

SA 1743. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1744. Mr. LIEBERMAN (for himself, Mr. SESSIONS, Mr. INHOFE, Mr. VITTER, Mr. MARTINEZ, Mr. KYL, Mr. BEGICH, Mr. MCCAIN, Mr. NELSON of Nebraska, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1745. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1746. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1747. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1748. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1749. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1750. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1751. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1752. Mrs. BOXER (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1753. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1754. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1755. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1756. Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1757. Mr. KERRY (for himself, Mr. LEVIN, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1758. Mr. REED (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1759. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1760. Mr. KYL (for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, Mr. WICKER, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 1390, supra.

SA 1761. Mr. KERRY (for himself, Mr. LUGAR, Mr. LEVIN, and Mr. WEBB) proposed an amendment to the bill S. 1390, supra.

SA 1762. Mrs. MCCASKILL (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1763. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1764. Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. BENNETT, Mr. CORNYN, Mr. ISAKSON, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. UDALL of New Mexico, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, Mr. BOND, Mr. BAYH, Mr. NELSON of Florida, Mr. FRANKEN, Mr. ENSIGN, Mr. LEAHY, Mr. KENNEDY, Mr. WYDEN, Mr. CARDIN, Mr. BEGICH, Mrs. GILLIBRAND, Mr. INHOFE, Mr. COCHRAN, Mr. WEBB, Mr. ENZI, Mr. MERKLEY, Mr. CORKER, Mr. KERRY, Mr. GRASSLEY, Mr. GREGG, Mr. WHITEHOUSE, Mr. DEMINT, Mr. JOHANNES, Mr. COBURN, Mr. LUGAR, Ms. MURKOWSKI, Mr. TESTER, Mr. CRAPO, and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1765. Mr. CHAMBLISS (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1766. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1690.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

#### **SEC. 838. ADVANCED WATER PURIFICATION SYSTEMS.**

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

(1) Water is often the limiting factor in the length of a military mission.

(2) Military forces in the field require new technologies to help extend mission duration.

(3) Military forces must have the capability to generate safe drinking water during remote deployments, emergencies, or during the disruption of the supply chain.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the ongoing efforts by the Department of Defense, and specifically the United States Special Operations Command, to acquire advanced water purification systems. The report shall include the following:

(1) The impact of potable water availability on the planning and execution of military missions.

(2) A list of performance criteria used to evaluate the different water purification systems such as—

(A) purity, taste, and color of the water;

(B) the length of time the purification takes; and

(C) the ease of use of the system.

(3) An assessment of the current man-portable water purification technologies includ-

ing technologies that use chemicals, forward osmosis, and filtration.

(4) An assessment of the performance of each system in multiple scenarios such as a bio-terror attacks, natural disasters like floods and hurricanes, and military operations overseas.

**SA 1691.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 270, between lines 5 and 6, insert the following:

#### **SEC. 838. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.**

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 2495c. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States**

“(a) BUY AMERICAN REQUIREMENT.—A military exchange store or other non-appropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, or other uniform accouterments that are not produced in the United States. Competitive procedures shall be used in selecting the United States producer of the decorations.

“(b) HERALDIC QUALITY CONTROL.—No certificate of authority issued pursuant to part 507 of title 32, Code of Federal Regulations (or any successor regulation) for the manufacture and sale of any item described in subsection (a) by the Institute of Heraldry, the Navy Clothing and Textile Research Facility, or the Marine Corps Combat Equipment and Support Systems for quality control and specifications purposes shall be permitted unless these items are manufactured from domestic material manufactured in the United States.

“(c) EXCEPTION.—The Secretary of Defense may waive the applicability of subsections (a) and (b) on a case-by-case basis if the Secretary of Defense determines that there is not available for procurement at a reasonable cost a satisfactory quality and sufficient quantity of an item described under subsection (a) produced in the United States.

“(d) UNITED STATES DEFINED.—In this section, the term ‘United States’ includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2495b the following new item:

“2495c. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.”

(c) CONFORMING AMENDMENTS.—Section 2533a(b)(1) of such title is amended—

(1) in subparagraph (D), by striking “; or” and inserting a semicolon;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

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

“(F) military decorations, ribbons, badges, medals, insignia, and other uniform accouterments.”.

**SA 1692.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1083. ESTABLISHMENT OF NATIONAL DEFENSE PANEL.**

Section 118(f) of title 10, United States Code, is amended to read as follows:

“(f) NATIONAL DEFENSE PANEL.—(1) There is established a National Defense Panel to conduct an assessment of the quadrennial defense review.

“(2) The National Defense Panel shall be composed of 12 members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

“(A) Three by both the chairman and ranking members of the Committee on Armed Services of the Senate.

“(B) Three by both the chairman and ranking members of the Committee on Armed Services of the House of Representatives.

“(3) Not later than three months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional committees named in that subsection, the National Defense Panel shall submit to those committees an assessment of the review, including the recommendations of the review, the stated and implied assumptions incorporated in the review, and the vulnerabilities of the strategy and force structure underlying the review. The assessment of the National Defense Panel shall include analyses of the trends, asymmetries, and concepts of operations that characterize the military balance with potential adversaries, focusing on the strategic approaches of possible opposing forces.

“(4) The National Defense Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

“(5) Funds for activities of the National Defense Panel shall be provided from unobligated amounts available to the Department of Defense.”.

**SA 1693.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

**SEC. 1073. REPORT ON AUTOMATED SMALL ARMS AMMUNITION SORTING.**

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

(1) From 2001 to 2009, small arms ammunition acquisition by the Federal Government increased to over 2,000,000,000 rounds, with 80 percent of that ammunition being used for training or noncombat purposes.

(2) An automatic ammunition sorting and inspecting capability currently only exists at Camp Arifjan, Kuwait, and Fort Irwin, California.

(3) After 8 years of combat and precombat training since October 2001, large stockpiles of loose small arms ammunition awaiting sorting have collected.

(4) It is in the best financial and logistical interest to expedite and increase the recapitalization of unused small arms ammunition within the Department of Defense.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on small arms ammunition.

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

(A) The plan of the Department of Defense to recoup and recapitalize large quantities of loose small arms ammunition (9mm, .45 caliber, 5.56mm, 7.62mm, and .50 caliber).

(B) An assessment of the cost savings of an increased industrial capacity to automatically sort and inspect large quantities of loose and unused small arms ammunition in lieu of manual inspection and sorting methods.

(C) The intent of the Department of Defense to invest in automatic ammunition sorting infrastructure that reduces the number of personnel required to manually sort ammunition and expedites ammunition usage by members of the Armed Forces for combat and training.

(D) The impact of military installations and departments having the ability to automatically and mechanically sort spent brass from live ammunition and visually inspect and identify ammunition for quality control and authenticity.

**SA 1694.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:—

At the end of subtitle D of title II, add the following:

**SEC. 252. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEM.**

(a) IN GENERAL.—The Secretary of the Army, acting through the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, shall conduct a comparative evaluation of an extended range modular sniper rifle system.

(b) ELEMENTS.—The evaluation required by subsection (a) shall—

(1) use a .338 Lapua Magnum caliber weapon platform and associated optics, ammunition, and visual augmentation systems to compare the extended range modular sniper rifle system to existing Army sniper platforms, including such platforms based on the .300 Winchester Magnum caliber weapon;

(2) include developmental testing and in-theater operational testing of no fewer than 50 complete extended range modular sniper rifle systems using a .338 Lapua Magnum caliber weapon platform, inclusive of ammunition and training; and

(3) identify and demonstrate an integrated suite of technologies capable of extending the effective range of Army snipers against—

(A) non-technical enemy vehicles and personnel wearing Level III body armor to 750 meters; and

(B) enemy positions and personnel to ranges of 1,500 meters.

(c) FUNDING.—The Secretary of the Army shall conduct the evaluation required by subsection (a) using, to the extent practicable, amounts appropriated for fiscal year 2009 for an extended range modular sniper rifle system that are unobligated.

(d) REPORT.—Not later than January 1, 2010, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including detailed ballistics and system performance data and an assessment of operational applications and benefits of an extended range modular sniper rifle system.

**SA 1695.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

**SEC. 1073. REPORT ON INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM.**

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

(1) Building foreign partner capacity is a fundamental cornerstone of the security strategy of the United States.

(2) Significant progress has been made in this area over the past several years, but the United States Government must continue to increase its efforts, including improving reliability of funding and late notifications of school availability for the International Military Education and Training (IMET) program.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report on the effectiveness and efficiency of the IMET program.

(2) CONTENT.—The report required under paragraph (1) shall include the following information broken out by year over the past 10 years:

(A) Number of courses in the IMET program available, accomplished, and cancelled and an explanation therefor.

(B) Number of students authorized and actual attendance for each course and an explanation for the difference.

(C) The total budget and actual budget executed for each course in the IMET program and an explanation for the difference.

(D) The process for selecting students for the IMET program, including a timeline.

(E) The process for distributing funding for each school, including a timeline.

(F) Lessons learned to ensure student attendance and course execution is maximized.

**SA 1696.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . COMPLIANCE WITH WORLD TRADE ORGANIZATION PROVISIONS.**

Section 907 of the Federal Food, Drug, and Cosmetic Act (as added by section 101(b)(3) of the Family Smoking Prevention and Tobacco Control Act (Public law 111-31)) is amended by adding at the end the following:

“(g) COMPLIANCE WITH TRADE AGREEMENTS.—If the United States Trade Representative notifies the Secretary that the prohibition contained in subsection (a)(1)(A) with respect to any artificial or natural flavor or any herb or spice may result in a violation of a trade agreement, the Secretary shall provide the Trade Representative with evidence in support of the conclusion that the prohibition is appropriately designed to protect public health. The Secretary may by regulation provide an exception or revision from such prohibition if necessary to ensure compliance with the trade agreement.”.

**SA 1697.** Mr. BROWBACK submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 479, between lines 18 and 19, insert the following:

**SEC. 1222. REPORT ON MILITARY POWER OF IRAN.**

(a) BIENNIAL REPORT.—Not later than March 31, 2010, and in each even-numbered year thereafter until 2020, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on the Army, Air Force, Navy, and Revolutionary Guard Corps of the Islamic Republic of Iran.

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

(1) As assessment of the grand strategy, security strategy, and military strategy of the Government of the Islamic Republic of Iran, including the following:

(A) The goals of the grand strategy, security strategy, and military strategy.

(B) Aspects of the strategies that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the Middle East region.

(2) An assessment of the capabilities of the conventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size, location, and capabilities of the conventional forces.

(B) A detailed analysis of the conventional forces of the Government of the Islamic Republic of Iran facing United States forces in the region and other countries in the Middle East region.

(C) An estimate of the funding provided for each branch of the conventional forces of the Government of the Islamic Republic of Iran.

(3) An assessment of the unconventional forces of the Government of the Islamic Republic of Iran, including the following:

(A) The size and capability of special operations units, including the Iranian Revolutionary Guard Corps-Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations in particular those forces that have been assessed as willing to carry out terrorist operations on behalf of the Islamic Republic of Iran.

(C) A detailed analysis of the unconventional forces of the Government of the Islamic Republic of Iran and their implications for the United States and other countries in the Middle East region.

(D) An estimate of the amount of funds spent by the Government of the Islamic Republic of Iran to develop and support special operations forces and terrorist groups.

(c) DEFINITIONS.—In this section:

(1) CONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term “conventional forces of the Government of the Islamic Republic of Iran”—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran’s unconventional forces and Iran’s strategic missile forces; and

(B) includes Iran’s Army, Iran’s Air Force, Iran’s Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps-Quds Force.

(2) MIDDLE EAST REGION.—The term “Middle East region” means—

(A) the countries within the area of responsibility of United States Central Command; and

(B) the countries within the area covered by the Bureau of Near Eastern Affairs of the Department of State.

(3) UNCONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term “unconventional forces of the Government of the Islamic Republic of Iran”—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from the Government of Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of the Government of the Islamic Republic of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on the Islamic Republic of Iran.

**SA 1698.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, after line 14, insert the following:

**SEC. 1083. DESIGNATION OF NATIONAL CENTER FOR HUMAN PERFORMANCE.**

(a) IN GENERAL.—The National Center for Human Performance at the Texas Medical Center is hereby designated as a national center for research and education in medicine and related sciences to enhance human performance which could include matters of relevance to the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed to convey on such Center status as a center of excellence under the Public Health Service Act or as a center of the National Institutes of Health under title IV of such Act.

**SA 1699.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, after line 14, insert the following:

**SEC. 1083. DESIGNATION OF NATIONAL CENTER FOR HUMAN PERFORMANCE.**

(a) IN GENERAL.—The National Center for Human Performance at the Texas Medical Center is hereby designated as a national center for research and education in medicine and related sciences to enhance human performance which could include matters of relevance to the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed to convey on such Center status as a center of excellence under the Public Health Service Act or as a center of the National Institutes of Health under title IV of such Act.

**SA 1700.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

**SEC. 1211. ENSURING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.**

The President may treat an undertaking by the Government of Iraq that is made between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for purposes of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

**SA 1701.** Mr. JOHANNNS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X add the following:

**SEC. 1083. SENSE OF THE SENATE ON MEDICARE AND MEDICAID SAVINGS AND MEDICAID EXPANSION.**

(a) FINDINGS.—The Senate finds that—

(1) the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) is projected to be insolvent by 2017; and

(2) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is currently the largest source of general revenue spending on health care for both the Federal government and the States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) any savings under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) should be invested back into the Medicare program, rather than creating new entitlement programs; and

(2) the Federal Government should not expand the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in a manner that imposes an unfunded mandate on States when State budgets are already heavily burdened by federally imposed requirements that force those budgets into the red.

**SA 1702.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.**

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on research related to post-traumatic stress disorder.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The status of all studies and clinical trials that involve treatments of post-traumatic stress disorder conducted by the Department of Defense and the Department of Veterans Affairs.

(2) The effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(3) Identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Veterans’ Affairs of the House of Representatives.

**SA 1703.** Ms. LANDRIEU (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to

the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**DIVISION —SBIR/STTR REAUTHORIZATION**

**SEC. 001. SHORT TITLE.**

This division may be cited as the “SBIR/STTR Reauthorization Act of 2009”.

**SEC. 002. DEFINITIONS.**

In this division—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Technology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term “small business concern” has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

**TITLE —REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS**

**SEC. 101. EXTENSION OF TERMINATION DATES.**

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2008” and inserting “2017”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2009” and inserting “2017”.

**SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.**

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.

**SEC. 103. SBIR ALLOCATION INCREASE.**

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “Each” and inserting “Except as provided in paragraph (2)(C), each”;

(B) in subparagraph (B), by striking “and” at the end; and

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;

“(D) not less than 2.6 percent of such budget in fiscal year 2011;

“(E) not less than 2.7 percent of such budget in fiscal year 2012;

“(F) not less than 2.8 percent of such budget in fiscal year 2013;

“(G) not less than 2.9 percent of such budget in fiscal year 2014;

“(H) not less than 3.0 percent of such budget in fiscal year 2015;

“(I) not less than 3.1 percent of such budget in fiscal year 2016;

“(J) not less than 3.2 percent of such budget in fiscal year 2017;

“(K) not less than 3.3 percent of such budget in fiscal year 2018;

“(L) not less than 3.4 percent of such budget in fiscal year 2019; and

“(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter.”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”; and

(C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”.

**SEC. 104. STTR ALLOCATION INCREASE.**

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “thereafter.” and inserting “through fiscal year 2010.”; and

(3) by adding at the end the following:

“(iii) 0.4 percent for fiscal years 2011 and 2012;

“(iv) 0.5 percent for fiscal years 2013 and 2014; and

“(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.”.

**SEC. 105. SBIR AND STTR AWARD LEVELS.**

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking “5 years” and inserting “3 years”; and

(B) by striking “and programmatic considerations”; and

(2) in subsection (p)(2)(B)(ix) by striking “greater or lesser amounts to be awarded at the discretion of the awarding agency,” and inserting “an adjustment for inflation of such amounts once every 3 years.”.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

**“(aa) LIMITATION ON CERTAIN AWARDS.—**

“(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) MAINTAINANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

“(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”

**SEC. 106. AGENCY AND PROGRAM COLLABORATION.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

**“(bb) SUBSEQUENT PHASES.—**

“(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).”

**SEC. 107. ELIMINATION OF PHASE II INVITATIONS.**

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”; and

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—

(1) in section 9—

(A) in subsection (e)—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9)—

(I) by striking “the second or the third phase” and inserting “Phase II or Phase III”; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(10) the term ‘Phase I’ means—

“(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

“(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

“(11) the term ‘Phase II’ means—

“(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

“(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

“(12) the term ‘Phase III’ means—

“(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

“(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”;

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”;

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “the third phase” each place it appears and inserting “Phase III”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(II) in subparagraph (D)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”;

(IV) in subparagraph (G)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”;

(V) in subparagraph (H)—

(aa) by striking “the first phase” and inserting “Phase I”;

(bb) by striking “second phase” each place it appears and inserting “Phase II”; and

(cc) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”;

(bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and

(cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and

(II) in subparagraph (B), by striking “second phase” and inserting “Phase II”;

(C) in subsection (k)—

(i) by striking “first phase” each place it appears and inserting “Phase I”; and

(ii) by striking “second phase” each place it appears and inserting “Phase II”;

(D) in subsection (1)(2)—

(i) by striking “the first phase” and inserting “Phase I”; and

(ii) by striking “the second phase” and inserting “Phase II”;

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”;

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking “the second phase” and inserting “Phase II”; and

(bb) by striking “the third phase” and inserting “Phase III”; and

(II) in clause (ix)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(ii) in paragraph (3)—

(I) by striking “the first phase (as described in subsection (e)(6)(A))” and inserting “Phase I”;

(II) by striking “the second phase (as described in subsection (e)(6)(B))” and inserting “Phase II”; and

(III) by striking “the third phase (as described in subsection (e)(6)(A))” and inserting “Phase III”;

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “FIRST PHASE” and inserting “PHASE I”; and

(II) by striking “first phase” and inserting “Phase I”; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking “SECOND PHASE” and inserting “PHASE II”; and

(II) by striking “second phase” and inserting “Phase II”;

(H) in subsection (r)—

(i) in the subsection heading, by striking “THIRD PHASE” and inserting “PHASE III”;

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking “for the second phase” and inserting “for Phase II”;

(bb) by striking “third phase” and inserting “Phase III”; and

(cc) by striking “second phase period” and inserting “Phase II period”; and

(II) in the second sentence—

(aa) by striking “second phase” and inserting “Phase II”; and

(bb) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (2), by striking “third phase” and inserting “Phase III”; and

(I) in subsection (u)(2)(B), by striking “the first phase” and inserting “Phase I”;

(2) in section 34—

(A) in subsection (c)(2)(B)(ii), by striking “first phase and second phase SBIR awards” and inserting “Phase I and Phase II SBIR awards (as defined in section 9(e))”; and

(B) in subsection (e)(2)(A)—

(i) in clause (i), by striking “first phase awards” and all that follows and inserting “Phase I awards (as defined in section 9(e))”; and

(ii) by striking “first phase” each place it appears and inserting “Phase I”; and

(3) in section 35(c)(2)(B)(vii), by striking “third phase” and inserting “Phase III”.

**SEC. 108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

“(1) AUTHORITY AND DETERMINATION.—

“(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

“(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

“(ii) the head of any other Federal agency participating in the SBIR program may

award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

“(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

“(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

“(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

“(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

“(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

“(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administrator under subsection (b)(7).

“(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) VENTURE CAPITAL COMPANY.—In this Act, the term ‘venture capital company’ means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).”

(c) ASSISTANCE FOR DETERMINING AFFILIATION.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

**SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.**

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

“(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”

**SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

“(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

“(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

“(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

“(2) PROHIBITION.—No Federal agency shall—

“(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

“(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

“(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

“(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

“(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

“(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.”

**SEC. 111. NOTICE REQUIREMENT.**

The head of any Federal agency involved in a case or controversy before any Federal ju-

dicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

**TITLE —OUTREACH AND COMMERCIALIZATION INITIATIVES**

**SEC. 201. RURAL AND STATE OUTREACH.**

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) OUTREACH.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State—

“(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than \$5,000,000; and

“(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

“(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than \$5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

“(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

“(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

“(B) shall not exceed \$100,000.

“(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

“(A) the establishment of quantifiable performance goals, including goals relating to—

“(i) the number of program awards under this section made to small business concerns in the State; and

“(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

“(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

“(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.”

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking “2001 through 2005” each place it appears and inserting “2010 through 2014”; and

(2) in subsection (i), by striking “2005” and inserting “2014”.

(c) MATCHING REQUIREMENTS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “50 cents” and inserting “35 cents”; and

(B) in clause (iii), by striking “75 cents” and inserting “50 cents”; and

(2) in subparagraph (B), by striking “50 cents” and inserting “35 cents”; and

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

“(C) RURAL AREAS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

“(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

“(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.”

**SEC. 202. SBIR-STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.**

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR-STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as “STEM college students”), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term “eligible entity” means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than \$10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR-STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$1,000,000 for fiscal year 2011;
- (2) \$1,000,000 for fiscal year 2012;
- (3) \$1,000,000 for fiscal year 2013;
- (4) \$1,000,000 for fiscal year 2014; and
- (5) \$1,000,000 for fiscal year 2015.

**SEC. 203. TECHNICAL ASSISTANCE FOR AWARDEES.**

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking “\$4,000” and inserting “\$5,000”;

(2) in subparagraph (B)—  
(A) by striking “, with funds available from their SBIR awards.”; and

(B) by striking “\$4,000 per year” and inserting “\$5,000 per year, which shall be in addition to the amount of the recipient’s award”; and

(3) by adding at the end the following:

“(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) LIMITATION.—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”.

**SEC. 204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.**

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)), as amended by section 834 of this Act, is amended—

(1) in paragraph (1), by adding at the end the following: “The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

“(5) INSERTION INCENTIVES.—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase II technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.”.

**SEC. 205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(ee) PILOT PROGRAM.—

“(1) AUTHORIZATION.—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

“(2) APPLICATION BY FEDERAL AGENCY.—

“(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising

small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) DETERMINATION.—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

“(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

“(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

“(8) DEFINITIONS.—In this section—

“(A) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means the program established under paragraph (1).”.

**SEC. 206. NANOTECHNOLOGY INITIATIVE.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.”.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

**SEC. 207. ACCELERATING CURES.**

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

**“SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.**

“(a) NIH CURES PILOT.—

“(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of

each of the National Institutes of Health (referred to in this section as the "NIH") institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

**"(2) MEMBERSHIP.—"**

**"(A) IN GENERAL.—**The advisory board shall consist of—

**"(i)** the Director of the NIH;

**"(ii)** the Director of the SBIR program of the NIH;

**"(iii)** senior NIH agency managers, selected by the Director of NIH;

**"(iv)** industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

**"(v)** owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

**"(B) NUMBER OF MEMBERS.—**The total number of members selected under clauses (ii), (iv), and (v) of subparagraph (A) shall not exceed 10.

**"(C) EQUAL REPRESENTATION.—**The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

**"(b) ADDRESSING DATA GAPS.—**In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled "An Assessment of the Small Business Innovation Research Program at the NIH".

**"(c) PILOT PROGRAM.—"**

**"(1) IN GENERAL.—**The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

**"(2) CONSIDERATIONS.—**The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

**"(d) REPORT TO CONGRESS.—**The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

**"(e) SBIR GRANTS AND CONTRACTS.—"**

**"(1) IN GENERAL.—**In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify products and services that may enhance the development of cures and therapies.

**"(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—**The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

**"(3) PHASE I AND II.—**To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

**"(f) LIMIT.—**Not more than a total of 1 percent of the extramural budget (as defined in

section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).

**"(g) SUNSET.—**This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009."

**TITLE —OVERSIGHT AND EVALUATION**

**SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.**

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this division, is amended—

(1) in paragraph (7)—

(A) by striking "STTR programs, including the data" and inserting the following: "STTR programs, including—

"(A) the data";

(B) by striking "(g)(10), (o)(9), and (o)(15), the number" and all that follows through "under each of the SBIR and STTR programs, and a description" and inserting the following: "(g)(8) and (o)(9); and

"(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

"(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

"(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

"(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

"(F) a description"; and

(2) by inserting after paragraph (7) the following:

"(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;";

**SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.**

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

"(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

"(A) whether an awardee—

"(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

"(I) the amount of venture capital that the awardee has received as of the date of the award; and

"(II) the amount of additional capital that the awardee has invested in the SBIR technology;

"(ii) has an investor that—

"(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

"(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

"(iii) is owned by a woman or has a woman as a principal investigator;

"(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

"(v) received assistance under the FAST program under subsection (s);

"(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

"(vii) is located in a State described in subsection (u)(3); and

"(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;"; and

(4) in paragraph (10), as so redesignated, by adding "and" at the end.

**SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.**

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

"(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

"(A) whether an applicant or awardee—

"(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

"(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

"(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

"(ii) has an investor that—

"(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

"(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

"(iii) is owned by a woman or has a woman as a principal investigator;

"(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

"(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

"(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

"(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”;

(2) in paragraph (14), by adding “and” at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

#### SEC. 304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

#### SEC. 305. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

“(C) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”;

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking “and” at the end; and

(B) by adding at the end, the following:

“(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

“(v) the number of employees of the applicant;”.

#### SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

#### SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

“(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”.

#### SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this division, is amended by adding at the end the following:

“(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”.

#### SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

#### TITLE \_\_\_\_\_—POLICY DIRECTIVES

#### SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this division and the amendments made by this division.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

#### SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency

participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.”.

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

**SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(i) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

“(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) REPORT.—

“(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”.

**SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

**SA 1704.** Mr. CARPER (for himself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between line 14 and 15, insert the following:

**SEC. 1083. CERTAIN DISEASES PRESUMED TO BE WORK-RELATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL EMPLOYEES IN FIRE PROTECTION ACTIVITIES.**

(a) DEFINITION.—Section 8101 of title 5, United States Code, is amended by adding at the end the following:

“(21) ‘employee in fire protection activities’ means a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous material worker, who—

“(A) is trained in fire suppression;

“(B) has the legal authority and responsibility to engage in fire suppression;

“(C) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk; and

“(D) performs such activities as a primary responsibility of his or her job.”.

(b) PRESUMPTION RELATING TO EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—Section 8102 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(c)(1)(A) With regard to an employee in fire protection activities, a disease specified in paragraph (2) shall be presumed to be proximately caused by the employment of such employee, subject to the length of service requirements specified. The disability or death of an employee in fire protection activities due to such a disease shall be presumed to result from personal injury sustained while in the performance of such employee’s duty. Such presumptions may be rebutted by a preponderance of the evidence.

“(B) Any presumption described under subparagraph (A) shall apply only if the employee in fire protection activities is diagnosed with the disease for which the presumption is sought within 10 years of the last active date of employment as an employee in fire protection activities.

“(2) The following diseases shall be presumed to be proximately caused by the employment of the employee in fire protection activities:

“(A) If the employee has been employed for a minimum of 5 years in the aggregate as an employee in fire protection activities:

“(i) Heart disease.

“(ii) Lung disease.

“(iii) The following cancers:

“(I) Brain cancer.

“(II) Cancer of the blood or lymphatic systems.

“(III) Leukemia.

“(IV) Lymphoma (except Hodgkin’s disease).

“(V) Multiple myeloma.

“(VI) Bladder cancer.

“(VII) Kidney cancer.

“(VIII) Testicular cancer.

“(IX) Cancer of the digestive system.

“(X) Colon cancer.

“(XI) Liver cancer.

“(XII) Skin cancer.

“(XIII) Lung cancer.

“(iv) Any other cancer the contraction of which the Secretary of Labor determines by regulation to be related to the hazards to which an employee in fire protection activities may be subject.

“(B) Regardless of the length of time an employee in fire protection activities has been employed, any uncommon infectious disease, including tuberculosis, hepatitis A, B, or C, and the human immunodeficiency virus (HIV), the contraction of which the Secretary of Labor determines by regulation to be related to the hazards to which an employee in fire protection activities may be subject.”.

(c) REPORT.—Not later than 5 years after the date of enactment of this Act, the National Institute of Occupational Safety and Health in the Centers for Disease Control and Prevention shall examine the implementation of this section and appropriate scientific and medical data related to the health risks associated with firefighting and submit to Congress a report which shall include—

(1) an analysis of the injury claims made under this section;

(2) an analysis of the available research related to the health risks associated with firefighting; and

(3) recommendations for any administrative or legislative actions necessary to ensure that those diseases most associated with firefighting are included in the presumption created by this section.

(d) EFFECTIVE DATE.—The amendment made by this section applies to an injury that is first diagnosed, or a death that occurs, on or after the date of enactment of this Act.

**SEC. 1084. NOTIFICATIONS OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES.**

Title XXVI of the Public Health Service Act (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

**“PART G—NOTIFICATIONS OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES**

**“SEC. 2695. INFECTIOUS DISEASES AND CIRCUMSTANCES RELEVANT TO NOTIFICATION REQUIREMENTS.**

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this part, the Secretary shall complete the development of—

“(1) a list of potentially life-threatening infectious diseases to which emergency response employees may be exposed in responding to emergencies;

“(2) guidelines describing the circumstances in which such employees may be exposed to such diseases, taking into account the conditions under which emergency response is provided; and

“(3) guidelines describing the manner in which medical facilities should make determinations for purposes of section 2697(d).

“(b) SPECIFICATION OF AIRBORNE INFECTIOUS DISEASES.—The list developed by the Secretary under subsection (a)(1) shall include a specification of those infectious diseases on the list that are routinely transmitted through airborne or aerosolized means.

“(c) DISSEMINATION.—The Secretary shall—

“(1) transmit to State public health officers copies of the list and guidelines developed by the Secretary under subsection (a) with the request that the officers disseminate such copies as appropriate throughout the States; and

“(2) make such copies available to the public.

**“SEC. 2696. ROUTINE NOTIFICATIONS WITH RESPECT TO AIRBORNE INFECTIOUS DISEASES IN VICTIMS ASSISTED.**

“(a) ROUTINE NOTIFICATION OF DESIGNATED OFFICER.—

“(1) DETERMINATION BY TREATING FACILITY.—If a victim of an emergency is transported by emergency response employees to a medical facility and the medical facility makes a determination that the victim has an airborne infectious disease, the medical facility shall notify the designated officer of the emergency response employees who transported the victim to the medical facility of the determination.

“(2) DETERMINATION BY FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim of an emergency is transported by emergency response employees to a medical facility and the victim dies at or before reaching the medical facility, the medical facility

ascertaining the cause of death shall notify the designated officer of the emergency response employees who transported the victim to the initial medical facility of any determination by the medical facility that the victim had an airborne infectious disease.

“(b) REQUIREMENT OF PROMPT NOTIFICATION.—With respect to a determination described in paragraph (1) or (2) of subsection (a), the notification required in each of such paragraphs shall be made as soon as is practicable, but not later than 48 hours after the determination is made.

**“SEC. 2697. REQUEST FOR NOTIFICATIONS WITH RESPECT TO VICTIMS ASSISTED.**

“(a) INITIATION OF PROCESS BY EMPLOYEE.—If an emergency response employee believes that the employee may have been exposed to an infectious disease by a victim of an emergency who was transported to a medical facility as a result of the emergency, and if the employee attended, treated, assisted, or transported the victim pursuant to the emergency, then the designated officer of the employee shall, upon the request of the employee, carry out the duties described in subsection (b) regarding a determination of whether the employee may have been exposed to an infectious disease by the victim.

“(b) INITIAL DETERMINATION BY DESIGNATED OFFICER.—The duties referred to in subsection (a) are that—

“(1) the designated officer involved collect the facts relating to the circumstances under which, for purposes of subsection (a), the employee involved may have been exposed to an infectious disease; and

“(2) the designated officer evaluate such facts and make a determination of whether, if the victim involved had any infectious disease included on the list issued under paragraph (1) of section 2695(a), the employee would have been exposed to the disease under such facts, as indicated by the guidelines issued under paragraph (2) of such section.

“(c) SUBMISSION OF REQUEST TO A MEDICAL FACILITY.—

“(1) IN GENERAL.—If a designated officer makes a determination under subsection (b)(2) that an emergency response employee may have been exposed to an infectious disease, the designated officer shall submit to the medical facility to which the victim involved was transported a request for a response under subsection (d) regarding the victim of the emergency involved.

“(2) FORM OF REQUEST.—A request under paragraph (1) shall be in writing and be signed by the designated officer involved, and shall contain a statement of the facts collected pursuant to subsection (b)(1).

“(d) EVALUATION AND RESPONSE REGARDING REQUEST TO MEDICAL FACILITY.—

“(1) IN GENERAL.—If a medical facility receives a request under subsection (c), the medical facility shall evaluate the facts submitted in the request and make a determination of whether, on the basis of the medical information possessed by the facility regarding the victim involved, the emergency response employee was exposed to an infectious disease included on the list issued under paragraph (1) of section 2695(a), as indicated by the guidelines issued under paragraph (2) of such section.

“(2) NOTIFICATION OF EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has been exposed to an infectious disease, the medical facility shall, in writing, notify the designated officer who submitted the request under subsection (c) of the determination.

“(3) FINDING OF NO EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has not been exposed to an infectious disease, the medical facility shall,

in writing, inform the designated officer who submitted the request under subsection (c) of the determination.

“(4) INSUFFICIENT INFORMATION.—

“(A) If a medical facility finds in evaluating facts for purposes of paragraph (1) that the facts are insufficient to make the determination described in such paragraph, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of the facts.

“(B)(i) If a medical facility finds in making a determination under paragraph (1) that the facility possesses no information on whether the victim involved has an infectious disease included on the list under section 2695(a), the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of such medical information.

“(ii) If after making a response under clause (i) a medical facility determines that the victim involved has an infectious disease, the medical facility shall make the determination described in paragraph (1) and provide the applicable response specified in this subsection.

“(e) TIME FOR MAKING RESPONSE.—After receiving a request under subsection (c) (including any such request resubmitted under subsection (g)(2)), a medical facility shall make the applicable response specified in subsection (d) as soon as is practicable, but not later than 48 hours after receiving the request.

“(f) DEATH OF VICTIM OF EMERGENCY.—

“(1) FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim described in subsection (a) dies at or before reaching the medical facility involved, and the medical facility receives a request under subsection (c), the medical facility shall provide a copy of the request to the medical facility ascertaining the cause of death of the victim, if such facility is a different medical facility than the facility that received the original request.

“(2) RESPONSIBILITY OF FACILITY.—Upon the receipt of a copy of a request for purposes of paragraph (1), the duties otherwise established in this part regarding medical facilities shall apply to the medical facility ascertaining the cause of death of the victim in the same manner and to the same extent as such duties apply to the medical facility originally receiving the request.

“(g) ASSISTANCE OF PUBLIC HEALTH OFFICER.—

“(1) EVALUATION OF RESPONSE OF MEDICAL FACILITY REGARDING INSUFFICIENT FACTS.—

“(A) In the case of a request under subsection (c) to which a medical facility has made the response specified in subsection (d)(4)(A) regarding the insufficiency of facts, the public health officer for the community in which the medical facility is located shall evaluate the request and the response, if the designated officer involved submits such documents to the officer with the request that the officer make such an evaluation.

“(B) As soon as is practicable after a public health officer receives a request under paragraph (1), but not later than 48 hours after receipt of the request, the public health officer shall complete the evaluation required in such paragraph and inform the designated officer of the results of the evaluation.

“(2) FINDINGS OF EVALUATION.—

“(A) If an evaluation under paragraph (1)(A) indicates that the facts provided to the medical facility pursuant to subsection (c) were sufficient for purposes of determinations under subsection (d)(1)—

“(i) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(ii) the medical facility shall provide to the designated officer the applicable response specified in subsection (d).

“(B) If an evaluation under paragraph (1)(A) indicates that the facts provided in the request to the medical facility were insufficient for purposes of determinations specified in subsection (c)—

“(i) the public health officer shall provide advice to the designated officer regarding the collection and description of appropriate facts; and

“(ii) if sufficient facts are obtained by the designated officer—

“(I) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(II) the medical facility shall provide to the designated officer the appropriate response under subsection (c).

**“SEC. 2698. PROCEDURES FOR NOTIFICATION OF EXPOSURE.**

“(a) CONTENTS OF NOTIFICATION TO OFFICER.—In making a notification required under section 2696 or 2697(d)(2), a medical facility shall provide—

“(1) the name of the infectious disease involved; and

“(2) the date on which the victim of the emergency involved was transported by emergency response employees to the medical facility involved.

“(b) MANNER OF NOTIFICATION.—If a notification under section 2696 or 2697(d)(2) is mailed or otherwise indirectly made—

“(1) the medical facility sending the notification shall, upon sending the notification, inform the designated officer to whom the notification is sent of the fact that the notification has been sent; and

“(2) such designated officer shall, not later than 10 days after being informed by the medical facility that the notification has been sent, inform such medical facility whether the designated officer has received the notification.

**“SEC. 2699. NOTIFICATION OF EMPLOYEE.**

“(a) IN GENERAL.—After receiving a notification for purposes of section 2696 or 2697(d)(2), a designated officer of emergency response employees shall, to the extent practicable, immediately notify each of such employees who—

“(1) responded to the emergency involved; and

“(2) as indicated by guidelines developed by the Secretary, may have been exposed to an infectious disease.

“(b) CERTAIN CONTENTS OF NOTIFICATION TO EMPLOYEE.—A notification under this subsection to an emergency response employee shall inform the employee of—

“(1) the fact that the employee may have been exposed to an infectious disease and the name of the disease involved;

“(2) any action by the employee that, as indicated by guidelines developed by the Secretary, is medically appropriate; and

“(3) if medically appropriate under such criteria, the date of such emergency.

“(c) RESPONSES OTHER THAN NOTIFICATION OF EXPOSURE.—After receiving a response under paragraph (3) or (4) of subsection (d) of section 2697, or a response under subsection (g)(1) of such section, the designated officer for the employee shall, to the extent practicable, immediately inform the employee of the response.

**“SEC. 2699a. SELECTION OF DESIGNATED OFFICERS.**

“(a) IN GENERAL.—For the purposes of receiving notifications and responses and making requests under this part on behalf of emergency response employees, the public health officer of each State shall designate 1 official or officer of each employer of emergency response employees in the State.

“(b) PREFERENCE IN MAKING DESIGNATIONS.—In making the designations required in subsection (a), a public health officer shall give preference to individuals who are trained in the provision of health care or in the control of infectious diseases.

**“SEC. 2699b. LIMITATIONS WITH RESPECT TO DUTIES OF MEDICAL FACILITIES.**

“The duties established in this part for a medical facility—

“(1) shall apply only to medical information possessed by the facility during the period in which the facility is treating the victim for conditions arising from the emergency, or during the 60-day period beginning on the date on which the victim is transported by emergency response employees to the facility, whichever period expires first; and

“(2) shall not apply to any extent after the expiration of the 30-day period beginning on the expiration of the applicable period referred to in paragraph (1), except that such duties shall apply with respect to any request under section 2697(c) received by a medical facility before the expiration of such 30-day period.

**“SEC. 2699c. RULES OF CONSTRUCTION.**

“(a) LIABILITY OF MEDICAL FACILITIES AND DESIGNATED OFFICERS.—This part may not be construed to authorize any cause of action for damages or any civil penalty against any medical facility, or any designated officer, for failure to comply with the duties established in this part.

“(b) TESTING.—This part may not, with respect to victims of emergencies, be construed to authorize or require a medical facility to test any such victim for any infectious disease.

“(c) CONFIDENTIALITY.—This part may not be construed to authorize or require any medical facility, any designated officer of emergency response employees, or any such employee, to disclose identifying information with respect to a victim of an emergency or with respect to an emergency response employee.

“(d) FAILURE TO PROVIDE EMERGENCY SERVICES.—This part may not be construed to authorize any emergency response employee to fail to respond, or to deny services, to any victim of an emergency.

**“SEC. 2699d. INJUNCTIONS REGARDING VIOLATION OF PROHIBITION.**

“(a) IN GENERAL.—The Secretary may, in any court of competent jurisdiction, commence a civil action for the purpose of obtaining temporary or permanent injunctive relief with respect to any violation of this part.

“(b) FACILITATION OF INFORMATION ON VIOLATIONS.—The Secretary shall establish an administrative process for encouraging emergency response employees to provide information to the Secretary regarding violations of this part. As appropriate, the Secretary shall investigate alleged such violations and seek appropriate injunctive relief.

**“SEC. 2699e. APPLICABILITY OF PART.**

“This part shall not apply in a State if the chief executive officer of the State certifies to the Secretary that the law of the State is in substantial compliance with this part.”

**SA 1705.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 245. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.**

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4392) is amended by striking “October 31, 2010” and inserting “March 1, 2011”.

**SA 1706.** Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

**SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.**

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of Homeland Security, jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide access to the national airspace for unmanned aircraft of the Department of Defense.

(2) Specific milestones, aligned to operational and training needs, for providing access to the national airspace for unmanned aircraft and a transition plan for sites programmed to be activated as unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the Department of Transportation to accommodate unmanned aircraft assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

**SA 1707.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, after line 23, insert the following:

**SEC. 557. REPORT ON YELLOW RIBBON RE-INTEGRATION PROGRAM.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of National Guard and Reserve members and their families.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An evaluation of the initial implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009.

(2) An assessment of the feasibility of incorporating the best practices from the supplementary full deployment services pilot programs of various States into the Yellow Ribbon program.

(3) An assessment of the extent to which Yellow Ribbon funding, although requested in multiple component accounts, supports robust joint programs that provide reintegration and support services to National Guard and Reserve members and their families regardless of military affiliation.

(4) An assessment of the extent to which Yellow Ribbon programs are coordinating closely with the Department of Veterans Affairs and its various veterans' programs.

(5) Plans for further implementation of the Yellow Ribbon Reintegration Program in fiscal year 2010.

**SA 1708.** Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . UNITED STATES COORDINATOR FOR BIOSECURITY.**

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the President shall appoint, as an officer within the Executive Office of the President, a “Coordinator for Biosecurity” (referred to in this section as the “Coordinator”).

(b) OFFICER.—

(1) RESPONSIBILITY.—The Coordinator shall be responsible on a full-time basis for the responsibilities described in this section.

(2) LIMITATION.—No person shall serve as Coordinator while serving in any other position in the Federal Government.

(c) DUTIES.—The responsibilities of the Coordinator shall include each of the following:

(1) Serving as the principal advisor to the President on all matters relating to biosecurity, including related public health preparedness.

(2) Developing a comprehensive and well-coordinated, near- and long-term, United States strategy and policies for preventing, preparing for, and responding to biological threats and attacks, including related public health preparedness, which strategies and policies shall include—

(A) strengthening of United States intelligence collection efforts, to identify foreign or domestic plans to develop biological weapons and to interdict any effort to use biological weapons against the United States before such use can take place;

(B) building capacity to mitigate the consequences of biological threats and attacks, including the coordination of global bio-surveillance efforts to provide early warning

detection and situational awareness of deliberately caused and natural disease outbreaks and improving the capacity of public health and medical care systems;

(C) accelerating the development, manufacture, and procurement of medical countermeasures, including new and innovative medicines, vaccines, and diagnostics, and strengthening production capabilities;

(D) ensuring that domestic and international biosecurity programs are coordinated and optimized to enable robust research and development efforts while limiting the risk of diversion of pathogens for malevolent purposes;

(E) identifying clear and measurable objectives, milestones, and targets to which departments and agencies can be held accountable;

(F) identification of gaps, duplication, and other inefficiencies in programs, initiatives, and activities and the steps necessary to overcome those obstacles;

(G) developing and carrying out plans to coordinate United States programs, initiatives, and other activities relating to the prevention of, preparation for, and response to, biological threats and attacks (including related public health preparedness), including activities of the Department of Health and Human Services, the Department of Defense, the Department of State, the Department of Homeland Security, the Department of Agriculture, the Environmental Protection Agency, the National Science Foundation, and other Federal agencies involved with biosecurity activities; and

(H) coordination of activities with biosecurity stakeholders.

(3) Leading interagency coordination of United States efforts to implement the strategy and policies described in paragraphs (2) and (6).

(4) Conducting oversight and evaluation of the implementation of programs, initiatives, and activities to prevent, prepare for, and respond to biological threats and attacks, including related public health preparedness activities, by relevant government departments and agencies.

(5) Overseeing the development of a comprehensive and coordinated budget for programs, initiatives, and activities to prevent, prepare for, and respond to, biological threats and attacks, including related public health preparedness, by ensuring that such budget adequately reflects the priorities of the challenges and is effectively executed, and carrying out other appropriate budgetary authorities.

(6) Carrying out such additional duties related to biosecurity as the President may determine to be appropriate and consistent with the duties listed in paragraph (2).

(d) STAFF.—The Coordinator may, consistent with subsection (a)—

(1) appoint, employ, fix the compensation of, and terminate the employment of such personnel as may be necessary to enable the Coordinator to perform the Coordinator's duties under this section and may fix that compensation without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for a member of the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title;

(2) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement United States policy with regard to biosecurity, including related public health preparedness;

(3) use or enter into an agreement to use, for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies; and

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at daily rates of compensation for individuals not to exceed the daily equivalent of the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) ANNUAL REPORT ON STRATEGIC PLAN.—For fiscal year 2011 and each fiscal year thereafter, the Coordinator shall submit to Congress, on the date that the President submits the budget of the United States Government to Congress under section 1105 of title 31, United States Code, a report on the strategy and policies developed pursuant to subsection (c)(2), together with any recommendations of the Coordinator for legislative changes that the Coordinator considers appropriate with respect to such strategy and policies and their implementation.

(f) PARTICIPATION OF COORDINATOR FOR BIOSECURITY IN THE NATIONAL SECURITY COUNCIL AND IN THE HOMELAND SECURITY COUNCIL.—

(1) NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following:

“(m) PARTICIPATION OF COORDINATOR FOR BIOSECURITY.—The United States Coordinator for Biosecurity (or, in the Coordinator's absence, the individual designated by the President to serve as the Acting Coordinator for Biosecurity) may, in the performance of the Coordinator's duty as principal advisor to the President on all matters relating to biosecurity, and, subject to the direction of the President, attend and participate in meetings of the National Security Council.”

(2) HOMELAND SECURITY COUNCIL.—Section 903 of the Homeland Security Act of 2002 (6 U.S.C. 493) is amended by adding at the end the following new subsection:

“(c) ATTENDANCE OF THE COORDINATOR FOR BIOSECURITY.—The United States Coordinator for Biosecurity (or, in the Coordinator's absence, the individual designated by the President to serve as the Acting Coordinator for Biosecurity) may, in the performance of the Coordinator's duty as principal advisor to the President on all matters relating to biosecurity, and, subject to the direction of the President, attend and participate in meetings of the Council.”

SA 1709. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

**SEC. 1083. AUTHORITY TO USE OH-38 AIRCRAFT FUNDING FOR IMPROVEMENTS AND MODIFICATIONS TO ARMY AND SPECIAL OPERATIONS ROTORCRAFT.**

Notwithstanding any other provision of law, amounts authorized to be appropriated by this or any other Act for the purpose of enhancing, improving or modifying OH-58 aircraft may be used for that purpose and for enhancing, improving, or modifying any existing Army or Special Operation Forces

rotorcraft for the purpose of providing armed scout helicopter mission capability.

SA 1710. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 321, in the table of subchapters in the quoted text following line 21, strike the items relating to subchapters V, VI, and VII, and insert the following:

“V. Classified Information Procedures .....	949p-1.
“VI. Sentences .....	949s.
“VII. Post-Trial Procedures and Review of Military Commissions .....	950a.
“VIII. Punitive Matters .....	950p.

On page 323, between lines 22 and 23, insert the following:

“(8) NATIONAL SECURITY.—The term ‘national security’ means the national defense and foreign relations of the United States.

Beginning on page 347, strike line 19 and all that follows through page 349, line 10.

On page 354, strike line 13 and all that follows through page 355, line 10.

On page 360, strike line 24 and insert the following:

**“SUBCHAPTER V—CLASSIFIED INFORMATION PROCEDURES**

“Sec.  
“949p-1. Protection of classified information: applicability of subchapter.

“949p-2. Pretrial conference.

“949p-3. Protective orders.

“949p-4. Discovery of, and access to, classified information by the accused.

“949p-5. Notice by accused of intention to disclose classified information.

“949p-6. Procedure for cases involving classified information.

“949p-7. Introduction of classified information into evidence.

**“§ 949p-1. Protection of classified information: applicability of subchapter**

“(a) PROTECTION OF CLASSIFIED INFORMATION.—Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. Under no circumstances may a military judge order the release of classified information to any person not authorized to receive such information.

“(b) ACCESS TO EVIDENCE.—Any information admitted into evidence pursuant to any rule, procedure, or order by the military judge shall be provided to the accused.

“(c) DECLASSIFICATION.—Trial counsel shall work with the original classification authorities for evidence that may be used at trial to ensure that such evidence is declassified to the maximum extent possible, consistent with the requirements of national security. A decision not to declassify evidence under this section shall not be subject to review by a military commission or upon appeal.

“(d) CONSTRUCTION OF PROVISIONS.—The judicial construction of the Classified Information Procedures Act (18 U.S.C. App.) shall be authoritative in the interpretation of this subchapter, except to the extent that such construction is inconsistent with the specific requirements of this chapter.

**“§ 949p-2. Pretrial conference**

“(a) MOTION.—At any time after service of charges, any party may move for a pretrial

conference to consider matters relating to classified information that may arise in connection with the prosecution.

“(b) CONFERENCE.—Following a motion under subsection (a), or sua sponte, the military judge shall promptly hold a pretrial conference. Upon request by either party, the court shall hold such conference ex parte to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

“(c) MATTERS TO BE ESTABLISHED AT PRETRIAL CONFERENCE.—

“(1) TIMING OF SUBSEQUENT ACTIONS.—At the pretrial conference, the military judge shall establish the timing of—

“(A) requests for discovery;

“(B) the provision of notice required by section 949p-5 of this title; and

“(C) the initiation of the procedure established by section 949p-6 of this title.

“(2) OTHER MATTERS.—At the pretrial conference, the military judge may also consider any matter—

“(A) which relates to classified information; or

“(B) which may promote a fair and expeditious trial.

“(d) EFFECT OF ADMISSIONS BY ACCUSED AT PRETRIAL CONFERENCE.—No admission made by the accused or by any counsel for the accused at a pretrial conference under this section may be used against the accused unless the admission is in writing and is signed by the accused and by the counsel for the accused.

#### “§ 949p-3. Protective orders

“Upon motion of the trial counsel, the military judge shall issue an order to protect against the disclosure of any classified information that has been disclosed by the United States to any accused in any military commission under this chapter or that has otherwise been provided to, or obtained by, any such accused in any such military commission.

#### “§ 949p-4. Discovery of, and access to, classified information by the accused

“(a) LIMITATIONS ON DISCOVERY OR ACCESS BY THE ACCUSED.—

“(1) DECLARATIONS BY THE UNITED STATES OF DAMAGE TO NATIONAL SECURITY.—In any case before a military commission in which the United States seeks to delete, withhold, or otherwise obtain other relief with respect to the discovery of or access to any classified information, the trial counsel shall submit a declaration invoking the United States’ classified information privilege and setting forth the damage to the national security that the discovery of or access to such information reasonably could be expected to cause. The declaration shall be signed by a knowledgeable United States official possessing authority to classify information.

“(2) STANDARD FOR AUTHORIZATION OF DISCOVERY OR ACCESS.—Upon the submission of a declaration under paragraph (1), the military judge shall not authorize the discovery of or access to such classified information unless the military judge determines that such classified information would be noncumulative, relevant, and helpful to a legally cognizable defense, rebuttal of the prosecution’s case, or to sentencing, in accordance with standards generally applicable to discovery of or access to classified information in Federal criminal cases. If the discovery of or access to such classified information is authorized, it shall be addressed in accordance with the requirements of subsection (b).

“(b) DISCOVERY OF CLASSIFIED INFORMATION.—

“(1) SUBSTITUTIONS AND OTHER RELIEF.—The military judge, in assessing the

accused’s discovery of or access to classified information under this section, may authorize the United States—

“(A) to delete or withhold specified items of classified information;

“(B) to substitute a summary for classified information; or

“(C) to substitute a statement admitting relevant facts that the classified information or material would tend to prove.

“(2) EX PARTE PRESENTATIONS.—The military judge shall permit the trial counsel to make a request for an authorization under paragraph (1) in the form of an ex parte presentation to the extent necessary to protect classified information, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.). If the military judge enters an order granting relief following such an ex parte showing, the entire text of the written submission shall be sealed and preserved in the records of the military commission to be made available to the appellate court in the event of an appeal.

“(3) ACTION BY MILITARY JUDGE.—The military judge shall grant the request of the trial counsel to substitute a summary or to substitute a statement admitting relevant facts, or to provide other relief in accordance with paragraph (1), if the military judge finds that the summary, statement, or other relief would provide the accused with substantially the same ability to make a defense as would discovery of or access to the specific classified information.

“(c) RECONSIDERATION.—An order of a military judge authorizing a request of the trial counsel to substitute, summarize, withhold, or prevent access to classified information under this section is not subject to a motion for reconsideration by the accused, if such order was entered pursuant to an ex parte showing under this section.

#### “§ 949p-5. Notice by accused of intention to disclose classified information

“(a) NOTICE BY ACCUSED.—

“(1) NOTIFICATION OF TRIAL COUNSEL AND MILITARY JUDGE.—If an accused reasonably expects to disclose, or to cause the disclosure of, classified information in any manner in connection with any trial or pretrial proceeding involving the prosecution of such accused, the accused shall, within the time specified by the military judge or, where no time is specified, within 30 days before trial, notify the trial counsel and the military judge in writing. Such notice shall include a brief description of the classified information. Whenever the accused learns of additional classified information the accused reasonably expects to disclose, or to cause the disclosure of, at any such proceeding, the accused shall notify trial counsel and the military judge in writing as soon as possible thereafter and shall include a brief description of the classified information.

“(2) LIMITATION ON DISCLOSURE BY ACCUSED.—No accused shall disclose, or cause the disclosure of, any information known or believed to be classified in connection with a trial or pretrial proceeding until—

“(A) notice has been given under paragraph (1); and

“(B) the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 949p-6 of this title and the time for the United States to appeal such determination under section 950d of this title has expired or any appeal under that section by the United States is decided.

“(b) FAILURE TO COMPLY.—If the accused fails to comply with the requirements of subsection (a), the military judge—

“(1) may preclude disclosure of any classified information not made the subject of notification; and

“(2) may prohibit the examination by the accused of any witness with respect to any such information.

#### “§ 949p-6. Procedure for cases involving classified information

“(a) MOTION FOR HEARING.—

“(1) REQUEST FOR HEARING.—Within the time specified by the military judge for the filing of a motion under this section, either party may request the military judge to conduct a hearing to make all determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during the trial or pretrial proceeding.

“(2) CONDUCT OF HEARING.—Upon a request by either party under paragraph (1), the military judge shall conduct such a hearing and shall rule prior to conducting any further proceedings.

“(3) IN CAMERA HEARING UPON DECLARATION TO COURT BY APPROPRIATE OFFICIAL OF RISK OF DISCLOSURE OF CLASSIFIED INFORMATION.—Any hearing held pursuant to this subsection (or any portion of such hearing specified in the request of a knowledgeable United States official) shall be held in camera if a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration that a public proceeding may result in the disclosure of classified information. Classified information is not subject to disclosure under this section unless the information is relevant and necessary to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence.

“(4) MILITARY JUDGE TO MAKE DETERMINATIONS IN WRITING.—As to each item of classified information, the military judge shall set forth in writing the basis for the determination.

“(b) NOTICE AND USE OF CLASSIFIED INFORMATION BY THE GOVERNMENT.—

“(1) NOTICE TO ACCUSED.—Before any hearing is conducted pursuant to a request by the trial counsel under subsection (a), trial counsel shall provide the accused with notice of the classified information that is at issue. Such notice shall identify the specific classified information at issue whenever that information previously has been made available to the accused by the United States. When the United States has not previously made the information available to the accused in connection with the case the information may be described by generic category, in such forms as the military judge may approve, rather than by identification of the specific information of concern to the United States.

“(2) ORDER BY MILITARY JUDGE UPON REQUEST OF ACCUSED.—Whenever the trial counsel requests a hearing under subsection (a), the military judge, upon request of the accused, may order the trial counsel to provide the accused, prior to trial, such details as to the portion of the charge or specification at issue in the hearing as are needed to give the accused fair notice to prepare for the hearing.

“(c) SUBSTITUTIONS.—

“(1) IN CAMERA PRETRIAL HEARING.—Upon request of the trial counsel pursuant to the Military Commission Rules of Evidence, and in accordance with the security procedures established by the military judge, the military judge shall conduct a classified in camera pretrial hearing concerning the admissibility of classified information.

“(2) PROTECTION OF SOURCES, METHODS, AND ACTIVITIES BY WHICH EVIDENCE ACQUIRED.—The military judge shall permit the trial counsel to introduce otherwise admissible evidence, including a substituted evidentiary foundation pursuant to the procedures described in subsection (d), before a military

commission while protecting from disclosure the sources, methods, or activities by which the United States acquired the evidence if the military judge finds that the sources, methods, or activities are classified, the evidence is reliable, and the redaction is consistent with affording the accused a fair trial.

**“(d) ALTERNATIVE PROCEDURE FOR DISCLOSURE OF CLASSIFIED INFORMATION.—**

**“(1) MOTION BY THE UNITED STATES.—**Upon any determination by the military judge authorizing the disclosure of specific classified information under the procedures established by this section, the trial counsel may move that, in lieu of the disclosure of such specific classified information, the military judge order—

**“(A)** the substitution for such classified information of a statement admitting relevant facts that the specific classified information would tend to prove;

**“(B)** the substitution for such classified information of a summary of the specific classified information; or

**“(C)** any other procedure or redaction limiting the disclosure of specific classified information.

**“(2) ACTION ON MOTION.—**The military judge shall grant such a motion of the trial counsel if the military judge finds that the statement, summary, or other procedure or redaction will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

**“(3) HEARING ON MOTION.—**The military judge shall hold a hearing on any motion under this subsection. Any such hearing shall be held in camera at the request of a knowledgeable United States official possessing authority to classify information.

**“(4) SUBMISSION OF STATEMENT OF DAMAGE TO NATIONAL SECURITY IF DISCLOSURE ORDERED.—**The trial counsel may, in connection with a motion under paragraph (1), submit to the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information certifying that disclosure of classified information would cause identifiable damage to the national security of the United States and explaining the basis for the classification of such information. If so requested by the trial counsel, the military judge shall examine such declaration during an ex parte presentation.

**“(e) SEALING OF RECORDS OF IN CAMERA HEARINGS.—**If at the close of an in camera hearing under this section (or any portion of a hearing under this section that is held in camera), the military judge determines that the classified information at issue may not be disclosed or elicited at the trial or pre-trial proceeding, the record of such in camera hearing shall be sealed and preserved for use in the event of an appeal. The accused may seek reconsideration of the military judge’s determination prior to or during trial.

**“(f) PROHIBITION ON DISCLOSURE OF CLASSIFIED INFORMATION BY THE ACCUSED; RELIEF FOR ACCUSED WHEN THE UNITED STATES OPPOSES DISCLOSURE.—**

**“(1) ORDER TO PREVENT DISCLOSURE BY ACCUSED.—**Whenever the military judge denies a motion by the trial counsel that the judge issue an order under subsection (a), (c), or (d) and the trial counsel files with the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information objecting to disclosure of the classified information at issue, the military judge shall order that the accused not disclose or cause the disclosure of such information.

**“(2) RESULT OF ORDER UNDER PARAGRAPH (1).—**Whenever an accused is prevented by an

order under paragraph (1) from disclosing or causing the disclosure of classified information, the military judge shall dismiss the case; except that, when the military judge determines that the interests of justice would not be served by dismissal of the case, the military judge shall order such other action, in lieu of dismissing the charge or specification, as the military judge determines is appropriate. Such action may include, but need not be limited to, the following:

**“(A)** Dismissing specified charges or specifications.

**“(B)** Finding against the United States on any issue as to which the excluded classified information relates.

**“(C)** Striking or precluding all or part of the testimony of a witness.

**“(3) TIME FOR THE UNITED STATES TO SEEK INTERLOCUTORY APPEAL.—**An order under paragraph (2) shall not take effect until the military judge has afforded the United States—

**“(A)** an opportunity to appeal such order under section 950d of this title; and

**“(B)** an opportunity thereafter to withdraw its objection to the disclosure of the classified information at issue.

**“(g) RECIPROCIITY.—**

**“(1) DISCLOSURE OF REBUTTAL INFORMATION.—**Whenever the military judge determines that classified information may be disclosed in connection with a trial or pre-trial proceeding, the military judge shall, unless the interests of fairness do not so require, order the United States to provide the accused with the information it expects to use to rebut the classified information. The military judge may place the United States under a continuing duty to disclose such rebuttal information.

**“(2) SANCTION FOR FAILURE TO COMPLY.—**If the United States fails to comply with its obligation under this subsection, the military judge—

**“(A)** may exclude any evidence not made the subject of a required disclosure; and

**“(B)** may prohibit the examination by the United States of any witness with respect to such information.

**“§ 949p-7. Introduction of classified information into evidence**

**“(a) PRESERVATION OF CLASSIFICATION STATUS.—**Writings, recordings, and photographs containing classified information may be admitted into evidence in proceedings of military commissions under this chapter without change in their classification status.

**“(b) PRECAUTIONS BY MILITARY JUDGES.—**

**“(1) PRECAUTIONS IN ADMITTING CLASSIFIED INFORMATION INTO EVIDENCE.—**The military judge in a trial by military commission, in order to prevent unnecessary disclosure of classified information, may order admission into evidence of only part of a writing, recording, or photograph, or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the classified information contained therein, unless the whole ought in fairness be considered.

**“(2) CLASSIFIED INFORMATION KEPT UNDER SEAL.—**The military judge shall allow classified information offered or accepted into evidence to remain under seal during the trial, even if such evidence is disclosed in the military commission, and may, upon motion by the Government, seal exhibits containing classified information for any period after trial as necessary to prevent a disclosure of classified information when a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration setting forth the damage to the national security that the disclosure of such information reasonably could be expected to cause.

**“(c) TAKING OF TESTIMONY.—**

**“(1) OBJECTION BY TRIAL COUNSEL.—**During the examination of a witness, trial counsel may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

**“(2) ACTION BY MILITARY JUDGE.—**Following an objection under paragraph (1), the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any classified information. Such action may include requiring trial counsel to provide the military judge with a proffer of the witness’ response to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information sought to be elicited by the accused. Upon request, the military judge may accept an ex parte proffer by trial counsel to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

**“(d) DISCLOSURE AT TRIAL OF CERTAIN STATEMENTS PREVIOUSLY MADE BY A WITNESS.—**

**“(1) MOTION FOR PRODUCTION OF STATEMENTS IN POSSESSION OF THE UNITED STATES.—**After a witness called by the trial counsel has testified on direct examination, the military judge, on motion of the accused, may order production of statements of the witness in the possession of the United States which relate to the subject matter as to which the witness has testified. This paragraph does not preclude discovery or assertion of a privilege otherwise authorized.

**“(2) INVOCATION OF PRIVILEGE BY THE UNITED STATES.—**If the United States invokes a privilege, the trial counsel may provide the prior statements of the witness to the military judge during an ex parte presentation to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

**“(3) ACTION BY MILITARY JUDGE ON MOTION.—**If the military judge finds that disclosure of any portion of the statement identified by the United States as classified would be detrimental to the national security in the degree to warrant classification under the applicable Executive Order, statute, or regulation, that such portion of the statement is consistent with the testimony of the witness, and that the disclosure of such portion is not necessary to afford the accused a fair trial, the military judge shall excise that portion from the statement. If the military judge finds that such portion of the statement is inconsistent with the testimony of the witness or that its disclosure is necessary to afford the accused a fair trial, the military judge, shall, upon the request of the trial counsel, review alternatives to disclosure in accordance with section 949p-6(d) of this title.

**“SUBCHAPTER VI—SENTENCES**

On page 362, line 9, strike “SUBCHAPTER VI” and insert “SUBCHAPTER VII”.

On page 362, in the table of sections in the quoted text following line 10, strike the item relating to section 950d and insert the following:

“949d. Interlocutory appeals by the United States.

Beginning on page 368, strike line 7 and all that follows through page 369, line 8, and insert the following:

**“§ 950d. Interlocutory appeals by the United States**

“(a) INTERLOCUTORY APPEAL.—Except as provided in subsection (b), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the United States Court of Appeals for the Armed Forces under section 950f of this title of any order or ruling of the military judge—

“(1) that terminates proceedings of the military commission with respect to a charge or specification;

“(2) that excludes evidence that is substantial proof of a fact material in the proceeding;

“(3) that relates to a matter under subsection (c) or (d) of section 949d of this title; or

“(4) that, with respect to classified information—

“(A) authorizes the disclosure of such information;

“(B) imposes sanctions for nondisclosure of such information; or

“(C) refuses a protective order sought by the United States to prevent the disclosure of such information.

“(b) LIMITATION.—The United States may not appeal under subsection (a) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

“(c) SCOPE OF APPEAL RIGHT WITH RESPECT TO CLASSIFIED INFORMATION.—The United States has the right to appeal under paragraph (4) of subsection (a) whenever the military judge enters an order or ruling that would require the disclosure of classified information, without regard to whether the order or ruling appealed from was entered under this chapter, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such disclosure.

“(d) TIMING AND ACTION ON INTERLOCUTORY APPEALS RELATING TO CLASSIFIED INFORMATION.—

“(1) APPEAL TO BE EXPEDITED.—An appeal taken pursuant to paragraph (4) of subsection (a) shall be expedited by the United States Court of Appeals for the Armed Forces.

“(2) APPEALS BEFORE TRIAL.—If such an appeal is taken before trial, the appeal shall be taken within 10 days after the order or ruling appealed from and the trial shall not commence until the appeal is decided.

“(3) APPEALS DURING TRIAL.—If such an appeal is taken during trial, the military judge shall adjourn the trial until the appeal is decided, and the court of appeals—

“(A) shall hear argument on such appeal within 4 days of the adjournment of the trial (excluding weekends and holidays);

“(B) may dispense with written briefs other than the supporting materials previously submitted to the military judge;

“(C) shall render its decision within four days of argument on appeal (excluding weekends and holidays); and

“(D) may dispense with the issuance of a written opinion in rendering its decision.

“(e) NOTICE AND TIMING OF OTHER APPEALS.—The United States shall take an appeal of an order or ruling under subsection (a), other than an appeal under paragraph (4) of that subsection, by filing a notice of appeal with the military judge within 5 days after the date of the order or ruling.

“(f) METHOD OF APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed by the Secretary of Defense, directly to the United States Court of Appeals for the Armed Forces.

“(g) APPEALS COURT TO ACT ONLY WITH RESPECT TO MATTER OF LAW.—In ruling on an appeal under paragraph (1), (2), or (3) of subsection (a), the appeals court may act only with respect to matters of law.

“(h) SUBSEQUENT APPEAL RIGHTS OF ACCUSED NOT AFFECTED.—An appeal under paragraph (4) of subsection (a), and a decision on such appeal, shall not affect the right of the accused, in a subsequent appeal from a judgment of conviction, to claim as error reversal by the military judge on remand of a ruling appealed from during trial.”

On page 374, line 4, strike “SUBCHAPTER VII” and insert “SUBCHAPTER VIII”.

**SA 1711.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 573. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER OF THE ARMED FORCES TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF THE MEMBER.**

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

**SA 1712.** Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. KAUFMAN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

**Subtitle D—VOICE Act**

**SEC. 1241. SHORT TITLE.**

This subtitle may be cited as the “Victims of Iranian Censorship Act” or the “VOICE Act”.

**SEC. 1242. FINDINGS.**

Congress makes the following findings:

(1) The Government of Iran is engaged in a range of activities that interfere with, or infringe upon, the right of the Iranian people to—

(A) access accurate, independent news and information; and

(B) exercise freedom of speech, freedom of expression, freedom of assembly, and freedom of the press, in particular through electronic media.

(2) Since the June 12, 2009, presidential election in Iran, the Government of Iran has—

(A) arrested, detained, imprisoned, and assaulted numerous Iranian journalists;

(B) prohibited non-Iranian government news services, including the Associated Press, from distributing reports in Farsi;

(C) interrupted short message service (SMS), preventing text message communications and blocking Internet sites that utilize such services;

(D) partially jammed shortwave and medium wave transmissions of Radio Farda, the Persian language service of Radio Free Europe/Radio Liberty;

(E) intermittently jammed satellite broadcasts by Radio Farda, the Voice of America’s Persian News Network (PNN), the British Broadcasting Corporation (BBC), and other non-Iranian government news services; and

(F) blocked Web sites and Web blogs, including social networking and information-sharing sites, such as Facebook, Twitter, and YouTube.

(3) These and other actions undertaken by the Government of Iran are in violation of the International Covenant on Civil and Political Rights, which was entered into force March 23, 1976, ratified by Iran, and states:

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

**SEC. 1243. SENSE OF CONGRESS.**

It is the sense of Congress that the United States—

(1) respects the sovereignty, proud history, and rich culture of the Iranian people;

(2) respects the universal values of freedom of speech and freedom of the press in Iran and throughout the world;

(3) supports the Iranian people as they take steps to peacefully express their voices, opinions, and aspirations;

(4) supports the Iranian people seeking access to news and other forms of information;

(5) condemns the detainment, imprisonment, and intimidation of all journalists, in Iran and elsewhere throughout the world;

(6) supports journalists who take great risk to report on political events in Iran, including those surrounding the presidential election;

(7) supports the efforts the Voice of America’s (VOA) 24-hour television station Persian News Network, and Radio Free Europe / Radio Liberty’s (RFE/RL) Radio Farda 24-hour radio station; British Broadcasting Corporation (BBC) Farsi language programming; Radio Zamaneh; and other independent news outlets to provide information to Iran;

(8) condemns acts of censorship, intimidation, and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Iran and throughout the world;

(9) commends companies such as Twitter, Facebook, and YouTube, which have facilitated the ability of the Iranian people to access and share information, and exercise freedom of speech, freedom of expression, and freedom of assembly through alternative technologies; and

(10) condemns companies which have knowingly impeded the ability of the Iranian people to access and share information and exercise freedom of speech, freedom of expression, and freedom of assembly through electronic media, including through the sale of technology that allows for deep packet inspection or provides the capability to monitor or block Internet access, and gather information about individuals.

**SEC. 1244. STATEMENT OF POLICY.**

It shall be the policy of the United States—

(1) to support freedom of the press, freedom of speech, freedom of expression, and freedom of assembly in Iran;

(2) to support the Iranian people as they seek, receive, and impart information and promote ideas in writing, in print, or through any media without interference;

(3) to discourage businesses from aiding efforts to interfere with the ability of the people of Iran to freely access or share information or otherwise infringe upon freedom of speech, freedom of expression, freedom of assembly, and freedom of the press through the Internet or other electronic media, including through the sale of deep packet inspection or other technology that provides the capability to monitor or block Internet access, and gather information about individuals; and

(4) to encourage the development of technologies, including Internet Web sites that facilitate the efforts of the Iranian people—

(A) to gain access to and share accurate information and exercise freedom of speech, freedom of expression, freedom of assembly, and freedom of the press, through the Internet or other electronic media; and

(B) engage in Internet-based education programs and other exchanges between United States citizens and Iranians.

#### SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL BROADCASTING OPERATIONS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' International Broadcasting Operations Fund, there is authorized to be appropriated \$15,000,000 to expand Farsi language programming and to provide for the dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) BROADCASTING CAPITAL IMPROVEMENTS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' Broadcasting Capital Improvements Fund, there is authorized to be appropriated \$15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) USE OF AMOUNTS.—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

#### SEC. 1246. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Iranian Electronic Education, Exchange, and Media Fund (referred to in this section as the "Fund"), consisting of amounts appropriated to the Fund pursuant to subsection (e).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of State.

(c) OBJECTIVE.—The objective of the Fund shall be to support the development of tech-

nologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$20,000,000 to the Fund.

#### SEC. 1247. BIENNIAL REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1245, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio Farda and Voice of America;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) CLASSIFIED ANNEX.—The report submitted under subsection (a) may include a classified annex.

#### SEC. 1248. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

(a) STUDY.—The President shall direct the appropriate officials to examine claims that non-Iranian companies, including corporations with United States subsidiaries, have

provided hardware, software, or other forms of assistance to the Government of Iran that has furthered its efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that contains the results of the study conducted under subsection (a). The report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 1249. ANNUAL DESIGNATION OF INTERNET-RESTRICTING COUNTRIES.

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall designate countries that meet the criteria set forth in paragraph (2) as Internet-restricting countries.

(2) CRITERIA.—A foreign country shall be designated as an Internet-restricting country under this section if the Secretary of State, after consultation with the Secretary of Commerce, determines, based on the review of the evidence and any ongoing multilateral discussions on freedom of speech and the right to privacy, that the government of the country was directly or indirectly responsible for a systematic pattern of substantial restrictions on the unimpeded use of the Internet or other telecommunications technology, such as short message service (SMS), at any time during the preceding 1-year period.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(A) the name of each foreign country that is designated as an Internet-restricting country under subsection (a);

(B) a detailed description of the nature of the restrictions imposed by each Internet-restricting country, including specific technologies and methods used;

(C) the name of each government agency and quasi-government organization responsible for the substantial restrictions on Internet freedom in each Internet-restricting country;

(D) the name of any United States and foreign companies that have provided technology, training, or other assistance to the Internet or telecommunications-restricting effort of any Internet-restricting country, and a detailed description of such assistance and its approximate worth;

(E) a description of efforts by the United States to counter the substantial restrictions on Internet freedom referred to in subparagraph (B); and

(F) a description of the evidence used by the Secretary of State to make the determinations under subsection (a)(2), and any ongoing multilateral discussions on freedom of speech and the right to privacy referred to in such subsection.

(2) CLASSIFIED FORM.—The information required under paragraph (1)(C) may be provided in a classified form if necessary.

(3) PUBLIC AVAILABILITY.—All unclassified portions of the report shall be made publicly available on the Internet Web site of the Department of State.

#### SEC. 1250. HUMAN RIGHTS DOCUMENTATION.

There are authorized to be appropriated \$5,000,000 to the Secretary of State to document, collect, and disseminate information

about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

**SA 1713.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 533, between lines 15 and 16, insert the following:

**SEC. 707. AUTHORITY TO RELOCATE UNITED STATES MILITARY ACADEMY PREP SCHOOL TO NEW YORK MILITARY ACADEMY, CORNWALL-ON-HUDSON, NEW YORK.**

Notwithstanding Recommendation #5 of the 2005 Defense Base Closure and Realignment Commission Report, which recommended the relocation of the United States Military Academy Prep School to West Point, New York, in connection with the closure of Fort Monmouth, New Jersey, the Secretary of Defense may instead relocate the United States Military Academy Prep School to the New York Military Academy, Cornwall-on-Hudson, New York.

**SA 1714.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 573. REPORT AND PLAN ON NEEDS FOR CYBERSECURITY PERSONNEL AND TRAINING.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on, and plan to address, the needs of the Department of Defense, over the next five years, for additional personnel with expertise in matters relating to cybersecurity and additional training with respect to such matters.

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall include an assessment of the following:

(1) The availability to the Department of Defense of personnel with expertise in matters relating to cybersecurity from outside of the Department.

(2) Any obstacles to the recruitment by the Department of personnel with expertise in matters relating to cybersecurity, including an insufficient number of individuals with such expertise outside of the Department.

(3) The sufficiency of training and expertise of personnel within the Department on matters relating to cybersecurity.

(4) The career path for personnel with expertise in matters relating to cybersecurity, including the use of specialty codes and the existing training structures within the Department of Defense.

(c) ELEMENTS OF PLAN.—The plan required by subsection (a) shall address the following:

(1) The extent to which the Department of Defense will rely on private contractors to meet the needs of the Department with respect to personnel with expertise in matters relating to cybersecurity and the measures that will be employed to ensure effective information-sharing and information security if the Department will use such contractors.

(2) Efforts to establish public-private partnerships to meet the needs of the Department with respect to personnel with expertise in matters relating to cybersecurity and training with respect to such matters.

(3) The role of civilian employees of the Department of Defense with respect to matters relating to cybersecurity and how such employees could be used to meet the needs of the Armed Forces on such matters.

(4) Efforts to coordinate and pool resources with respect to matters relating to cybersecurity with other Federal agencies, particularly the Department of Homeland Security.

(5) Measures to improve training with respect to matters relating to cybersecurity within the Department of Defense, including the development of new specialty codes and career tracks for cybersecurity personnel.

(6) Recommendations for legislative changes necessary to increase the availability of personnel with expertise in matters relating to cybersecurity and interest in programs of the Department of Defense relating to cybersecurity.

**SA 1715.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 706. TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.**

(a) IN GENERAL.—Section 1079 of title 10, United States Code, is amended—

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

“(18) In accordance with subsection (r), treatment for autism spectrum disorders shall be made available to dependents who are diagnosed with autism spectrum disorders.”; and

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

“(r)(1) For purposes of subsection (a)(18), treatment for an autism spectrum disorder may include the use of applied behavior analysis or other structured behavior programs, as the Secretary determines appropriate.

“(2) The Secretary may not consider the use of applied behavior analysis or other structured behavior programs under this section to be special education for purposes of subsection (a)(9).

“(3) In carrying out this subsection, the Secretary shall ensure that—

“(A) a person who is authorized to provide applied behavior analysis or other structured behavior programs is licensed or certified by a State, the Behavior Analyst Certification Board, or other accredited national certification board; and

“(B) if applied behavior analysis or other structured behavior program is provided by an employee or contractor of a person authorized to provide such treatment, the employee or contractor shall meet minimum

qualifications, training, and supervision requirements consistent with business best practices in the field of behavior analysis and autism services and in accordance with regulations prescribed by the Secretary.

“(4) In this section, the term ‘autism spectrum disorders’ includes autistic disorder, Asperger’s syndrome, and any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.”.

(b) REGULATIONS.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall prescribe such regulations as may be necessary to carry out subsections (a)(18) and (r) of section 1079 of title 10, United States Code, as added by subsection (a) of this section.

(c) REPORT REQUIRED.—The Secretary of Defense shall provide a report to the Committees on Armed Services of the Senate and the House of Representatives no later than 180 days after implementation of section (a) on the implementation of such section and its effect on access to and quality of ABA services for eligible military families and their autistic dependents.

(d) APPLICABILITY TO OTHER PROVISIONS.—Nothing in this section shall be construed to alter or affect the requirement under section 553 of this Act to develop and implement a policy for the support of military children with autism and their families.

**SA 1716.** Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

**SEC. 1232. ASSISTANCE TO CIVILIANS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES IN OVERSEAS CONTINGENCY OPERATIONS.**

(a) DETERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—To promote and maintain friendly relations through the prompt administration of assistance to civilian casualties, the Secretary concerned, or an officer or employee designated by the Secretary, may appoint, under such regulations as the Secretary may prescribe, local military commanders to provide monetary assistance in an amount appropriate for the loss suffered for—

(A) damage to, or loss of, real property of any inhabitant of a foreign country, including damage or loss incident to use and occupancy;

(B) damage to, or loss of, personal property of any inhabitant of a foreign country; or

(C) personal injury to, or death of, any inhabitant of a foreign country;

if the damage, loss, personal injury, or death occurs outside the United States, or the Commonwealths or possessions, and is caused by, or is otherwise incident to, combat activities in foreign contingency operations of the Armed Forces under the local military commander’s command, or is caused by a member thereof or by a civilian employee of the military department concerned or the Coast Guard, as the case may be. A commander will provide assistance under regulations of the Department of Defense.

(2) CONDITIONS.—Assistance authorized by this section may be allowed only if—

(A) an application therefor is presented within two years after the occurrence of the incident concerned;

(B) the applicant is determined by the local military commander to be friendly to the United States;

(C) the incident results directly or indirectly from an act of the Armed Forces in combat, an act of the Armed Forces indirectly related to combat, or an act of the Armed Forces occurring while preparing for, going to, or returning from a combat mission; and

(D) the incident does not arise directly from action by an enemy, unless the local military commander determines that it in the best military interest to offer assistance in such case.

(b) TYPE OF ASSISTANCE.—Satisfaction under this section shall be made through payment in local currency when possible. However, satisfaction under this section may be made through the provision of services or in-kind compensation if such satisfaction is considered appropriate by the legal advisor and the local military commander concerned and accepted by the applicant.

(c) LEGAL ADVICE REQUIREMENT.—Local military commanders shall receive legal advice before authorizing assistance. The legal advisor, under regulations of the Department of Defense, shall determine whether the applicant for assistance is properly an applicant, whether the facts support the provision of assistance, and what amount is appropriate for the loss suffered. The legal advisor shall then make a recommendation to the local military commander who will determine if assistance is to be provided.

(d) CONSIDERATION OF APPLICATIONS.—Any application appropriately made for assistance resulting from United States military operations will be considered on the merits. If assistance is not offered or provided to an applicant, documentation of the denial shall be maintained by the Department of Defense. The applicant should be informed of any decision made by a commander in a timely manner.

(e) DESIGNATION OF ASSISTANCE PROVIDERS.—The Secretary of Defense may designate any local military commander appointed under subsection (a) to provide assistance for damage, loss, injury, or death caused by a civilian employee of the Department of Defense other than an employee of a military department.

(f) TREATMENT OF OTHER COMPENSATION RECEIVED.—In the event compensation for damage, loss, injury, or death covered by this section is received through a separate program operated by the United States Government, receipt of compensation in such amount may be considered by the legal advisor or commander determining the appropriate assistance under subsection (a).

(g) REPORTING.—

(1) RECORDS OF APPLICATIONS FOR ASSISTANCE.—A written record of any assistance offered or denied will be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(2) BIENNIAL REPORT.—The Secretary of Defense shall report to Congress on a biennial basis the efficacy of the civilian assistance program, including the number of cases considered, amounts offered, and any necessary adjustments.

**SA 1717.** Mr. FRANKEN (for himself, Mr. ISAKSON, Ms. LANDRIEU, Mr. GRAHAM, Mr. BROWN, and Mr. BEGICH) submitted an amendment intended to

be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1083. PILOT PROGRAM ON USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.**

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

(1) The United States owes a profound debt to those who have served the United States honorably in the Armed Forces.

(2) Disabled veterans suffer from a range of physical and mental injuries and disabilities.

(3) In 2008, the Army reported the highest level of suicides among its soldiers since it began tracking the rate 28 years before 2009.

(4) A scientific study documented in the 2008 Rand Report entitled “Invisible Wounds of War” estimated that 300,000 veterans of Operation Enduring Freedom and Operation Iraqi Freedom currently suffer from post-traumatic stress disorder.

(5) Veterans have benefitted in multiple ways from the provision of service dogs.

(6) The Department of Veterans Affairs has been successfully placing guide dogs with the blind since 1961.

(7) Thousands of dogs around the country await adoption.

(b) PROGRAM REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year pilot program to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program by partnering with nonprofit organizations that—

(A) have experience providing service dogs to individuals with injuries or disabilities;

(B) do not charge fees for the dogs, services, or lodging that they provide; and

(C) are accredited by a generally accepted industry-standard accrediting institution.

(2) REIMBURSEMENT OF COSTS.—The Secretary shall reimburse partners for costs relating to the pilot program as follows:

(A) For the first 50 dogs provided under the pilot program, all costs relating to the provision of such dogs.

(B) For dogs provided under the pilot program after the first 50 dogs provided, all costs relating to the provision of every other dog.

(d) PARTICIPATION.—

(1) IN GENERAL.—As part of the pilot program, the Secretary shall provide a service dog to a number of veterans with physical or mental injuries or disabilities that is greater than or equal to the greater of—

(A) 200; and

(B) the minimum number of such veterans required to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) COMPOSITION.—The Secretary shall ensure that—

(A) half of the participants in the pilot program are veterans who suffer primarily from a mental health injury or disability; and

(B) half of the participants in the pilot program are veterans who suffer primarily from a physical injury or disability.

(e) STUDY.—In carrying out the pilot program, the Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the pilot program.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings relating to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(3) The effectiveness of using service dogs to prevent suicide.

(f) REPORTS.—

(1) ANNUAL REPORT OF THE SECRETARY.—After each year of the pilot program, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the pilot program.

(2) FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 180 days after the date of the completion of the pilot program, the National Academy of Sciences shall submit to Congress a report on the results of the pilot program.

**SA 1718.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 475, between lines 2 and 3, insert the following:

**SEC. 1211. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.**

(a) AUTHORITY.—The President is authorized to transfer defense articles from the stocks of the Department of Defense, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed \$500,000,000.

(2) SOURCE OF TRANSFERRED DEFENSE ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) immediately before the transfer were in use to support operations in Iraq;

(B) were present in Iraq as of the date of enactment of this Act; and

(C) are no longer required by United States forces in Iraq.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided to

Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT.—

(1) IN GENERAL.—The President may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq owned by the Department of Defense, including equipment and property owned by the Department of Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the process by which potential requirements for defense articles to be transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(F) A description of the plan, if any, for reimbursing military departments from which non-excess defense articles are transferred under the authority provided in subsection (a).

(G) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(H) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(I) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) NOTIFICATION.—

(1) IN GENERAL.—The President may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the President has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees.

(2) CONTENTS.—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) an identification of the military department from which the defense articles being transferred are drawn;

(D) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided;

(E) an assessment of the impact of the transfer on the national technology and industrial base and, particularly, the impact on opportunities of entities in the national technology and industrial base to sell new or used equipment to the countries to which such articles are to be transferred; and

(F) a certification by the President that—

(i) the Secretary of Defense has determined that—

(I) the defense articles to be transferred are no longer required by United States forces in Iraq;

(II) the proposed transfer of such defense articles will not adversely impact the military preparedness of the United States;

(III) immediately before the transfer, the defense articles to be transferred were being used to support operations in Iraq;

(IV) the defense articles to be transferred were present in Iraq as of the date of enactment of this Act; and

(V) the defense articles to be transferred are required by the military and security forces of Iraq or the military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) QUARTERLY REPORT.—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include non-governmental or irregular forces (such as private militias).

(h) EXPIRATION.—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by Section 516 of the Foreign Assistance Act of 1961.

(2) AGGREGATE VALUE.—The value of excess defense articles transferred to Iraq during fiscal year 2010 pursuant to Section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act.

**SA 1719.** Mr. PRYOR (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ ENHANCED REPORTING ON THE USE OF TARP FUNDS.**

Section 105 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5215(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) a detailed report on the use of capital investments by each financial institution, including—

“(A) a narrative response, in a form and on a date to be established by the Secretary, specifically outlining, with respect to the financial institution—

“(i) the original intended use of the TARP funds;

“(ii) whether the TARP funds are segregated from other institutional funds;

“(iii) the actual use of the TARP funds to date;

“(iv) the amount of TARP funds retained for the purpose of recapitalization; and

“(v) the expected use of the remainder of the TARP funds;

“(B) information compiled by the Secretary under subsection (b); and

“(C) a report, in a form and on a date to be established by the Secretary, on the compliance by the financial institution with the restrictions on dividends, stock repurchases, and executive compensation under the Security Purchase Agreement and executive compensation guidelines of the Department of Treasury.”;

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(3) by inserting after subsection (a) the following:

“(b) INFORMATION PROVIDED BY FINANCIAL INSTITUTIONS.—

“(1) IN GENERAL.—For purposes of the report of the Secretary required by subsection (a)(4), financial institutions assisted under this title shall provide to the Secretary the information required by paragraph (2), at such times and in such manner as the Secretary shall establish.

“(2) INFORMATION REQUIRED.—Information required by this paragraph is—

“(A) for those financial institutions receiving \$1,000,000,000 or more from the Capital

Purchase Program established by the Secretary (or any successor thereto), a monthly lending and intermediation snapshot, as of a date to be established by the Secretary, which shall include—

“(i) quantitative information, as well as commentary, to explain changes in lending levels for each category on consumer lending, including first mortgages, home equity lines of credit, open end credit plans (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602)), and other consumer lending;

“(ii) quantitative information, as well as commentary, to explain changes in lending levels for each category on commercial lending, including commercial and industrial (C&I) lending and real estate;

“(iii) quantitative information, as well as commentary, to explain changes in lending levels for each category on other lending activities, including mortgage-backed securities, asset-backed securities, and other secured lending; and

“(iv) a narrative report of the intermediation activity during the reporting period, including a general commentary on the lending environment, loan demand, any changes in lending standards and terms, and any other intermediation activity; and

“(B) for those financial institutions receiving less than \$1,000,000,000 from the Capital Purchase Program established by the Secretary (or any successor thereto), a lending and intermediation snapshot, as of a date to be established by the Secretary, but not more frequently than once every 90 days, including the information described in clauses (i) through (iv) of subparagraph (A).

“(3) CERTIFICATION REQUIRED.—The information submitted to the Secretary under this subsection shall be signed by a duly authorized senior executive officer of the financial institution, including a statement certifying the accuracy of all statements, representations, and supporting information provided, and such certifications shall be included in the reports submitted by the Secretary under subsection (a)(4).”

**SA 1720.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 226, strike line 17 and all that follows through page 228, line 10, and insert the following:

**SEC. 724. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.**

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences to conduct a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the risk of misadministration of medications, includ-

ing accidental and intentional overdoses, under- and over- medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that may increase the risks of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the Armed Forces, other departments and agencies of government, and the private sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risks of misadministration of medications and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) REPORT.—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense and Congress a report on the study, including such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 1403 for the Defense Health Program is hereby increased by \$1,000,000, with the amount of the increase to be allocated for the study required under subsection (a).

(2) OFFSET.—The aggregate amount authorized to be appropriated by this Act, other than the amount authorized to be appropriated by section 1403, is hereby reduced by \$1,000,000, with the amount of such reduction to be allocated on a pro rata basis.

**SA 1721.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1083. ESTABLISHMENT OF REGISTRIES OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES EXPOSED IN LINE OF DUTY TO OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARDS.**

(a) ESTABLISHMENT.—For each occupational and environmental health chemical hazard of particular concern, the Secretary of Defense shall establish and administer a registry of members and former members of the Armed Forces who were exposed in the line of duty to such hazard on or after September 11, 2001.

(b) REGISTRATION.—For every member and former member of the Armed Forces who was exposed in the line of duty to a hazard described in subsection (a), the Secretary shall—

(1) register such member or former member in such registry; and

(2) collect such information about such member or former member as the Secretary considers appropriate for purposes of establishing and administering such registry.

(c) NOTIFICATION.—In the case that the Secretary learns that a member or former member of the Armed Forces may have been exposed in the line of duty to a hazard described in subsection (a), the Secretary shall—

(1) notify of such exposure—

(A) such member or former member;

(B) the commanding officer of the unit to which such member or former member belonged at the time of such exposure; and

(C) in the case of a member of the National Guard, the Adjutant General of the State concerned; and

(2) inform such member or former member that such member or former member may be included in the registry required by subsection (a) for such hazard.

(d) EXAMINATION.—Not later than 30 days after the date on which the Secretary becomes aware of an exposure of a member or former member of the Armed Forces to a hazard described in subsection (a) and annually thereafter, the Secretary shall provide such member or former member—

(1) a complete physical and medical examination;

(2) consultation and counseling with respect to the results of such physical and examination; and

(3) a copy of the documentation of such exposure in the member's or former member's medical record maintained by the Department of Defense.

(e) OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARD OF PARTICULAR CONCERN DEFINED.—In this section, the term “occupational and environmental health chemical hazard of particular concern” means an occupational and environmental health chemical hazard that the Secretary of Defense determines is of particular concern after considering appropriate guidelines and standards for exposure, including the following:

(1) The military exposure guidelines specified in the January 2002 Chemical Exposure Guidelines for Deployed Military Personnel, United States Army Center for Health Promotion and Preventive Medicine Technical Guide 230 (or any successor technical guide that establishes military exposure guidelines for the assessment of the significance of field exposures to occupational and environmental health chemical hazards during deployments).

(2) Occupational and environmental health chemical exposure standards promulgated by the Occupational Safety and Health Administration.

**SEC. 1084. SCIENTIFIC REVIEW OF ASSOCIATION OF INCIDENTS OF EXPOSURE TO OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARDS WITH HEALTH CONSEQUENCES.**

(a) AGREEMENT.—

(1) IN GENERAL.—The Secretary of Defense shall seek to enter into an agreement with the Institute of Medicine of the National Academies for the Institute of Medicine to perform the services covered by this section.

(2) TIMING.—The Secretary shall seek to enter into the agreement described in paragraph (1) not later than two months after the date of the enactment of this Act.

(b) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary of Defense and the Institute of Medicine under this section, the Institute of Medicine shall, for each incident of exposure involving one or more members of the Armed Forces reported in a registry established under section 1083(a) to an occupational and environmental health chemical hazard of particular concern, review and summarize the scientific evidence, and assess the strength thereof, concerning the association between the exposure to such hazard and acute and long-term health consequences of such exposure.

(c) SCIENTIFIC DETERMINATIONS CONCERNING HEALTH CONSEQUENCES.—

(1) IN GENERAL.—For each incident of exposure reviewed under subsection (b), the Institute of Medicine shall determine (to the extent that available scientific data permit meaningful determinations)—

(A) whether a statistical association with the acute and long-term health consequences exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association; and

(B) whether there exists a plausible biological mechanism or other evidence of a causal relationship between the occupational and environmental health chemical hazard and the health consequences.

(2) DISCUSSION AND REASONING.—The Institute of Medicine shall include in its reports under subsection (f) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(d) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—

(1) IN GENERAL.—The Institute of Medicine shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to exposure to occupational and environmental health chemical hazards of particular concern.

(2) CONSIDERATIONS.—In making recommendations for further study, the Institute of Medicine shall consider the following:

(A) The scientific information that is currently available.

(B) The value and relevance of the information that could result from additional studies.

(e) SUBSEQUENT REVIEWS.—The agreement under subsection (a) shall require the Institute of Medicine—

(1) to conduct periodically as comprehensive a review as is practicable of the evidence referred to in subsection (b) that has become available since the last review of such evidence under this section; and

(2) to make its determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(f) REPORTS.—

(1) REPORTS TO CONGRESS.—

(A) IN GENERAL.—The agreement under subsection (a) shall require the Institute of Medicine to submit, not later than the end of the 18-month period beginning on the date of the enactment of this Act and not less frequently than once every two years thereafter, to the appropriate committees of Congress a report on the activities of the Institute of Medicine under the agreement.

(B) CONTENTS.—The report described in subparagraph (A) shall include the following:

(i) The determinations and discussion referred to in subsection (c).

(ii) Any recommendations of the Institute of Medicine under subsection (d).

(2) REPORTS TO SECRETARY OF DEFENSE.—The agreement under subsection (a) shall require the Institute of Medicine, in the case that the Institute of Medicine makes any conclusive determination under subsection (c)(1) with respect to any incident of exposure studied under subsection (b), to submit, not later than 30 days after the date of such determination, to the Secretary of Defense a report describing such determination.

(g) NOTICE TO MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall notify members and former members of the Armed Forces listed in a registry established under section 1083(a) for exposure to an occupational and environmental health chemical hazard of particular concern of—

(1) any conclusive determinations made with respect to such exposure under subsection (c)(1); and

(2) any other significant developments in research on the health consequences of exposure to such hazard.

(h) LIMITATION ON AUTHORITY.—The agreement under this section shall be effective for a fiscal year to the extent that appropriations are available to carry out the agreement.

(i) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the Institute of Medicine submits to the Secretary of Defense the first report under subsection (f).

(j) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—

(1) IN GENERAL.—If the Secretary of Defense is unable within the time period prescribed in subsection (a)(2) to enter into an agreement described in subsection (a)(1) with the Institute of Medicine on terms acceptable to the Secretary, the Secretary shall seek to enter into such an agreement with another appropriate scientific organization that—

(A) is not part of the Government;

(B) operates as a not-for-profit entity; and

(C) has expertise and objectivity comparable to that of the Institute of Medicine.

(2) TREATMENT.—If the Secretary enters into an agreement with another organization as described in paragraph (1), any reference in this section to the Institute of Medicine shall be treated as a reference to the other organization.

(k) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives.

(2) OCCUPATIONAL AND ENVIRONMENTAL HEALTH CHEMICAL HAZARD OF PARTICULAR CONCERN.—The term “occupational and environmental health chemical hazard of particular concern” means an occupational and environmental health chemical hazard that the Secretary of Defense determines is of particular concern after considering appropriate guidelines and standards for exposure, including the following:

(A) The military exposure guidelines specified in the January 2002 Chemical Exposure Guidelines for Deployed Military Personnel, United States Army Center for Health Promotion and Preventive Medicine Technical Guide 230 (or any successor technical guide that establishes military exposure guidelines for the assessment of the significance of field exposures to occupational and environmental health chemical hazards during deployments).

(B) Occupational and environmental health chemical exposure standards promulgated by the Occupational Safety and Health Administration.

**SEC. 1085. OFFSET.**

The total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby decreased by \$6,000,000.

**SA 1722.** Mr. BAYH (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 731 and insert the following:

**SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COGNITIVE REHABILITATIVE THERAPY SERVICES UNDER THE TRICARE PROGRAM.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), carry out a pilot program under the TRICARE program to determine the feasibility and advisability of expanding the availability of cognitive rehabilitative therapy services for members or former members of the Armed Forces described in subsection (b).

(b) COVERED MEMBERS AND FORMER MEMBERS.—A member or former member of the Armed Forces is described in this subsection if the member or former member—

(1) has been diagnosed with a moderate to severe traumatic brain injury incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom;

(2) is retired or separated from the Armed Forces for disability under chapter 61 of title 10, United States Code; and

(3) is referred by a qualified physician for cognitive rehabilitative therapy.

(c) ELEMENTS OF PILOT PROGRAM.—The Secretary of Defense shall, in consultation with the entities and officials referred to in subsection (d), develop for inclusion in the pilot program the following:

(1) Procedures for access to cognitive rehabilitative therapy services.

(2) Qualifications and supervisory requirements for licensed and certified health care professionals providing such services.

(3) A methodology for reimbursing providers for such services.

(d) ENTITIES AND OFFICIALS TO BE CONSULTED.—The entities and officials referred to in this subsection are the following:

(1) The Secretary of Veterans Affairs.

(2) The Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury.

(3) Relevant national organizations with experience in treating traumatic brain injury.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report—

(1) evaluating the effectiveness of the pilot project in providing increased access to safe, effective, and quality cognitive rehabilitative therapy services for members and former members of the Armed Forces described in subsection (b); and

(2) making recommendations with respect to the effectiveness of cognitive rehabilitative therapy services and the appropriateness of including such services as a benefit under the TRICARE program.

(f) TRICARE PROGRAM DEFINED.—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

“Of the amounts appropriated for the defense health programs in FY 2010, \$5 million shall be available for this pilot”.

**SA 1723.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

**SEC. 2832. LAND CONVEYANCE, PUEBLO ARMY DEPOT, COLORADO.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Pueblo Depot Development Authority, all right, title, and interest of the United States to a parcel of real property, including improvements thereon, consisting of approximately 3,000 acres located at the Pueblo Army Depot in Pueblo, Colorado, for the purposes of developing, constructing, and operating a large utility-scale renewable energy generating facility.

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

(c) PAYMENT OF COSTS OF CONVEYANCES.—

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

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

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

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

**SA 1724.** Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

**SEC. 2832. LAND CONVEYANCE, PUEBLO ARMY DEPOT, COLORADO.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Pueblo Depot Development Authority, all right, title, and interest of the United States to a parcel of real property, including improvements thereon, consisting of approximately 3,000 acres located at the Pueblo Army Depot in Pueblo, Colorado, for the purposes of developing, constructing, and operating a large utility-scale renewable energy generating facility.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Pueblo Depot Development Authority shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

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

(d) PAYMENT OF COSTS OF CONVEYANCES.—

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

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

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

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SA 1725.** Mr. SCHUMER (for himself, Mr. JOHANNIS, Mr. WHITEHOUSE, Mr. DEMINT, Mr. COBURN, Mr. LUGAR, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, before line 18, insert the following:

**Subtitle H—Military Voting**

**SEC. 581. SHORT TITLE.**

This subtitle may be cited as the “Military and Overseas Voter Empowerment Act”.

**SEC. 582. FINDINGS.**

Congress makes the following findings:

(1) The right to vote is a fundamental right.

(2) Due to logistical, geographical, operational and environmental barriers, military and overseas voters are burdened by many obstacles that impact their right to vote and register to vote, the most critical of which include problems transmitting balloting materials and not being given enough time to vote.

(3) States play an essential role in facilitating the ability of military and overseas voters to register to vote and have their ballots cast and counted, especially with respect to timing and improvement of absentee voter registration and absentee ballot procedures.

(4) The Department of Defense educates military and overseas voters of their rights under the Uniformed and Overseas Citizens Absentee Voting Act and plays an indispensable role in facilitating the procedural channels that allow military and overseas voters to have their votes count.

(5) The local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in conjunction to provide voter registration services and balloting materials in a secure and expeditious manner.

**SEC. 583. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.**

A State may delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

**SEC. 584. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

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

“(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas

voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

“(C) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail or electronically.”; and

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

“(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

“(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

“(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

“(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

“(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(6) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 585. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 584, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

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

“(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).”; and

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

“(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

“(1) IN GENERAL.—Each State shall establish procedures—

“(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

“(B) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such blank absentee ballot to be transmitted by mail or electronically.

“(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)), as amended by section 585, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

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

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

“(A) except as provided in subsection (g), in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

“(B) in the case where the request is received less than 45 days before an election for Federal office—

“(i) in accordance with State law; and

“(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.”.

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

“(g) HARDSHIP EXEMPTION.—

“(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

“(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

“(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

“(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

“(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

“(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

“(2) APPROVAL OF WAIVER REQUEST.—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee

ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:

“(i) The State’s primary election date prohibits the State from complying with subsection (a)(8)(A).

“(ii) The State has suffered a delay in generating ballots due to a legal contest.

“(iii) The State Constitution prohibits the State from complying with such subsection.

“(3) TIMING OF WAIVER.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

“(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

“(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.”

(b) RUNOFF ELECTIONS.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a), is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

**“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

“(a) ESTABLISHMENT OF PROCEDURES.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

“(b) DELIVERY TO APPROPRIATE ELECTION OFFICIALS.—

“(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

“(2) COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

“(3) DEADLINE DESCRIBED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

“(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

“(4) NO POSTAGE REQUIREMENT.—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

“(5) DATE OF MAILING.—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

“(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submission of marked absentee ballots pursuant to this section.

“(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”

(b) CONFORMING AMENDMENT.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”

(c) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph:

“(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”

(d) TRACKING MARKED BALLOTS.—Section 102 of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended by adding at the end the following new subsection:

“(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.”

(e) PROTECTING VOTER PRIVACY AND SECURITY OF ABSENTEE BALLOTS.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to the greatest extent practicable, take such actions as may be necessary—

“(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

“(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.**

(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(A) in subsection (a), by striking “general elections for Federal office” and inserting “general, special, primary, and runoff elections for Federal office”; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking “a general election” and inserting “a general, special, primary, or runoff election for Federal office”; and

(C) in subsection (f), by striking “the general election” each place it appears and inserting “the general, special, primary, or runoff election for Federal office”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(1) by striking “GENERAL.—The Presidential” and inserting “GENERAL.—

“(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—The Presidential”; and

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

“(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

“(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

“(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

“(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

“(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.”

**SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.**

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 587, is amended by adding at the end the following new subsection:

“(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

“(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 587, is amended by inserting after section 103A the following new section:

**“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**

“(a) DUTIES.—The Presidential designee shall carry out the following duties:

“(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

“(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

“(b) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.”

(2) CONFORMING AMENDMENTS.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 587, is amended—

(A) in subparagraph (b)—

(i) by striking “and” at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting “; and”; and

(iii) by adding at the end the following new paragraph:

“(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.”; and

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

“(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).”

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 589, is amended by adding at the end the following new subsection:

“(j) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

“(1) DESIGNATING AN OFFICE AS A VOTER REGISTRATION AGENCY ON EACH INSTALLATION OF THE ARMED FORCES.—Not later than 180 days after the date of enactment of this subsection, each Secretary of a military department shall take appropriate actions to designate an office on each installation of the Armed Forces under the jurisdiction of such Secretary (excluding any installation in a theater of combat), consistent across every installation of the department of the Secretary concerned, to provide each individual described in paragraph (3)—

“(A) written information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101);

“(B) the opportunity to register to vote in an election for Federal office;

“(C) the opportunity to update the individual’s voter registration information, including clear written notice and instructions for the absent uniformed services voter to change their address by submitting the official post card form prescribed under section 101 to the appropriate State election official; and

“(D) the opportunity to request an absentee ballot under this Act.

“(2) DEVELOPMENT OF PROCEDURES.—Each Secretary of a military department shall develop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

“(3) INDIVIDUALS DESCRIBED.—The following individuals are described in this paragraph:

“(A) An absent uniformed services voter—

“(i) who is undergoing a permanent change of duty station;

“(ii) who is deploying overseas for at least 6 months;

“(iii) who is or returning from an overseas deployment of at least 6 months; or

“(iv) who at any time requests assistance related to voter registration.

“(B) All other absent uniformed services voters (as defined in section 107(1)).

“(4) TIMING OF PROVISION OF ASSISTANCE.—The assistance described in paragraph (1) shall be provided to an absent uniformed services voter—

“(A) described in clause (i) of paragraph (3)(A), as part of the administrative in-processing of the member upon arrival at the new duty station of the absent uniformed services voter;

“(B) described in clause (ii) of such paragraph, as part of the administrative in-processing of the member upon deployment from the home duty station of the absent uniformed services voter;

“(C) described in clause (iii) of such paragraph, as part of the administrative in-processing of the member upon return to the home duty station of the absent uniformed services voter;

“(D) described in clause (iv) of such paragraph, at any time the absent uniformed services voter requests such assistance; and

“(E) described in paragraph (3)(B), at any time the absent uniformed services voter requests such assistance.

“(5) PAY, PERSONNEL, AND IDENTIFICATION OFFICES OF THE DEPARTMENT OF DEFENSE.—The Secretary of Defense may designate pay, personnel, and identification offices of the Department of Defense for persons to apply to register to vote, update the individual’s voter registration information, and request an absentee ballot under this Act.

“(6) TREATMENT OF OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES.—An office designated under paragraph (1) or (5) shall be considered to be a voter registration agency designated under section 7(a)(2) of the National Voter Registration Act of 1993 for all purposes of such Act.

“(7) OUTREACH TO ABSENT UNIFORMED SERVICES VOTERS.—The Secretary of each military department or the Presidential designee shall take appropriate actions to inform absent uniformed services voters of the assistance available under this subsection including—

“(A) the availability of voter registration assistance at offices designated under paragraphs (1) and (5); and

“(B) the time, location, and manner in which an absent uniformed voter may utilize such assistance.

“(8) DEFINITION OF MILITARY DEPARTMENT AND SECRETARY CONCERNED.—In this subsection, the terms ‘military department’ and ‘Secretary concerned’ have the meaning

given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.**

(a) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by section 590, is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

“(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

“(B) for the Presidential designee to store the data reported.”.

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 587, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.**

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking “, for use by States in accordance with section 104”; and

(B) in paragraph (4), by striking “for use by States in accordance with section 104”; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking “USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS” and inserting “PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION”; and

(B) in subsection (e), by striking “(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—”.

**SEC. 593. REPORTING REQUIREMENTS.**

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

**“SEC. 105A. REPORTING REQUIREMENTS.**

“(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

“(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

“(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

“(A) A thorough and complete assessment of whether the Program, as configured and implemented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

“(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

“(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

“(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 102(j), including the designation of offices under paragraphs (1) and (5) of such section.

“(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

“(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

“(2) A description of the utilization of voter registration assistance under section 102(j), which shall include the following:

“(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

“(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

“(3) In the case of a report submitted under this subsection in an even-numbered year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

“(c) DEFINITIONS.—In this section:

“(1) ABSENT OVERSEAS UNIFORMED SERVICES VOTER.—The term ‘absent overseas uniformed services voter’ has the meaning given such term in section 103A(d).

“(2) PRESIDENTIAL DESIGNEE.—The term ‘Presidential designee’ means the Presidential designee under section 101(a).

“(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—The term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.”.

**SEC. 594. ANNUAL REPORT ON ENFORCEMENT.**

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-4) is amended—

(1) by striking “The Attorney” and inserting “(a) IN GENERAL.—The Attorney”; and

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

“(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.”.

**SEC. 595. REQUIREMENTS PAYMENTS.**

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

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

“(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(b) REQUIREMENTS.—

(1) STATE PLAN.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

“(14) How the State plan will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(2) CONFORMING AMENDMENTS.—Section 253(b) of the Help America Vote Act of 2002 (42 U.S.C. 15403(b)) is amended—

(A) in paragraph (1)(A), by striking “section 254” and inserting “subsection (a) of section 254 (or, in the case where a State is seeking a requirements payment made using funds appropriated pursuant to the authorization under section 257(4), paragraph (14) of section 254)”; and

(B) in paragraph (2)—

(i) by striking “(2) The State” and inserting “(2)(A) Subject to subparagraph (B), the State”; and

(ii) by inserting after subparagraph (A), as added by clause (i), the following new subparagraph:

“(B) The requirement under subparagraph (A) shall not apply in the case of a requirements payment made using funds appropriated pursuant to the authorization under section 257(4).”.

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

“(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).”.

**SEC. 596. TECHNOLOGY PILOT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term “overseas voter” has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term “Presidential designee” means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SA 1726.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 573. PROVISION TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES OF COMPREHENSIVE INFORMATION ON BENEFITS FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.**

(a) PROVISION OF COMPREHENSIVE INFORMATION REQUIRED.—The Secretary of the military department concerned shall, at each time specified in subsection (b), provide to each member of the Armed Forces and, when practicable, the family members of such member comprehensive information on the benefits available to such member and family members as described in subsection (c), including the estimated monetary amount of such benefits and of any applicable offsets to such benefits.

(b) TIMES FOR PROVISION OF INFORMATION.—Comprehensive information on benefits shall be provided a member of the Armed Forces and family members at each time as follows:

(1) Within 180 days of the enlistment, accession, or commissioning of the member as a member of the Armed Forces.

(2) Within 180 days of a determination that the member—

(A) has incurred a service-connected disability; and

(B) is unfit to perform the duties of the member's office, grade, rank, or rating because of such disability.

(3) Upon the discharge, separation, retirement, or release of the member from the Armed Forces.

(c) COVERED BENEFITS.—The benefits on which a member of the Armed Forces and family members shall be provided comprehensive information under this section shall be as follows:

(1) At all the times described in subsection (b), the benefits shall include the following:

(A) Financial compensation, including financial counseling.

(B) Health care and life insurance programs for members of the Armed Forces and their families.

(C) Death benefits.

(D) Entitlements and survivor benefits for dependents of the Armed Forces, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(E) Educational assistance benefits, including limitations on and the transferability of such assistance.

(F) Housing assistance benefits, including counseling.

(G) Relocation planning and preparation.

(H) Such other benefits as the Secretary concerned considers appropriate.

(2) At the time described in paragraph (1) of such subsection, the benefits shall include the following:

(A) Maintaining military records.

(B) Legal assistance.

(C) Quality of life programs.

(D) Family and community programs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(3) At the times described in paragraphs (2) and (3) of such subsection, the benefits shall include the following:

(A) Employment assistance.

(B) Continuing Reserve Component service.

(C) Disability benefits, including offsets in connection with the receipt of such benefits.

(D) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(E) Such other benefits as the Secretary concerned considers appropriate.

(d) ANNUAL NOTICE TO MEMBERS OF THE ARMED FORCES ON THE VALUE OF PAY AND BENEFITS.—

(1) ANNUAL NOTICE REQUIRED.—The Secretary of each military department shall

provide to each member of the Armed Forces under the jurisdiction of such Secretary on an annual basis notice on the value of the pay and benefits paid or provided to such member by law during the preceding year. The notice may be provided in writing or electronically, at the election of the Secretary.

(2) ELEMENTS.—Each notice provided a member under paragraph (1) shall include the following:

(A) A statement of the estimated value of the military health care, retirement benefits, disability benefits, commissary and exchange privileges, government-provided housing, tax benefits associated with service in the Armed Forces, and special pays paid or provided the member during the preceding 12 months.

(B) A notice regarding the death and survivor benefits, including Servicemembers' Group Life Insurance, to which the family of the member would be entitled in the event of the death of the member, and a description of any offsets that might be applicable to such benefits.

(C) Information on other programs available to members of the Armed Forces generally, such as access to morale, welfare, and recreation (MWR) facilities, child care, and education tuition assistance, and the estimated value, if ascertainable, of the availability of such programs in the area where the member is stationed or resides.

(e) OTHER OUTREACH.—

(1) IN GENERAL.—The Secretaries of the military departments shall, on a periodic basis, conduct outreach on the pay, benefits, and programs and services available to members of the Armed Forces by reason of service in the Armed Forces. The outreach shall be conducted pursuant to public service announcements, publications, and such other announcements through general media as will serve to disseminate the information broadly among the general public.

(2) INTERNET OUTREACH WEBSITE.—

(A) IN GENERAL.—The Secretary of Defense shall establish an Internet website for the purpose of providing the comprehensive information about the benefits and offsets described in subsection (c) to members of the Armed Forces and their families.

(B) CONTACT INFORMATION.—The Internet website required by subparagraph (A) shall provide contact information, both telephone and e-mail, that a member of the Armed Forces and a family member of the member can use to get personalized information about the benefits and offsets described in subsection (c).

(f) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the requirements of this section by the Department of Defense. Such report shall include a description of the quality and scope of available online resources that provide information about benefits for members of the Armed Forces and their families.

(2) ANNUAL REPORT.—Each year after submitting the report required by paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report that sets forth the number of individuals that received a briefing under this section in the previous year disaggregated by the following:

(A) Whether the individual is a member of the Armed Forces or a family member of a member of the Armed Forces.

(B) The Armed Force of the members.

(C) The State or territory in which the briefing occurred.

(D) The subject of the briefing.

**SA 1727.** Mr. DEMINT (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 549, strike line 9 and all that follows through “any comments resulting” on line 16 and insert the following: “congressional defense committees and the Committee on Foreign relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations. The report shall address the following:

(1) How the plans would support the security commitments undertaken by the United States pursuant to any international security treaty, including, the North Atlantic Treaty, The Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

(3) Any comments of the Secretary of Defense resulting

**SA 1728.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1222. REPORT ON THE RELATIONSHIPS OF THE GOVERNMENTS OF VENEZUELA AND NICARAGUA WITH THE FORMER PRESIDENT OF HONDURAS.**

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional committees specified in subsection (c) a detailed report addressing the following:

(1) Any cooperative agreements or relationships between the Governments of Venezuela and Nicaragua and Honduras established during the tenure of the former President of Honduras, Manuel Zelaya.

(2) Any personal, professional, or diplomatic relationships, including financial transactions, business associations, and illicit activities, between Manuel Zelaya and—

(A) the President of Venezuela, Hugo Chavez;

(B) the President of Nicaragua, Daniel Ortega;

(C) the President of Cuba, Raul Castro; or

(D) the former President of Cuba, Fidel Castro.

(3) Any evidence of—

(A) relationships between Manuel Zelaya, or any member of his family, and drug cartels; or

(B) involvement by Manuel Zelaya or any member of his family in drug trafficking activities.

(4) Any support provided by the Government of Venezuela or the Government of Nicaragua to Manuel Zelaya in his efforts to change the Constitution of Honduras.

(5) Any material or financial support provided by the Government of Venezuela or the Government of Nicaragua to Manuel Zelaya after his removal from office on June 28, 2009, including the use of aircraft to support Manuel Zelaya or funding of organizers supporting Manuel Zelaya or protestors in Honduras.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

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

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(3) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 1729.** Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 14 and 15, insert the following:

**SEC. 706. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.**

Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

**“SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.**

“(a) IN GENERAL.—The Secretary of Defense shall establish procedures for identifying individuals described in subsection (b). The Secretary of Defense shall immediately notify individuals identified under the preceding sentence that they are no longer eligible for health care benefits under the TRICARE program under chapter 55 of title 10, United States Code, and of any options available for enrollment of the individual under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). Such notification shall include a written form which the individual may sign and return to the Secretary of Health and Human Services. The signed written form of an individual shall be deemed sufficient evidence of the eligibility of the individual for any such options available for such individuals as a result of their being an individual described in subsection (b). The Secretary of Defense shall consult with the Secretary of Health and Human Services to accurately identify and notify individuals described in subsection (b) under this subsection.

“(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is a covered beneficiary (as de-

finied in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A of title XVIII of the Social Security Act under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426-1) and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual’s initial enrollment period under part B of such title.”.

**SA 1730.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

**SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF STEAM TURBINES FOR SHIPS SERVICE TURBINE GENERATORS AND MAIN PROPULSION TURBINES FOR OHIO-CLASS SUBMARINE REPLACEMENT PROGRAM.**

The Secretary of the Navy shall solicit competing bids for the procurement of steam turbines for the ships service turbine generators and main propulsion turbines for the Ohio-class submarine replacement program.

**SA 1731.** Mr. FEINGOLD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 835, add the following:

(d) PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and beginning 180 days after the date of the enactment of this Act, the Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation—

(A) lasting longer than one year; and

(B) relating to Operation Iraqi Freedom or Operation Enduring Freedom.

(2) EXEMPTION.—The Secretary of Defense may waive the prohibition required by paragraph (1) with respect to a location during a contingency operation described in paragraph (1) if—

(A) the Secretary determines under paragraph (3)(B)(i) that no alternative method of disposal of covered waste is feasible at such location during such operation;

(B) not later than 15 days after issuing such waiver, the Secretary submits to the congressional defense committees a notification of such waiver, including—

(i) a description of all safety measures that will be carried out at the location during the operation to protect the health of members of the Armed Forces;

(ii) a description of any additional resources the Secretary requires to eliminate the use of open-air burn pits at such location during such operation; and

(iii) a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of waste at such location during such operation; and

(C) such waiver is certified by the Comptroller General of the United States.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the use of open-air burn pits in contingency operations. The report shall include—

(A) a description of each type of waste burned in such open-air burn pits; and

(B) a discussion of the feasibility of alternative methods of disposing of covered waste, including—

(i) a plan to use such alternative methods; or

(ii) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of such waste.

(4) DEFINITIONS.—In this subsection:

(A) CONTINGENCY OPERATION.—The term “contingency operation” has the meaning given that term by section 101(a) of title 10, United States Code.

(B) COVERED WASTE.—The term “covered waste” includes the following:

(i) Hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5)).

(ii) Medical waste.

(iii) Solid waste containing plastic.

(iv) Automotive and marine batteries.

(v) Pesticides.

(vi) Explosives.

(vii) Automotive oils.

(viii) Fuels and fluids.

(ix) Compressed gas containers.

(x) Materials containing asbestos.

(xi) Electrical equipment.

(xii) Solvents.

(xiii) Paint thinners and strippers.

(xiv) Rubber.

(xv) Preserved (treated) wood.

(xvi) Unexploded ordnance.

(C) MEDICAL WASTE.—The term “medical waste” means any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biologicals.

**SA 1732.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1059. ADDITIONAL DUTY FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.**

Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 337) is amended by—

(1) redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) in paragraph (4), by striking “other departments” and inserting “other departments”; and

(3) by inserting after paragraph (6) the following new paragraphs:

“(7) assess the adequacy of the process and methodology by which the Department of Defense establishes, maintains, and resources dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

“(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);”.

**SA 1733.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1204 and insert the following:

**SEC. 1204. MODIFICATION OF NOTIFICATION AND REPORTING REQUIREMENTS FOR USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.**

Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as amended by section 1208(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4626), is further amended—

(1) in subsection (b), by striking “congressional defense committees” and inserting “congressional committees specified in subsection (i)”;

(2) by striking subsection (c) and inserting the following new subsection (c):

“(c) NOTIFICATION.—

“(1) SUPPORT FOR FOREIGN FORCES.—The Secretary of Defense shall notify the congressional committees specified in subsection (i) expeditiously, and in any event not later than 48 hours, after—

“(A) using the authority provided in subsection (a) to make funds available for foreign forces in support of an approved military operation; or

“(B) changing the scope or funding level of any such support.

“(2) SUPPORT FOR IRREGULAR FORCES, GROUPS, OR INDIVIDUALS.—The Secretary of Defense may not exercise the authority provided in subsection (a) to make funds available for irregular forces or a group (other than foreign forces) or individual in support of an approved military operation, or change the scope or funding level of such support, until 72 hours after notifying the congressional committees specified in subsection (i) of the use of such authority with respect to that operation or such change in scope or funding level.

“(3) CONTENT.—Notifications required under this subsection shall include the following information:

“(A) The type of support provided or to be provided to United States special operations forces.

“(B) The type of support provided or to be provided to the recipient of the funds.

“(C) The intended duration of the support.

“(D) The amount obligated under the authority to provide support.”;

(3) by striking subsection (f) and inserting the following new subsection (f):

“(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional committees specified in subsection (i) a report on support provided under that subsection during that fiscal year. Each such report shall include the following information:

“(1) A description of supported operations.

“(2) A summary of operations.

“(3) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

“(4) The total amount obligated in the previous fiscal year, including budget details.

“(5) The total amount obligated in prior fiscal years.

“(6) The intended duration of support.

“(7) A description of support or training provided to the recipients of support.

“(8) A value assessment of the operational support provided.”; and

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

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

“(1) The congressional defense committees.

“(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(3) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.”.

**SA 1734.** Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROTECTION OF CULTURAL PROPERTY.**

(a) AMENDMENT TO TITLE 28.—Section 1611 of title 28, United States Code, is amended by inserting at the end the following:

“(d)(1) Notwithstanding any other provision of law, including section 1610 of this title or section 201 of the Terrorism Risk Insurance Act of 2002 (Pub. L. No. 107-297; 116 Stat. 2337), the property of a foreign state or of an agency or instrumentality of a foreign state shall be immune from attachment and from execution if—

“(A) the property is cultural property, as defined in section 302(6) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601(6));

“(B) the property first came into the United States before January 12, 1983 (the date of enactment of the Convention on Cultural Property Implementation Act, Pub. L. No. 97-446); and

“(C) the property is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965.

“(2) In any proceeding involving the attachment or execution of property alleged to be property of a foreign state or of any agency or instrumentality of a foreign state, the immunity of the property from attachment or execution may be raised by any party that has or claims ownership, possession, custody, or control over such property, whether or not the foreign state or agency or instrumentality of a foreign state to which the property allegedly belongs appears or asserts a claim of immunity.

“(3) The immunity of property under this subsection from attachment and execution shall be broadly construed.”.

(b) AMENDMENT TO TERRORISM RISK INSURANCE ACT.—Section 201(d)(2)(B) of the Terrorism Risk Insurance Act of 2002 (P.L. 107-297; 28 U.S.C. 1610 note) is amended—

(1) in clause (i), by striking “or” after the semicolon;

(2) in clause (ii), by striking the period and inserting “; or”; and

(3) by inserting at the end the following:

“(iii)(I) is cultural property, as defined in section 302(6) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601(6));

“(II) first came into the United States before January 12, 1983 (the date of enactment of the Convention on Cultural Property Implementation Act (P. L. 97-446)); and

“(III) is in the possession, custody, or control of any United States organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 or of any United States educational institution, as defined in section 101(a) of the Higher Education Act of 1965.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to any proceeding pending on or after the date of the enactment of this Act.

**SA 1735.** Mr. BROWBACK submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

**SEC. 1083. SENSE OF CONGRESS ON MANNED AIRBORNE IRREGULAR WARFARE PLATFORMS.**

It is the sense of Congress that the Secretary of Defense should, with regard to the development of manned airborne irregular warfare platforms, coordinate requirements for such weapons systems with the military services, including the reserve components.

**SA 1736.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

**SEC. 1073. REPORT ON ESTABLISHMENT OF ARCTIC DEEP WATER PORT.**

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Commandant of the Coast Guard, shall conduct a study on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important Arctic region.

(2) SCOPE.—The study required under paragraph (1) shall address the following issues:

(A) The capability that such a port would provide.

(B) Potential and optimum locations for such a port.

(C) Resources needed to establish such a port.

(D) The time frame needed to establish such a port.

(E) The infrastructure required to support such a port.

(F) Any other issues the Secretary determines necessary to complete the study.

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

**SA 1737.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1222. REPORT ON UNIQUE REQUIREMENTS FOR UNMANNED AIRCRAFT SYSTEMS IN AFGHANISTAN.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on whether the Unmanned Aircraft Systems currently in use by United States Armed Forces in the Afghanistan theater of operations are fully meeting current operational and tactical requirements.

(b) CONTENT.—The report required by subsection (a) shall include the following:

(1) An inventory and explanation of any unique physical and environmental conditions of the Afghanistan theater of operations that may adversely affect Unmanned Aircraft Systems operations in Afghanistan, including terrain and weather.

(2) An assessment of the impact of the conditions referred to in paragraph (1) on the operation of Unmanned Aircraft Systems by United States Armed Forces in Afghanistan.

(3) A summary of the current Unmanned Aircraft Systems requirements for United States Armed Forces in Afghanistan at the tactical and operational level.

(4) An assessment of the ability of current and planned Joint Unmanned Aircraft Systems category Group 1 and Group 2 vehicles to fully meet these requirements, based at least in part on after-action reviews of military operations in Afghanistan in which the Unmanned Aircraft Systems were employed.

(5) A specific determination as to whether those Unmanned Aircraft Systems currently in use are fully meeting the Unmanned Aircraft Systems requirements for company-sized and smaller units operating at locations separate and independent from their headquarters.

(6) An assessment of the ability of the current Group 1 Unmanned Aircraft Systems to perform required missions within the areas of operation described in paragraph (5).

**SA 1738.** Mr. CASEY (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ANNUAL COUNTERTERRORISM STATUS REPORTS.**

(a) SHORT TITLE.—This section may be cited as the “Success in Countering Al Qaeda Reporting Requirements Act of 2009”.

(b) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2010, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, the United States Special Operations Command, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies;

(D) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(E) a determination of whether the National Counterterrorism Center exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458);

(F) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(G) a specific list of United States counterterrorism efforts, and the specific status and

achievements of such efforts, through military, financial, political, intelligence, paramilitary, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(H) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(I) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(J) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(K) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(L) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(M) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence,

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

**SA 1739.** Mr. HATCH (for himself, Mr. WEBB, Mr. BENNETT, Mr. VOINOVICH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appro-

priations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1083. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.**

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(B) by adding at the end the following:

“(2) The maximum age limit for an original appointment to a position as a firefighter or law enforcement officer (as defined by section 8401(14) or (17), respectively) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of title 5, United States Code), or customs and border protection officer (as defined in section 8401(36) of title 5, United States Code) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 2(e) of the Federal Employee Retirement Treatment Act for Military Retirees Act of 2009; and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 2(a)(2) of the Federal Employee Retirement Treatment Act for Military Retirees Act of 2009.”

(c) MANDATORY SEPARATION.—Section 8425 of title 5, United States Code, is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, firefighter, nuclear materials courier, or customs and border protection officer eligible for retirement under

8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under 8412(d)(3) shall be separated from service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(d) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “total service as” and inserting “civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, firefighter, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,”; and

(2) in paragraph (2), by striking “so much of such individual’s total service as exceeds 20 years” and inserting “the remainder of such individual’s total service”.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of the enactment of this Act and shall apply to appointments made on or after that effective date.

**SA 1740.** Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

**SEC. 1083. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.**

(a) IN GENERAL.—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed.

(b) SUBMISSION OF PLAN.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a), together with an explanation of how fiscal year 2010 funds will be used to sustain and support the plan and a description of the funding in the future years defense program plan to support the plan.

**SA 1741.** Mr. RISCH (for himself, Mr. CRAPO, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 342. REPORT ON STATUS OF AIR NATIONAL GUARD AND AIR FORCE RESERVE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, the Chief of the Air Force Reserve, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the Air National Guard and the Air Force Reserve; and

(2) the plans of the Department of Defense to ensure that the Air National Guard and the Air Force Reserve remain ready to meet the requirements of the Air Force and the combatant commands and for homeland defense.

**SA 1742.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end subtitle H of title X, add the following:

**SEC. 1083. ADDITIONAL MEMBERS AND DUTIES FOR INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.**

(a) **ADDITIONAL MEMBERS.**—

(1) **IN GENERAL.**—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the “2009 QDR”), the independent panel established under subsection (f) of such section (in this section referred to as the “Panel”) shall include four additional members to be appointed as follows:

(A) One by the chairman of the Committee on Armed Services of the House of Representatives.

(B) One by the chairman of the Committee on Armed Services of the Senate.

(C) One by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) One by the ranking member of the Committee on Armed Services of the Senate.

(2) **PERIOD OF APPOINTMENT; VACANCIES.**—Any vacancy in an appointment to the Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(b) **ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.**—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) conduct an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR; and

(2) made any recommendations it considers appropriate for consideration.

(c) **REPORT OF SECRETARY OF DEFENSE.**—Not later than 30 days after the Panel submits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees any comments of the Secretary on the report of the Panel.

(d) **TERMINATION.**—This provisions of this section shall terminate on the day that is 45 days after the date on which the Panel sub-

mits its report with respect to the 2009 QDR under section 118(f)(2) of title 10, United States Code.

**SA 1743.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1232. SENSE OF CONGRESS ON THE NAVAL AFRICA PARTNERSHIP STATION.**

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

(1) The United States recognized the need for improving maritime safety and security in West and Central Africa and the Gulf of Guinea by implementing the Naval Africa Partnership Station.

(2) According to the International Maritime Bureau, piracy around the world doubled in the first 6 months of 2009 as compared to the first 6 months of 2008, to 114 from 240 incidents.

(3) The rise in attacks is mainly due to piracy off the coast of the Horn of Africa, specifically in the Gulf of Aden, with attacks originating from Somalia doubling since 2007.

(4) With more than 30,000 vessels transiting the Gulf of Aden each year, these attacks are taking place in a vast area of more than 1,000,000 square nautical miles.

(5) Instability and piracy from Somalia affects not only neighboring African countries such as Ethiopia, Djibouti, and Kenya, but also affects the international community due to the increased insecurity of the region and terrorizing ships in the highly transited Gulf of Aden.

(6) African countries have become more vulnerable as Al Qaeda has infiltrated into the Horn of Africa threatening the stability in the region and fueling international terrorist growth and activities. It has been reported that terrorists’ networks in Somalia, Eritrea, and the Ogaden region of Ethiopia are working together and increasing their capability.

(7) The Naval Africa Partnership Station is working collaboratively with agencies and organizations from Africa, the United States, and Europe to provide naval security for coastal nations in West and Central Africa and in the Gulf of Guinea.

(8) The Naval Africa Partnership Station launched its first mission in November 2007. Since that time, the Station has trained thousands of military personnel in security operation, search and rescue operations, law enforcement, medical skills, and maritime maintenance.

(9) These programs have proved to be vital resources in aiding developing countries in the professionalization of their militaries, fighting terrorism, and providing resources for emergency situations.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should continue to develop and support the Naval Africa Partnership Station by ensuring adequate funding and resources to promote national security interests of the United States and maritime safety and security in Africa.

**SA 1744.** Mr. LIEBERMAN (for himself, Mr. SESSIONS, Mr. INHOFE, Mr. VITTER, Mr. MARTINEZ, Mr. KYL, Mr. BEGICH, Mr. MCCAIN, Mr. NELSON of Ne-

braska, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 245. SENSE OF SENATE ON AND RESERVATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF MISSILE DEFENSE SYSTEMS IN EUROPE.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) In the North Atlantic Treaty Organization (NATO) Bucharest Summit Declaration of April 3, 2008, the Heads of State and Government participating in the meeting of the North Atlantic Council declared that “[b]allistic missile proliferation poses an increasing threat to Allies’ forces, territory and populations. Missile defence forms part of a broader response to counter this threat. We therefore recognize the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets”.

(2) The Bucharest Summit Declaration also stated that “[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision”.

(3) In the Bucharest Summit Declaration, the North Atlantic Council also reaffirmed to Russia that “current, as well as any future, NATO Missile Defence efforts are intended to better address the security challenges we all face, and reiterate that, far from posing a threat to our relationship, they offer opportunities to deepen levels of cooperation and stability”.

(4) In the Strasbourg/Kehl Summit Declaration of April 4, 2009, the heads of state and government participating in the meeting of the North Atlantic Council reaffirmed “the conclusions of the Bucharest Summit about missile defense,” and declared that “we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk”.

(5) Iran is rapidly developing its ballistic missile capabilities, including its inventory of short-range and medium-range ballistic missiles that can strike portions of Eastern and Southern North Atlantic Treaty Organization European territory, as well as the pursuit of long-range ballistic missiles that could reach Europe or the United States.

(6) On July 8, 2008, the Government of the United States and the Government of the Czech Republic signed an agreement to base a radar facility in the Czech Republic that is part of a proposed missile defense system to protect Europe and the United States against a potential future Iranian long-range ballistic missile threat.

(7) On August 20, 2008, the United States and the Republic of Poland signed an agreement concerning the deployment of ground-based ballistic missile defense interceptors in the territory of the Republic of Poland.

(8) Section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal

Year 2009 (Public Law 110-417; 122 Stat. 4393; 10 U.S.C. 2431 note) establishes conditions for the availability of funds for procurement, construction, and deployment of the planned missile defense system in Europe, including that the host nations must ratify any missile defense agreements with the United States and that the Secretary of Defense must certify that the system has demonstrated the ability to accomplish the mission.

(9) On April 5, 2009, President Barack Obama, speaking in Prague, Czech Republic, stated, "As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed."

(10) On June 16, 2009, Deputy Secretary of Defense William Lynn testified before the Committee on Armed Services of the Senate that the United States Government is reviewing its options for developing and deploying operationally effective, cost-effective missile defense capabilities to Europe against potential future Iranian missile threats, in addition to the proposed deployment of a missile defense system in Poland and the Czech Republic.

(11) On July 9, 2009, General James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate that the Department of Defense was considering some 40 different missile defense architecture options for Europe that could provide a "regional defense capability to protect the nations" of Europe, and a "redundant capability that would assist in protecting the United States," and that the Department was considering "what kind of an architecture best suits the defense of the region, the defense of the homeland, and the regional stability".

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense (GMD) system, including a midcourse radar in the Czech Republic and Ground-Based Interceptors in Poland, consistent with section 233 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009;

(2) in conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against current and future Iranian ballistic missile capabilities;

(3) any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and

(4) any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization missile defense systems.

(c) RESERVATION OF FUNDS FOR MISSILE DEFENSE SYSTEMS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, \$353,100,000 shall

be available only for the purposes described in paragraph (2).

(2) USE OF FUNDS.—The purposes described in this paragraph are the following:

(A) Research, development, test, and evaluation of—

(i) the proposed midcourse radar element of the Ground-based Midcourse Defense system in the Czech Republic; and

(ii) the proposed long-range missile defense interceptor site element of such defense system in Poland.

(B) Research, development, test, and evaluation, procurement, construction, or deployment of other missile defense systems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense committees a report certifying that such systems are expected to be—

(i) consistent with the direction from the North Atlantic Council to address ballistic missile threats to Europe and the United States in a prioritized manner that includes consideration of the imminence of the threat and the level of acceptable risk;

(ii) operationally effective and cost-effective in providing protection for Europe, and the United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(iii) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(d) CONSTRUCTION.—Nothing in this section shall be construed as limiting or preventing the Department of Defense from pursuing the development or deployment of operationally effective and cost-effective ballistic missile defense systems in Europe.

**SA 1745.** Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 904. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.**

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

**"CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS**

**"Sec.**

**"341.** Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

**"§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities**

**"(a) IN GENERAL.**—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case

may be, when such forces are engaged in a domestic operation, including emergency response, within such State or possession.

**"(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.**—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

**"(c) POSSESSIONS DEFINED.**—Notwithstanding any provision of section 101(a) of this title, in this section, the term 'possessions' means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands."

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

**"16. Control of the Armed Forces in Activities Within the States and Possessions ..... 341".**

**SA 1746.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 125. AC-130 GUNSHIPS.**

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC-130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC-130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC-130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) ANALYSIS OF ALTERNATIVES.—The Secretary of the Air Force, in consultation with the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

**SA 1747.** Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 904. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.**

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States North-

ern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

**SA 1748.** Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 904. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.**

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

**SA 1749.** Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 904. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.**

(a) REESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

**“§ 10505. Vice Chief of the National Guard Bureau**

“(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(C) are in a grade above the grade of colonel.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

“10505. Vice Chief of the National Guard Bureau.

“10505a. Director of the Joint Staff of the National Guard Bureau.”.

(b) CONFORMING AMENDMENT.—Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “, the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau”.

**SA 1750.** Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between line 14 and 15, insert the following:

**SEC. 1083. SENSE OF THE SENATE RELATING TO PAY FOR EMPLOYEES SERVING AT JOINT BASE MCGUIRE/DIX/ LAKEHURST.**

It is the sense of Senate that for the purposes of determining any pay for an employee serving at Joint Base McGuire/Dix/Lakehurst—

(1) the pay schedules and rates to be used shall be the same as if such employee were serving in the pay locality, wage area, or other area of locality (whichever would apply to determine pay for the employees involved) that includes Ocean County, New Jersey; and

(2) the Office of Personnel Management should develop regulations to ensure pay parity for employees serving at Joint Bases.

**SA 1751.** Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . NATIONAL D-DAY MEMORIAL STUDY.**

(a) DEFINITIONS.—In this section:

(1) AREA.—The term “Area” means in the National D-Day Memorial in Bedford, Virginia.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of the Area to evaluate the national significance of the Area and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) CRITERIA.—In conducting the study required by paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(3) CONTENTS.—The study required by paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) REPORT.—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct of the study required by this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study.

**SA 1752.** Mrs. BOXER (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.**

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking “100 miles” and inserting “50 miles”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

(c) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby decreased by \$14,000,000, with the amount of the decrease to be derived from unobligated balances.

**SA 1753.** Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 557. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.**

(a) EXPANDED INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall expand existing Department of Defense initiatives to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The expanded initiatives, which shall build upon and be consistent with ongoing efforts, shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Guidelines for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and at such times as the Secretary deems appropriate thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

**SA 1754.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 125. C-130 AVIONICS MODERNIZATION PROGRAM.**

Of the amounts authorized to be appropriated by section 103 for procurement for the Air Force, \$209,500,000 is authorized to be appropriated for the C-130 Avionics Modernization Program (AMP) for AMP kit procurement and installation.

**SA 1755.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.**

(a) SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

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

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)) for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.”.

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting “(a)(4) or” after “subsection”.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking “AND FIDUCIARIES” and inserting “, FIDUCIARIES, AND SPECIAL NEEDS TRUSTS”;

(2) in paragraph (1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

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

“(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4)).”;

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

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

“(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.”;

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking “subparagraphs (D) and (E)” and inserting “subparagraphs (E) and (F)”;

(D) in subparagraph (H), as so redesignated—

(i) by inserting “or (1)(C)” after “paragraph (1)(B)” in the matter preceding clause (i);

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new clause:

“(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.”; and

(4) in paragraph (3), by striking “OR FIDUCIARY” in the paragraph caption and inserting “, FIDUCIARY, OR TRUST”.

**SA 1756.** Mr. LAUTENBERG (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between line 14 and 15, insert the following:

**SEC. 1083. PAY PARITY FOR FEDERAL EMPLOYEES SERVING AT JOINT BASE MCGUIRE/DIX/LAKEHURST.**

(a) IN GENERAL.—For purposes of any determination of pay for an employee serving at Joint Base McGuire/Dix/Lakehurst, the pay schedules and rates to be used shall be the same as if such employee were serving in the pay locality, wage area, or other area or locality (whichever would apply to determine pay for the employee involved) that includes Ocean County, New Jersey.

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

(1) the term “employee” means an employee (as defined by section 2105 of title 5, United States Code)—

(A) whose pay is determined under subchapter III or IV of chapter 53 of such title; or

(B) who is paid from nonappropriated funds of any instrumentality of the United States;

(2) the term “pay locality” refers to a pay locality under section 5302 of such title; and

(3) the term “wage area” refers to a wage area under section 5343 of such title.

(c) REGULATIONS.—The Office of Personnel Management may prescribe any regulations necessary to carry out this section.

(d) EFFECTIVE DATE.—This section shall apply with respect to pay for service performed in any pay period beginning on or after the date of the enactment of this Act or October 1, 2009, whichever is later.

**SA 1757.** Mr. KERRY (for himself, Mr. LEVIN, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1232. REVIEW OF CONDUCT OF NORTH KOREA TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TERRORISM.**

(a) FINDINGS.—The Senate makes the following findings:

(1) On April 5, 2009, the Government of North Korea tested an intermediate range ballistic missile in violation of United Nations Security Council Resolutions 1695 (2006) and 1718 (2006).

(2) On April 5, 2009, President Barack Obama issued a statement on North Korea, stating that “Preventing the proliferation of weapons of mass destruction and their means of delivery is a high priority for my administration”, and adding, “North Korea has ignored its international obligations, rejected unequivocal calls for restraint, and further isolated itself from the community of nations”.

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security Council Resolution 1718, which was issued in 2006 following the first such test and which demanded that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department's 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(E)), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remains in effect.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea's nuclear test, imposing a sweeping embargo on all arms trade with North Korea, and requiring member

states not to provide financial support or other financial services that could contribute to North Korea's nuclear-related or missile-related activities or other activities related to weapons of mass destruction.

(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on five North Korean individuals and asset freezes on five more North Korean entities for their involvement in nuclear weapons and ballistic missile development programs, marking the first time the United Nations has imposed a travel ban on North Koreans.

(9) On June 10, 2008, the Government of North Korea issued a statement, subsequently conveyed directly to the United States Government, affirming that North Korea, “will firmly maintain its consistent stand of opposing all forms of terrorism and any support to it and will fulfill its responsibility and duty in the struggle against terrorism.”

(10) The June 10, 2008, statement by the Government of North Korea also pledged that North Korea would take “active part in the international efforts to prevent substance, equipment and technology to be used for the production of nukes and biochemical and radioactive weapons from finding their ways to the terrorists and the organizations that support them”.

(11) On June 26, 2008, President George W. Bush certified that—

(A) the Government of North Korea had not provided any support for international terrorism during the preceding 6-month period; and

(B) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President's June 26 certification concluded, based on all available information, that there was “no credible evidence at this time of ongoing support by the DPRK for international terrorism” and that “there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard”.

(13) The State Department's Country Reports on Terrorism 2008, in a section on North Korea, state, “The Democratic People's Republic of Korea (DPRK) was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987.”

(14) The Country Reports on Terrorism 2008 also state, “A state that directs WMD resources to terrorists, or one from which enabling resources are clandestinely diverted, poses a grave WMD terrorism threat. Although terrorist organizations will continue to seek a WMD capability independent of state programs, the sophisticated WMD knowledge and resources of a state could enable a terrorist capability. State sponsors of terrorism and all nations that fail to live up to their international counterterrorism and nonproliferation obligations deserve greater scrutiny as potential facilitators of WMD terrorism.”

(15) On October 11, 2008, the Secretary of State, pursuant to the President's certification, removed North Korea from the list of state sponsors of terrorism, on which North Korea had been placed in 1988.

(b) REPORT ON CONDUCT OF NORTH KOREA.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all

available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States with respect to North Korea, including completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(2) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism;

(3) if the United States determines that the Government of North Korea has failed to fulfill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) consider the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security.

(d) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term “state sponsor of terrorism” means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

**SA 1758.** Mr. REED (for himself and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429 between lines 8 and 9, insert the following:

**SEC. 1073. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.**

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this

Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the chiefs of the services, shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

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

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and  
(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the chiefs of the services consider useful and relevant.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

**SA 1759.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

**SEC. 202. ADDITIONAL FUNDING FOR B-52H MIL-STD-1760 DATA BUS INTERNAL WEAPONS BAY.**

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(a)(3) for Research, Development, Test, and Evaluation for the Air Force is hereby increased by \$16,800,000, with the amount of the increase to be allocated to

amounts available for the B-52H MIL-STD-1760 Data Bus Internal Weapons Bay (PE # 010113F).

(b) OFFSET.—The amount authorized to be appropriated by section 201(a)(3) for Research, Development, Test, and Evaluation for the Air Force is hereby decreased by \$16,800,000, with the amount of the decrease to be derived from amounts available for PE # 0101127F.

**SA 1760.** Mr. KYL (for himself, Mr. MCCONNELL, Mr. MCCAIN, Mr. INHOFE, Mr. SESSIONS, Mr. GRAHAM, Mr. VITTER, Mr. DEMINT, Mr. RISCH, Mr. CORNYN, Mr. BARRASSO, Mr. LIEBERMAN, Mr. WICKER, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XII, add the following:

**SEC. 1232. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.**

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

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

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

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

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

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may not be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act unless the President certifies to Congress that—

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

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

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

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

(B) to modernize and refurbish the nuclear weapons complex.

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

(d) DEFINITIONS.—In this section:

(1) ADVANCED CONVENTIONAL WEAPONS.—The term “advanced conventional weapons” means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the following committees:

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

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

**SA 1761.** Mr. KERRY (for himself, Mr. LUGAR, Mr. LEVIN, and Mr. WEBB) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

**SEC. 1232. SENSE OF THE SENATE ON ENFORCEMENT AND IMPOSITION OF SANCTIONS WITH RESPECT TO NORTH KOREA; REVIEW TO DETERMINE WHETHER NORTH KOREA SHOULD BE RE-LISTED AS A STATE SPONSOR OF TERRORISM.**

(a) FINDINGS.—The Senate makes the following findings:

(1) On April 5, 2009, the Government of North Korea tested an intermediate range ballistic missile in violation of United Nations Security Council Resolutions 1695 (2006) and 1718 (2006).

(2) On April 5, 2009, President Barack Obama issued a statement on North Korea, stating that “Preventing the proliferation of weapons of mass destruction and their means of delivery is a high priority for my administration”, and adding, “North Korea has ignored its international obligations, rejected unequivocal calls for restraint, and further isolated itself from the community of nations”.

(3) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from its Yongbyon nuclear facility and ending its participation in the Six Party Talks for the Denuclearization of the Korean Peninsula.

(4) On May 25, 2009, the Government of North Korea conducted a second nuclear test, in disregard of United Nations Security

Council Resolution 1718, which was issued in 2006 following the first such test and which demanded that North Korea not conduct any further nuclear tests or launches of a ballistic missile.

(5) The State Department's 2008 Human Rights Report on North Korea, issued on February 25, 2009, found that human rights conditions inside North Korea remained poor, prison conditions are harsh and life-threatening, and citizens were denied basic freedoms such as freedom of speech, press, assembly, religion, and association.

(6) Pursuant to section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(E)), President George W. Bush, on February 7, 2007, notified Congress that the United States Government would oppose the extension of any loan or financial or technical assistance to North Korea by any international financial institution and the prohibition on support for the extension of such loans or assistance remains in effect.

(7) On June 12, 2009, the United Nations Security Council passed Resolution 1874, condemning North Korea's nuclear test, imposing a sweeping embargo on all arms trade with North Korea, and requiring member states not to provide financial support or other financial services that could contribute to North Korea's nuclear-related or missile-related activities or other activities related to weapons of mass destruction.

(8) On July 15, 2009, the Sanctions Committee of the United Nations Security Council, pursuant to United Nations Security Council Resolution 1874, imposed a travel ban on five North Korean individuals and asset freezes on five more North Korean entities for their involvement in nuclear weapons and ballistic missile development programs, marking the first time the United Nations has imposed a travel ban on North Koreans.

(9) On June 10, 2008, the Government of North Korea issued a statement, subsequently conveyed directly to the United States Government, affirming that North Korea, “will firmly maintain its consistent stand of opposing all forms of terrorism and any support to it and will fulfill its responsibility and duty in the struggle against terrorism.”.

(10) The June 10, 2008, statement by the Government of North Korea also pledged that North Korea would take “active part in the international efforts to prevent substance, equipment and technology to be used for the production of nukes and biochemical and radioactive weapons from finding their ways to the terrorists and the organizations that support them”.

(11) On June 26, 2008, President George W. Bush certified that—

(A) the Government of North Korea had not provided any support for international terrorism during the preceding 6-month period; and

(B) the Government of North Korea had provided assurances that it will not support acts of international terrorism in the future.

(12) The President's June 26 certification concluded, based on all available information, that there was “no credible evidence at this time of ongoing support by the DPRK for international terrorism” and that “there is no credible or sustained reporting at this time that supports allegations (including as cited in recent reports by the Congressional Research Service) that the DPRK has provided direct or witting support for Hezbollah, Tamil Tigers, or the Iranian Revolutionary Guard”.

(13) The State Department's Country Reports on Terrorism 2008, in a section on North Korea, state, “The Democratic People's Republic of Korea (DPRK) was not known to have sponsored any terrorist acts

since the bombing of a Korean Airlines flight in 1987.”.

(14) The Country Reports on Terrorism 2008 also state, “A state that directs WMD resources to terrorists, or one from which enabling resources are clandestinely diverted, poses a grave WMD terrorism threat. Although terrorist organizations will continue to seek a WMD capability independent of state programs, the sophisticated WMD knowledge and resources of a state could enable a terrorist capability. State sponsors of terrorism and all nations that fail to live up to their international counterterrorism and nonproliferation obligations deserve greater scrutiny as potential facilitators of WMD terrorism.”.

(15) On October 11, 2008, the Secretary of State, pursuant to the President's certification, removed North Korea from its list of state sponsors of terrorism, on which North Korea had been placed in 1988.

(b) REPORT ON CONDUCT OF NORTH KOREA.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall—

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) assess the effectiveness of re-listing North Korea as a state sponsor of terrorism as a tool to accomplish the objectives of the United States with respect to North Korea, including completely eliminating North Korea's nuclear weapons programs, preventing North Korean proliferation of weapons of mass destruction, and encouraging North Korea to abide by international norms with respect to human rights.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security;

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism; and

(4) if the United States determines that the Government of North Korea has failed to fulfill its June 10, 2008, pledges, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(d) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term “state sponsor of terrorism” means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

**SA 1762.** Mrs. MCCASKILL (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1083. CONTRACTING PROGRAMS.**

(a) PROGRAM.—Section 602(a) of the Business Opportunity Development Reform Act of 1988 (15 U.S.C. 637 note) is amended—

(1) by striking “Section 8(a)(1)(D)” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), section 8(a)(1)(D)”;

(2) by adding at the end the following:

“(2) DEPARTMENT OF DEFENSE CONTRACTS.—A contract opportunity for award by or on behalf of the Department of Defense under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) shall be awarded on the basis of competition restricted to eligible Program Participants that are owned and controlled by economically disadvantaged Indian tribes, as defined pursuant to paragraphs (4) and (13) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)(4) and (13)), if—

“(A) there is a reasonable expectation that—

“(i) at least 2 eligible Program Participants that are owned and controlled by economically disadvantaged Indian tribes will submit offers; and

“(ii) the award can be made at a fair market price; and

“(B) the anticipated award price of the contract (including options) will exceed—

“(i) \$5,500,000 in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; and

“(ii) \$3,500,000 in the case of all other contract opportunities.

“(3) DISCRETION FOR CONTRACTING OFFICERS IN DEPARTMENT OF DEFENSE CONTRACTS.—Notwithstanding paragraph (2), for any contracting opportunity for award by or on behalf of the Department of Defense under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), the contracting officer may, in the discretion of the contracting officer, and if the contracting opportunity meets the requirements of such provision, award the contracting opportunity—

“(A) on the basis of a competition conducted in accordance with paragraph (2) of this subsection; or

“(B) on the basis of a competition conducted in accordance with section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)).

“(4) RULES OF CONSTRUCTION.—

“(A) IN GENERAL.—Nothing in this subsection shall be construed to limit the authority of a department or agency of the United States to award a contract opportunity offered for award that is above the thresholds identified in section

8(a)(1)(D)(i)(II) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II)) on the basis of competition conducted in accordance with section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)).

“(B) AMOUNT OF THRESHOLDS.—The amount of the dollar thresholds under paragraph (2)(B) shall be construed to be the same as the thresholds under section 8(a)(1)(D)(i)(II) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II)), as adjusted in accordance with section 35A of the Office of Federal Procurement Policy Act (41 U.S.C. 431a).”

(b) CONTRACTING BONUS.—Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) is amended—

(1) by striking “Notwithstanding” and inserting “(a) Except as provided in subsection (b), and notwithstanding”; and

(2) by adding at the end the following:

“(b) Subsection (a) shall not apply if the subcontractor or supplier, including the Indian organization or Indian-owned economic enterprise that owns the subcontractor or supplier, is affiliated with the contractor.”

**SA 1763.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN.**

(a) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2010, and annually thereafter until June 30, 2015, the Secretary of Defense shall submit to Congress a report on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan since January 1, 2005, who have been prescribed antidepressants or drugs to treat anxiety, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs); and

(B) the policies and patient management practices of the Department of Defense with respect to the prescription of such drugs.

(b) DEPARTMENT OF DEFENSE STUDY.—

(1) STUDY.—The Department of Defense shall contract with an independent entity to conduct a study on the potential relationship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, drugs to treat anxiety, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to such contracting entity all data necessary to complete the study.

(2) REPORT ON FINDINGS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

**SA 1764.** Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON of Ne-

braska, Mr. BENNETT, Mr. CORNYN, Mr. ISAKSON, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. UDALL of New Mexico, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, Mr. BOND, Mr. BAYH, Mr. NELSON of Florida, Mr. FRANKEN, Mr. ENSIGN, Mr. LEAHY, Mr. KENNEDY, Mr. WYDEN, Mr. CARDIN, Mr. BEGICH, Mrs. GILLIBRAND, Mr. INHOFE, Mr. COCHRAN, Mr. WEBB, Mr. ENZI, Mr. MERKLEY, Mr. CORKER, Mr. KERRY, Mr. GRASSLEY, Mr. GREGG, Mr. WHITEHOUSE, Mr. DEMINT, Mr. JOHANNIS, Mr. COBURN, Mr. LUGAR, Ms. MURKOWSKI, Mr. TESTER, Mr. CRAPO, and Mr. KAUFMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, before line 18, insert the following:

**Subtitle H—Military Voting**

**SEC. 581. SHORT TITLE.**

This subtitle may be cited as the “Military and Overseas Voter Empowerment Act”.

**SEC. 582. FINDINGS.**

Congress makes the following findings:

(1) The right to vote is a fundamental right.

(2) Due to logistical, geographical, operational and environmental barriers, military and overseas voters are burdened by many obstacles that impact their right to vote and register to vote, the most critical of which include problems transmitting balloting materials and not being given enough time to vote.

(3) States play an essential role in facilitating the ability of military and overseas voters to register to vote and have their ballots cast and counted, especially with respect to timing and improvement of absentee voter registration and absentee ballot procedures.

(4) The Department of Defense educates military and overseas voters of their rights under the Uniformed and Overseas Citizens Absentee Voting Act and plays an indispensable role in facilitating the procedural channels that allow military and overseas voters to have their votes count.

(5) The local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in conjunction to provide voter registration services and balloting materials in a secure and expeditious manner.

**SEC. 583. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.**

A State may delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

**SEC. 584. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

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

“(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

“(C) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail or electronically.”; and

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

“(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

“(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

“(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

“(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

“(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(6) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 585. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 584, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

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

“(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).”; and

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

“(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

“(1) IN GENERAL.—Each State shall establish procedures—

“(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

“(B) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such blank absentee ballot to be transmitted by mail or electronically.

“(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)), as amended by section 585, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

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

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

“(A) except as provided in subsection (g), in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

“(B) in the case where the request is received less than 45 days before an election for Federal office—

“(i) in accordance with State law; and

“(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.”.

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

“(g) HARDSHIP EXEMPTION.—

“(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

“(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

“(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

“(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

“(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

“(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

“(2) APPROVAL OF WAIVER REQUEST.—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:

“(i) The State’s primary election date prohibits the State from complying with subsection (a)(8)(A).

“(ii) The State has suffered a delay in generating ballots due to a legal contest.

“(iii) The State Constitution prohibits the State from complying with such subsection.

“(3) TIMING OF WAIVER.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

“(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

“(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.”

(b) RUNOFF ELECTIONS.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a), is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

**“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

“(a) ESTABLISHMENT OF PROCEDURES.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

“(b) DELIVERY TO APPROPRIATE ELECTION OFFICIALS.—

“(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

“(2) COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

“(3) DEADLINE DESCRIBED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

“(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

“(4) NO POSTAGE REQUIREMENT.—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

“(5) DATE OF MAILING.—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

“(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submission of marked absentee ballots pursuant to this section.

“(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”

(b) CONFORMING AMENDMENT.—Section 101(b) of such Act (42 U.S.C. 1973f(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”

(c) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph:

“(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”

(d) TRACKING MARKED BALLOTS.—Section 102 of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended by adding at the end the following new subsection:

“(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.”

(e) PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to the greatest extent practicable, take such actions as may be necessary—

“(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

“(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election

for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.**

(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(A) in subsection (a), by striking “general elections for Federal office” and inserting “general, special, primary, and runoff elections for Federal office”;

(B) in subsection (e), in the matter preceding paragraph (1), by striking “a general election” and inserting “a general, special, primary, or runoff election for Federal office”;

(C) in subsection (f), by striking “the general election” each place it appears and inserting “the general, special, primary, or runoff election for Federal office”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(1) by striking “GENERAL.—The Presidential” and inserting “GENERAL.—

“(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—The Presidential”;

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

“(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

“(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

“(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

“(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

“(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.”

**SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.**

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 587, is amended by adding at the end the following new subsection:

“(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or over-

seas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

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

“(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 587, is amended by inserting after section 103A the following new section:

**“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**

“(a) DUTIES.—The Presidential designee shall carry out the following duties:

“(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

“(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

“(b) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.”

(2) CONFORMING AMENDMENTS.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 587, is amended—

(A) in subparagraph (b)—

(i) by striking “and” at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting “; and”;

(iii) by adding at the end the following new paragraph:

“(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.”; and

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

“(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).”

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 589, is amended by adding at the end the following new subsection:

“(j) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

“(1) DESIGNATING AN OFFICE AS A VOTER REGISTRATION AGENCY ON EACH INSTALLATION OF THE ARMED FORCES.—Not later than 180 days after the date of enactment of this subsection, each Secretary of a military department shall take appropriate actions to designate an office on each installation of the Armed Forces under the jurisdiction of such Secretary (excluding any installation in a theater of combat), consistent across every installation of the department of the Secretary concerned, to provide each individual described in paragraph (3)—

“(A) written information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101);

“(B) the opportunity to register to vote in an election for Federal office;

“(C) the opportunity to update the individual’s voter registration information, including clear written notice and instructions for the absent uniformed services voter to change their address by submitting the official post card form prescribed under section 101 to the appropriate State election official; and

“(D) the opportunity to request an absentee ballot under this Act.

“(2) DEVELOPMENT OF PROCEDURES.—Each Secretary of a military department shall develop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

“(3) INDIVIDUALS DESCRIBED.—The following individuals are described in this paragraph:

“(A) An absent uniformed services voter—

“(i) who is undergoing a permanent change of duty station;

“(ii) who is deploying overseas for at least 6 months;

“(iii) who is or returning from an overseas deployment of at least 6 months; or

“(iv) who at any time requests assistance related to voter registration.

“(B) All other absent uniformed services voters (as defined in section 107(1)).

“(4) TIMING OF PROVISION OF ASSISTANCE.—The assistance described in paragraph (1) shall be provided to an absent uniformed services voter—

“(A) described in clause (i) of paragraph (3)(A), as part of the administrative in-processing of the member upon arrival at the new duty station of the absent uniformed services voter;

“(B) described in clause (ii) of such paragraph, as part of the administrative in-processing of the member upon deployment from the home duty station of the absent uniformed services voter;

“(C) described in clause (iii) of such paragraph, as part of the administrative in-processing of the member upon return to the home duty station of the absent uniformed services voter;

“(D) described in clause (iv) of such paragraph, at any time the absent uniformed services voter requests such assistance; and

“(E) described in paragraph (3)(B), at any time the absent uniformed services voter requests such assistance.

“(5) PAY, PERSONNEL, AND IDENTIFICATION OFFICES OF THE DEPARTMENT OF DEFENSE.—The Secretary of Defense may designate pay, personnel, and identification offices of the Department of Defense for persons to apply to register to vote, update the individual’s voter registration information, and request an absentee ballot under this Act.

“(6) TREATMENT OF OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES.—An office designated under paragraph (1) or (5) shall be considered to be a voter registration agency designated under section 7(a)(2) of the National Voter Registration Act of 1993 for all purposes of such Act.

“(7) OUTREACH TO ABSENT UNIFORMED SERVICES VOTERS.—The Secretary of each military department or the Presidential designee shall take appropriate actions to inform absent uniformed services voters of the assistance available under this subsection including—

“(A) the availability of voter registration assistance at offices designated under paragraphs (1) and (5); and

“(B) the time, location, and manner in which an absent uniformed voter may utilize such assistance.

“(8) DEFINITION OF MILITARY DEPARTMENT AND SECRETARY CONCERNED.—In this subsection, the terms ‘military department’ and ‘Secretary concerned’ have the meaning given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.**

(a) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by section 590, is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

“(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

“(B) for the Presidential designee to store the data reported.”

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 587, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.**

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking “, for use by States in accordance with section 104”; and

(B) in paragraph (4), by striking “for use by States in accordance with section 104”; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking “USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS” and inserting “PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION”; and

(B) in subsection (e), by striking “(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—”

**SEC. 593. REPORTING REQUIREMENTS.**

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

**“SEC. 105A. REPORTING REQUIREMENTS.**

“(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

“(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

“(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

“(A) A thorough and complete assessment of whether the Program, as configured and implemented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

“(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

“(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

“(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 102(j), including the designation of offices under paragraphs (1) and (5) of such section.

“(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

“(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

“(2) A description of the utilization of voter registration assistance under section 102(j), which shall include the following:

“(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

“(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

“(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

“(c) DEFINITIONS.—In this section:

“(1) ABSENT OVERSEAS UNIFORMED SERVICES VOTER.—The term ‘absent overseas uniformed services voter’ has the meaning given such term in section 103A(d).

“(2) PRESIDENTIAL DESIGNEE.—The term ‘Presidential designee’ means the Presidential designee under section 101(a).

“(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—The term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.”

**SEC. 594. ANNUAL REPORT ON ENFORCEMENT.**

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-4) is amended—

(1) by striking “The Attorney” and inserting “(a) IN GENERAL.—The Attorney”; and

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

“(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.”

**SEC. 595. REQUIREMENTS PAYMENTS.**

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

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

“(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.”

(b) REQUIREMENTS.—

(1) STATE PLAN.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a))

is amended by adding at the end the following new paragraph:

“(14) How the State plan will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(2) CONFORMING AMENDMENTS.—Section 253(b) of the Help America Vote Act of 2002 (42 U.S.C. 15403(b)) is amended—

(A) in paragraph (1)(A), by striking “section 254” and inserting “subsection (a) of section 254 (or, in the case where a State is seeking a requirements payment made using funds appropriated pursuant to the authorization under section 257(4), paragraph (14) of section 254)”;

(B) in paragraph (2)—

(i) by striking “(2) The State” and inserting “(2)(A) Subject to subparagraph (B), the State”;

(ii) by inserting after subparagraph (A), as added by clause (i), the following new subparagraph:

“(B) The requirement under subparagraph (A) shall not apply in the case of a requirements payment made using funds appropriated pursuant to the authorization under section 257(4).”.

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

“(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).”.

#### SEC. 596. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term “overseas voter” has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term “Presidential designee” means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Election Assistance Commission and the National Institute of Standards and Technology shall work with the Presidential designee to support the pilot program or programs established under this section through best practices or standards and in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(2) REPORT.—In the case where the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after enactment of this Act, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission's actions in establishing such guidelines since the date of enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “relevant committees of Congress” means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SA 1765.** Mr. CHAMBLISS (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

#### SEC. 125. REPORT ON E-8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINEING.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit

to the congressional defense committees a report on replacing the engines of E-8C Joint Surveillance and Target Attack Radar System (Joint STARS) aircraft. The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) LIMITATION ON CERTAIN ACTIONS.—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

**SA 1766.** Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE —SERVICEMEMBER FAMILY AND MEDICAL LEAVE

##### Subtitle A—General Requirements for Leave

#### SEC. 11. DEFINITION OF COVERED ACTIVE DUTY.

(a) DEFINITION.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(1) by striking paragraph (14) and inserting the following:

“(14) COVERED ACTIVE DUTY.—The term ‘covered active duty’ means—

“(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

“(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.”; and

(2) by striking paragraph (15) and redesignating paragraphs (16) through (19) as paragraphs (15) through (18), respectively.

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

(1) in subsection (a)(1)(E)—

(A) by striking “active duty” each place it appears and inserting “covered active duty”; and

(B) by striking “in support of a contingency operation”; and

(2) in subsection (e)(3)—

(A) in the paragraph heading, by striking “ACTIVE DUTY” and inserting “COVERED ACTIVE DUTY”;

(B) by striking “active duty” each place it appears and inserting “covered active duty”; and

(C) by striking “in support of a contingency operation”.

(c) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking “ACTIVE DUTY” each place it appears and inserting “COVERED ACTIVE DUTY”.

**SEC. 12. DEFINITION OF COVERED SERVICEMEMBER.**

Paragraph (15) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) (as redesignated by section 11) is amended to read as follows:

“(15) COVERED SERVICEMEMBER.—The term ‘covered servicemember’ means—

“(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

“(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.”

**SEC. 13. DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.**

Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is further amended by striking paragraph (18) (as redesignated by section 11) and inserting the following:

“(18) SERIOUS INJURY OR ILLNESS.—The term ‘serious injury or illness’—

“(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

“(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (15)(B), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

“(19) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”

**SEC. 14. TECHNICAL AMENDMENT.**

Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking “or parent” and inserting “parent, or next of kin”.

**SEC. 15. REGULATIONS.**

The Secretary of Labor, after consultation with the Secretary of Defense and Secretary of Veterans Affairs, shall prescribe such regulations as are necessary to carry out the amendments made by this title.

**Subtitle B—Leave for Civil Service Employees**

**SEC. 21. EXIGENCY LEAVE FOR SERVICEMEMBERS ON COVERED ACTIVE DUTY.**

(a) DEFINITION.—Section 6381(7) of title 5, United States Code, is amended to read as follows:

“(7) the term ‘covered active duty’ means—

“(A) in the case of a member of a regular component of the Armed Forces, duty during

the deployment of the member with the Armed Forces to a foreign country; and

“(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;”.

(b) LEAVE.—Section 6382 of title 5, United States Code, is amended—

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

“(E) Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces;”;

(2) in subsection (b)(1), by inserting after the second sentence the following: “Subject to subsection (e)(3) and section 6383(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.”;

(3) in subsection (d), by striking “or (D)” and inserting “(D), or (E)”; and

(4) in subsection (e), by adding at the end the following:

“(3) In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the employer as is reasonable and practicable.”.

(c) CERTIFICATION.—Section 6383(f) of title 5, United States Code, is amended by striking “section 6382(a)(3)” and inserting “paragraph (1)(E) or (3) of section 6382(a)”.

**SEC. 22. DEFINITION OF COVERED SERVICEMEMBER.**

Paragraph (8) of section 6381 of title 5, United States Code, is amended to read as follows:

“(8) the term ‘covered servicemember’ means—

“(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

“(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy;”.

**SEC. 23. DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.**

Section 6381 of title 5, United States Code, is further amended—

(1) in paragraph (10), by striking “and” at the end; and

(2) by striking paragraph (11) and inserting the following:

“(11) the term ‘serious injury or illness’—

“(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and

“(B) in the case of a veteran who was a member of the Armed Forces (including a

member of the National Guard or Reserves) at any time during a period described in paragraph (8)(B), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran; and

“(12) the term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.”.

**SEC. 24. TECHNICAL AMENDMENT.**

Section 6382(e)(2)(A) of title 5, United States Code, is amended by striking “or parent” and inserting “parent, or next of kin”.

**SEC. 25. REGULATIONS.**

The Office of Personnel Management, after consultation with the Secretary of Defense and Secretary of Veterans Affairs, shall prescribe such regulations as are necessary to carry out the amendments made by this title.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 22, 2009, at 10 a.m. to conduct a hearing on “The Semiannual Monetary Policy Report to the Congress.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 22, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 22, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, 22, 2009, at 10 a.m. in room 406 of the Dirksen Office Building.