDREN ELIGIBLE FOR MEDICAL CARE UNDER CHAMPVA PROGRAM.**

(a) INCREASE.—Section 1781(c) of title 38, United States Code, is amended—

(1) by striking “twenty-three” and inserting “twenty-six”; and

(2) by striking “twenty-third birthday” and inserting “twenty-sixth birthday”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to medical care provided on or after the date of the enactment of this Act.

69. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TITUS, DINA OF NEVADA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title VI, add the following new section:

**SEC. 674. FLEXIBLE COMMENCEMENT DATES FOR AVAILABILITY OF HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING MORTGAGE CRISIS.**

(a) MODIFICATION OF REASSIGNMENT, PURCHASE, AND SALE DATES.—Subsection (a)(3) of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subparagraph (C), by striking “or an earlier end date designated by the Secretary” and by inserting “or an earlier start or end date designated by the Secretary under subsection (c)(3)(C) for a specific military base or installation”;

(2) in subparagraph (D), by inserting “, or a later purchase date designated by the Secretary under subsection (c)(3)(C) for a specific military base or installation” after “July 1, 2006”; and

(3) in subparagraph (E), by striking “between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary” and inserting “between the purchase date in effect for the military base or installation under subparagraph (D) and the end date in effect for the military base or installation under subparagraph (D)”.

(b) MODIFICATION PROCESS.—Subsection (c)(3) of such section is amended by adding at the end the following new subparagraph:

“(C) MODIFICATION OF REASSIGNMENT, PURCHASE, AND SALE DATES.—In exercising the authority under subsection (a)(3) to designate different reassignment, purchase, and sale dates for a specific military base or installation, the Secretary of Defense shall consult with the Secretary of Housing and Urban Development and the Secretary of the Treasury regarding the condition of housing markets in the area of the base or installation so that the Secretary of Defense has the information needed to effectively assist members of the Armed Forces and their families.”.

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70. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TONKO, PAUL OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 79, after line 6, insert the following:

**SEC. 244. SENSE OF CONGRESS AFFIRMING THE IMPORTANCE OF DEPARTMENT OF DEFENSE PARTICIPATION IN DEVELOPMENT OF NEXT GENERATION SEMICONDUCTOR TECHNOLOGIES.**

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

(1) The next generation of weapons systems, battlefield sensors, and intelligence platforms will need to be lighter, more agile, consume less power, and have greater computational power, which can only be achieved by decreasing the feature size of integrated circuits to the nanometer scale.

(2) There is a growing concern in the Department of Defense and the United States intelligence community over the offshore shift in development and production of high capacity semiconductors. Reliance on providers of semiconductors in the United States high tech industry will mitigate the security risks of such an offshore shift.

(3) The use of extreme-ultraviolet lithography (EUVL) is recognized in the semiconductor industry as critical to the development of the next generation of integrated circuits.

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

(1) the United States should establish research and development facilities to take the lead in producing the next generation of integrated circuits;

(2) the Department of Defense should support the establishment of a public-private partnership of defense laboratory scientists and engineers, university researchers, integrated circuit designers and fabricators, tool manufacturers, material and chemical suppliers, and metrology and inspection tool fabricators to develop extreme-ultraviolet lithography (EUVL) technologies on 300 micrometer and 450 micrometer wafers; and

(3) the targeted feature size of integrated circuits for EUVL development in the United States should be the 15 nanometer node.

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71. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRITZ, MARK OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title III, insert the following:

**SEC. 3 . AUTHORITY FOR PAYMENT OF FULL REPLACEMENT VALUE FOR LOSS OR DAMAGE TO HOUSEHOLD GOODS IN LIMITED CASES NOT COVERED BY CARRIER LIABILITY.**

(a) CLAIMS AUTHORITY.—

(1) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available**

“The Secretary of Defense and the Secretaries of the military departments, in paying a claim under section 3721 of title 31 arising from loss or damage to household goods stored or transported at the expense of the Department of Defense, may pay the claim on the basis of full replacement value in any of the following cases in which reimbursement for the full replacement value for the loss or damage is not available directly from a carrier under section 2636a of this title:

“(1) A case in which—

“(A) the lost or damaged goods were stored or transported under a contract, tender, or solicitation in accordance with section 2636a of this title that requires the transportation service provider to settle claims on the basis of full replacement value; and

“(B) the loss or damage occurred under circumstances that exclude the transportation service provider from liability.

“(2) A case in which—

“(A) the loss or damage occurred while the lost or damaged goods were in the possession of an ocean carrier that was transporting, loading, or unloading the goods under a Department of Defense contract for ocean carriage; and

“(B) the land-based portions of the transportation were under contracts, in accordance with section 2636a of this title, that require the land carriers to settle claims on the basis of full replacement value.

“(3) A case in which—

“(A) the lost or damaged goods were transported or stored under a contract or solicitation that requires at least one of the transportation service providers or carriers that handled the shipment to settle claims on the basis of full replacement value pursuant to section 2636a of this title;

“(B) the lost or damaged goods have been in the custody of more than one independent contractor or transportation service provider; and

“(C) a claim submitted to the delivering transportation service provider or carrier is denied in whole or in part be-

cause the loss or damage occurred while the lost or damaged goods were in the custody of a prior transportation service provider or carrier or government entity.”.

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

“2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available.”.

(b) EFFECTIVE DATE.—Section 2740 of title 10, United States Code, as added by subsection (a), shall apply with respect to losses incurred after the date of the enactment of this Act.

72. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HINCHEY, MAURICE OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 839. PROCUREMENT OF PHOTOVOLTAIC DEVICES.**

(a) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract awarded by the Department of Defense that includes the procurement of photovoltaic devices, including contracts described in subsection (b), includes a provision requiring the photovoltaic devices to comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) CONTRACTS DESCRIBED.—The contracts described in this subsection include, but are not limited to, energy savings performance contracts, utility service contracts, land leases, and private housing contracts.

(c) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this section, the term “photovoltaic devices” means devices that convert light directly into electricity through a solid-state, semiconductor process.

73. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HINCHEY, MAURICE OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 839. REQUIREMENT FOR CONTRACTS IN IRAQ AND AFGHANISTAN TO USE EMPLOYEES AND NOT INDEPENDENT CONTRACTORS FOR PRIVATE SECURITY SERVICES.**

(a) REQUIREMENT.—Any contract in Iraq or Afghanistan for the procurement of private security services shall contain a requirement that, in the case of any contractor using individuals who are United States citizens and required to have a United States security clearance to perform private security services under the contract, the contractor shall use employees and not independent contractors for the provision of such services.

(b) CONTRACT IN IRAQ OR AFGHANISTAN.—In this section, the term “contract in Iraq or Afghanistan” means a contract with the Department of Defense, the Department of State, or the United States Agency for International Development, a subcontract at any tier issued under such a contract, or a task order or delivery order at any tier issued under such a contract (including a contract, sub-

contract, or task order or delivery order issued by another Government agency for the Department of Defense, the Department of State, or the United States Agency for International Development), if the contract, subcontract, or task order or delivery order involves work performed in Iraq or Afghanistan for a period longer than 14 days.

(c) PRIVATE SECURITY SERVICES.—In this section, the term “private security services” means activities engaged in by a contractor under a contract in Iraq or Afghanistan and includes—

- (1) guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party;
- (2) any other activity for which personnel are required to carry weapons in the performance of their duties; and
- (3) training in any activity covered by paragraph (1) or (2).

(d) WAIVER AUTHORITY.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development may waive the requirement in subsection (a) with respect to a contract of the Department of Defense, the Department of State, or the United States Agency for International Development, respectively, if the Secretary concerned or the Administrator—

- (1) determines in writing that a waiver is necessary in the interests of national security; and
- (2) submits to Congress a notification of such waiver.

74. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KLEIN, RON OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 296, line 5, add after “Defense” the following: “, beginning 90 days after the date of the enactment of this Act,”.

Page 296, lines 13 and 14, strike “with actual knowledge, engages” and insert “when entering into a contract with the Department of Defense for goods and services, fails to certify to the contracting officer that the entity does not engage”.

Page 296, line 15, strike “have been imposed” and insert “may be imposed”.

Page 296, strike line 17 and all that follows through page 297, line 22, and insert the following:

(b) REMEDIES.—

(1) IN GENERAL.—If the Secretary of Defense, in consultation with the Secretary of State, determines that an entity has submitted a false certification under subsection (a)(2), the Secretary of Defense may terminate a contract with such entity or debar or suspend such entity from eligibility for Department of Defense contracts for a period of not more than 3 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

(2) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 25 of

the Office of Federal Procurement Policy Act (41 U.S.C. 421) each entity that is debarred, suspended, or proposed for debarment or suspension by the Secretary on the basis of a determination of a false certification under paragraph (1).

(c) **WAIVERS.**—

(1) **AUTHORITY.**—The Secretary of Defense may on a case by case basis waive the requirement that an entity make a certification under subsection (a)(2) if the Secretary determines that it is in the interest of national security to do so.

(2) **CONTENTS OF CERTIFICATION.**—Upon issuing a waiver under paragraph (1) with respect to an entity, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification that identifies the entity involved, the nature of the contract, and the rationale for issuing the waiver.

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

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

**SEC. 12xx. REQUIREMENT TO MONITOR AND EVALUATE DEPARTMENT OF DEFENSE ACTIVITIES TO COUNTER VIOLENT EXTREMISM IN AFRICA.**

(a) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of State, shall monitor and evaluate the impact of United States Africa Command (USAFRICOM) Combined Joint Task Force–Horn of Africa’s (CJTF–HOA) activities to counter violent extremism in Africa, including civil affairs, psychological operations, humanitarian assistance, and operations to strengthen the capacity of partner nations.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the following:

(1) An evaluation of the impact of CJTF–HOA’s activities described in subsection (a) to advance United States security objectives in the Horn of Africa, including the extent to which CJTF–HOA’s activities—

- (A) disrupt or deny terrorist networks;
- (B) combat violent extremist ideology;
- (C) are aligned with USAFRICOM’s mission; and
- (D) complement programs conducted by the United States Agency for International Development.

(2) USAFRICOM’s efforts to monitor and evaluate the impact of CJTF–HOA’s activities described in subsection (a), including—

- (A) the means by which CJTF–HOA follows up on such activities to evaluate the effectiveness of such activities;
- (B) USAFRICOM’s specific assessments of CJTF–HOA’s activities; and
- (C) a description of plans by the Secretary of Defense to make permanent CJTF–HOA’s presence in Djibouti.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

- (1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and
- (2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

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

Page 465, after line 23, add the following:

**SEC. 1110. FEDERAL INTERNSHIP PROGRAMS.**

(a) **IN GENERAL.**—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

**“§ 3111a. Federal internship programs**

“(a) **INTERNSHIP COORDINATOR.**—The head of each agency operating an internship program shall appoint an individual within such agency to serve as an internship coordinator.

“(b) **ONLINE INFORMATION.**—

“(1) **AGENCIES.**—The head of each agency operating an internship program shall make publicly available on the Internet—

“(A) the name and contact information of the internship coordinator for such program; and

“(B) information regarding application procedures and deadlines for such internship program.

“(2) **OFFICE OF PERSONNEL MANAGEMENT.**—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

“(c) **CENTRALIZED DATABASE.**—The Office shall establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are nearing completion of an internship program and are currently seeking full-time Federal employment.

“(d) **EXIT INTERVIEW REQUIREMENT.**—The agency operating an internship program shall conduct an exit interview of each intern that completes such program.

“(e) **REPORT.**—

“(1) **IN GENERAL.**—The head of each agency operating an internship program shall annually submit to the Office a report assessing such internship program.

“(2) **CONTENTS.**—Each report required under paragraph (1) for an agency shall include, for the 1-year period ending on September 1 of the year in which the report is submitted—

“(A) the number of interns that participated in an internship program at such agency;

“(B) information regarding the demographic characteristics of interns at such agency, including educational background;



“(C) a description of the steps taken by such agency to increase the percentage of interns who are offered permanent Federal jobs and the percentage of interns who accept the offers of such jobs, and any barriers encountered;

“(D) a description of activities engaged in by such agency to recruit new interns, including locations and methods;

“(E) a description of the diversity of work roles offered within internship programs at such agency;

“(F) a description of the mentorship portion of such internship programs; and

“(G) a summary of exit interviews conducted by such agency upon completion of an internship program by an intern.

“(3) SUBMISSION.—Each report required under paragraph (1) shall be submitted to the Office between September 1 and September 30 of each year. Not later than December 30 of each year, the Office shall submit to Congress a report summarizing the information submitted to the Office in accordance with paragraph (1) for such year.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘internship program’ means—

“(A) a volunteer service program under section 3111(b); and

“(B) the Student Educational Employment Program established under section 213.3202 of title 5, Code of Federal Regulations, as in effect on January 1, 2009;

“(2) the term ‘intern’ means an individual serving in an internship program.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

“3111a. Federal internship programs.”.

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77. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PINGREE, CHELLIE OF MAINE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 251, after line 18, insert the following:

**SEC. 654. CONTINUED OPERATION OF COMMISSARY AND EXCHANGE STORES SERVING BRUNSWICK NAVAL AIR STATION, MAINE.**

The Secretary of Defense shall provide for the continued operation of each commissary or exchange store serving Brunswick Naval Air Station, Maine, through September 30, 2011, and may not take any action to reduce or to terminate the sale of goods at such stores during fiscal year 2011.

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

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

**SEC. 839. 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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**79. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY, PATRICK OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

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

**SEC. 5 \_\_\_\_ . DEPARTMENT OF DEFENSE POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.**

(a) **COMPREHENSIVE REVIEW ON THE IMPLEMENTATION OF A REPEAL OF 10 U.S.C. § 654.**—

(1) **IN GENERAL.**—On March 2, 2010, the Secretary of Defense issued a memorandum directing the Comprehensive Review on the Implementation of a Repeal of 10 U.S.C. § 654 (section 654 of title 10, United States Code).

(2) **OBJECTIVES AND SCOPE OF REVIEW.**—The Terms of Reference accompanying the Secretary’s memorandum established the following objectives and scope of the ordered review:

(A) Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts.

(B) Determine leadership, guidance, and training on standards of conduct and new policies.

(C) Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.

(D) Recommend appropriate changes (if any) to the Uniform Code of Military Justice.

(E) Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. § 654 and proposals that may be introduced in the Congress during the period of the review.

(F) Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.

(G) Evaluate the issues raised in ongoing litigation involving 10 U.S.C. § 654.

(b) EFFECTIVE DATE.—The amendments made by subsection (f) shall take effect 60 days after the date on which the last of the following occurs:

(1) The Secretary of Defense has received the report required by the memorandum of the Secretary referred to in subsection (a).

(2) The President transmits to the congressional defense committees a written certification, signed by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, stating each of the following:

(A) That the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report's proposed plan of action.

(B) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by subsection (f).

(C) That the implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection (f) is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

(c) NO IMMEDIATE EFFECT ON CURRENT POLICY.—Section 654 of title 10, United States Code, shall remain in effect until such time that all of the requirements and certifications required by subsection (b) are met. If these requirements and certifications are not met, section 654 of title 10, United States Code, shall remain in effect.

(d) BENEFITS.—Nothing in this section, or the amendments made by this section, shall be construed to require the furnishing of benefits in violation of section 7 of title 1, United States Code (relating to the definitions of “marriage” and “spouse” and referred to as the “Defense of Marriage Act”).

(e) NO PRIVATE CAUSE OF ACTION.—Nothing in this section, or the amendments made by this section, shall be construed to create a private cause of action.

(f) TREATMENT OF 1993 POLICY.—

(1) TITLE 10.—Upon the effective date established by subsection (b), chapter 37 of title 10, United States Code, is amended—

(A) by striking section 654; and

(B) in the table of sections at the beginning of such chapter, by striking the item relating to section 654.

(2) CONFORMING AMENDMENT.—Upon the effective date established by subsection (b), section 571 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 654 note) is amended by striking subsections (b), (c), and (d).

80. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PINGREE, CHELLIE OF MAINE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 35, strike line 9 and all that follows through page 37, line 13, and insert the following:

(b) CERTIFICATIONS.—Not later than January 15, 2011—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify in writing to the congressional defense committees that—

(A) each of the 11 scheduled system development and demonstration aircraft planned in the schedule for delivery during 2010 has been delivered to the designated test location;

(B) the initial service release has been granted for the F135 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F-35 aircraft for fiscal year 2011;

(D) block 1.0 software has been released and is in flight test; and

(E) the Secretary of Defense has—

(i) determined that two F-35 aircraft from low-rate initial production 1 have met established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) the F-35C aircraft designated as CF-1 has effectively accomplished its first flight;

(B) the 394 F-35 aircraft test flights planned in the schedule to occur during 2010 have been completed with sufficient results;

(C) 95 percent of the 3,772 flight test points planned for completion in 2010 were accomplished; and

(D) the conventional take-off and land variant low observable signature flight test has been conducted and the results of such test have met or exceeded threshold key performance parameters.

Page 49, strike line 7 and all that follows through page 52, line 3, and insert the following (and redesignate section 214 as section 213):

**SEC. 212. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.**

(a) LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F-35 Joint Strike Fighter program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

- (A) reduce the total life-cycle costs of the F-35 Joint Strike Fighter program; and
- (B) improve the operational readiness of the fleet of F-35 Joint Strike Fighter aircraft; and
- (2) will not—
  - (A) disrupt the F-35 Joint Strike Fighter program during the research, development, and procurement phases of the program; and
  - (B) result in the procurement of fewer F-35 Joint Strike Fighter aircraft during the life-cycle of the program.
- (d) OFFSETS.—

(1) NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by \$242,500,000, with the amount of the decrease to be derived from the amounts available for the Joint Strike Fighter (PE #0604800N) for F136 development.

(2) AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by \$242,500,000, with the amount of the decrease to be derived from the amounts available for the Joint Strike Fighter (PE #0604800F) for F136 development.

Page 286, strike line 17 and all that follows through page 288, line 23, and insert the following:

**SEC. 802. DESIGNATION OF F135 ENGINE DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.**

(a) DESIGNATION AS MAJOR SUBPROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the engine development and procurement program described in subsection (b) as a major subprogram of the F-35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) DESCRIPTION.—For purposes of subsection (a), the engine development and procurement program is the F135 engine development and procurement program.

(c) ORIGINAL BASELINE.—For purposes of reporting requirements referred to in section 2430a(b) of title 10, United States Code, for the major subprogram designated under subsection (a), the Secretary shall use the Milestone B decision for the subprogram as the original baseline for the subprogram.

(d) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the F-35 Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to the F135 engine development and procurement program (including related reporting based on the original baseline as defined in subsection (c)), the requirements of section 2433a of such title with respect to the major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect to the major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

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81. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHEAPORTER, CAROL OF NEW HAMPSHIRE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 839. PENALTIES ON CONTRACTORS NOT PROVIDING INFORMATION TO DATABASES ON CONTRACTS IN IRAQ AND AFGHANISTAN.**

Section 861 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) is amended by adding at the end the following new subsection:

“(e) PENALTIES.—Any contract in Iraq or Afghanistan entered into or modified after September 1, 2011, shall include a clause requiring the imposition of a penalty, by the department or agency awarding the contract, on any contractor that does not comply with requirements under this section, including requirements in the memorandum of understanding required by subsection (a), to provide information for the common databases identified under subsection (b)(4), including updating the information required. The penalty shall consist of the withholding of award and incentive fees.”.

Page 304, line 15, strike “and”.

Page 304, line 21, strike the period and insert “; and”.

Page 304, after line 21, insert the following:

“(C) the penalties, if any, imposed by the departments and agency on contractors for failing to comply with requirements under section 861(e), including requirements to provide information for the common databases identified under section 861(b)(4).

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82. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE INSLEE, JAY OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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

**SEC. 839. CONSIDERATION OF UNFAIR COMPETITIVE ADVANTAGE IN EVALUATION OF OFFERS FOR KC-X AERIAL REFUELING AIRCRAFT PROGRAM.**

(a) **REQUIREMENT TO CONSIDER UNFAIR COMPETITIVE ADVANTAGE.**—In awarding a contract for the KC-X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall, in evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for such program, consider any unfair competitive advantage that an offeror may possess.

(b) **REPORT.**—Not later than 60 days after submission of offers in response to any such solicitation, the Secretary of Defense shall submit to the congressional defense committees a report on any unfair competitive advantage that any offeror may possess.

(c) **REQUIREMENT TO TAKE FINDINGS INTO ACCOUNT IN AWARD OF CONTRACT.**—In awarding a contract for the KC-X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall take into account the findings of the report submitted under subsection (b).

(d) **UNFAIR COMPETITIVE ADVANTAGE.**—In this section, the term “unfair competitive advantage”, with respect to an offer for a contract, means a situation in which the cost of development, production, or manufacturing is not fully borne by the offeror for such contract.