

bill S. 1390, supra; which was ordered to lie on the table.

SA 1585. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1586. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1587. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1588. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1589. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1590. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1591. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1592. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1593. 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 1594. Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1595. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1596. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1597. Mr. BROWNBACK (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1598. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1599. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1600. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1601. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1602. Mr. DEMINT (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1603. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1604. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1605. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1606. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1607. Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ, Mr. VITTER, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1608. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1609. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1610. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, supra.

SA 1611. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, supra.

SA 1612. Mr. NELSON, of Florida (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1613. Mr. LEAHY proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, supra.

SA 1614. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1615. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1616. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1617. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1618. Mr. THUNE (for himself, Mr. VITTER, Mr. ENZI, Mr. BARRASSO, and Mr. COBURN) proposed an amendment to the bill S. 1390, supra.

TEXT OF AMENDMENTS

SA 1575. Mr. JOHANNIS (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 C of title XII, add the following:

SEC. 1232. REPORT ON ELECTRONIC SURVEILLANCE CAPABILITIES OF THE GOVERNMENT OF IRAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report on the domestic electronic surveillance capabilities of the Government of Iran that includes—

(1) an identification of the five persons that supply the most electronic surveillance equipment to the Government of Iran and the location of any global headquarters of each such person;

(2) an estimate of the value of the sales of such equipment by each such person in the year preceding the submittal of the report;

(3) an estimate of the annual value of such sales during previous years;

(4) a description of any actions taken by the United States to discourage such sales; and

(5) an identification of any contracts entered into with such persons by the Federal Government.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(c) PERSON DEFINED.—In this section, the term “person” means—

(1) a natural person;

(2) a corporation, business association, partnership, society, trust, or any other non-governmental entity, organization, or group;

(3) any governmental entity operating as a business enterprise; and

(4) any successor to any entity described in paragraph (2) or (3).

SA 1576. 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 end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON HEALTH EFFECTS OF DEPARTMENT OF DEFENSE BURN PITS ON MEMBERS OF THE ARMED FORCES.

(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 congressional defense committees a report

on the adverse health effects on members of the Armed Forces of the use of burn pits by the Department of Defense for the disposal of refuse.

(b) **AIR QUALITY TESTS.**—As part of the report submitted under subsection (a), the Secretary shall include the results of air quality and air pollutant tests carried out at each of the 15 military installations or facilities closest to a burn pit described in subsection (a) in which members of the Armed Forces reside. Such results shall specify the distance between the burn pit and the military installation or facility where the air quality and air pollutant tests were carried out.

SA 1577. 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) **INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall undertake an initiative intended 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 initiative 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) Requirements 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 every 180 days 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 1578. 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:

On page 201, after line 25, insert the following:

SEC. 652. EXTENSION OF FIRST-TIME HOME-BUYER INCOME TAX CREDIT FOR MEMBERS OF THE ARMED FORCES DEPLOYED AWAY FROM THEIR PERMANENT DUTY STATIONS.

(a) **IN GENERAL.**—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended—

(1) by inserting “(1) **IN GENERAL.**—” before “In the case of”, and

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

“(2) **DEPLOYED MEMBERS OF THE ARMED FORCES.**—

“(A) **EXCEPTION.**—In the case of a purchase of a principal residence on or after December 1, 2009, and before the applicable extension date by a member of the Armed Forces who is deployed away from such member’s permanent duty station on any day after June 30, 2009, and before December 1, 2009, such member may elect to treat such purchase as made on November 30, 2009, for purposes of this section (other than subsection (c)).

“(B) **APPLICABLE EXTENSION DATE.**—For purposes of this paragraph, the term ‘applicable extension date’ means, with respect to any member of the Armed Forces described in subparagraph (A), the earlier of—

“(i) the date that is the same number of days after November 30, 2009, as the number of days such member was deployed away from such member’s permanent duty station after June 30, 2009, and before December 1, 2009, or

“(ii) May 1, 2010.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to residences purchased after November 30, 2009.

SA 1579. 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 appropriate place, insert the following:

SEC. ____ . CLASSES OF PERSONS AND LIMITATIONS.

(a) **MEMBERS OF ARMED FORCES.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the

actual or perceived status of the person as a member of the Armed Forces shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(b) **RECRUITERS.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a recruiter for the United States military shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(c) **PREGNANT WOMEN.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a pregnant woman shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(d) **IMMUTABLE CHARACTERISTICS.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as possessing any immutable characteristic shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(e) **UNBORN CHILDREN.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as an unborn child under the circumstances where the crime under such section 249 is also a crime under section 1531 of title 18, United States Code, shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(f) **SENIOR CITIZENS.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a senior citizen who has attained the age of 65 shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(g) **LAW ENFORCEMENT OFFICERS.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a law enforcement officer shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(h) **UNLAWFUL ALIENS.**—Any alien, whether or not acting under color of law, who while unlawfully present in the United States willfully causes bodily injury to any national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to a national of the United States—

(1) shall be imprisoned not more than 10 years, fined in accordance with title 18, United States Code, or both; and

(2) shall be imprisoned for any term of years or for life, fined in accordance with title 18, United States Code, or both, if—

(A) death results from the offense; or

(B) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(i) **CERTIFICATION REQUIREMENT.**—The certification requirements under section 249 of title 18, United States Code, as added by this Act, shall also include a certification in writing by the Attorney General, or the designee of the Attorney General, that the State has no law prohibiting the conduct constituting the alleged crimes of the defendant.

(j) **RELIGIOUS BELIEFS.**—No prosecution under section 249 of title 18, United States

Code, as added by this Act, may be based in whole or in part on religious beliefs quoted from the Bible, the Tanakh, or the Koran.

SA 1580. 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 appropriate place, insert the following:

SEC. ____ . CIRCUMSTANCES.

The circumstances described in section 249(a)(2)(B) of title 18, United States Code, as added by this Act, shall include that the conduct described in subparagraph (A) of such section 249(a)(2) is committed against a person in the process of practicing the religion of the person in a place of worship (including a Christian church, a Jewish synagogue, or a Muslim mosque) and is without due process or is a form of desecration to the place of worship itself, unless such action is under color of law after due process.

SA 1581. 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 appropriate place, insert the following:

SEC. ____ . UNBORN CHILDREN.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as an unborn child under the circumstances where the crime under such section 249 is also a crime under section 1531 of title 18, United States Code, shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1582. 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 appropriate place, insert the following:

SEC. ____ . CERTIFICATION REQUIREMENT.

The certification requirements under section 249 of title 18, United States Code, as added by this Act, shall also include a certification in writing by the Attorney General, or the designee of the Attorney General, that the State has no law prohibiting the conduct constituting the alleged crimes of the defendant.

SA 1583. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize ap-

propriations 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. ____ . RECRUITERS.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a recruiter for the United States military shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1584. 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 appropriate place, insert the following:

SEC. ____ . SENIOR CITIZENS.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a senior citizen who has attained the age of 65 shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1585. 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 appropriate place, insert the following:

SEC. ____ . SEXUAL ORIENTATION.

The term "sexual orientation" as used in this Act or any amendment made by this Act does not include pedophilia.

SA 1586. 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 appropriate place, insert the following:

SEC. ____ . MEMBERS OF ARMED FORCES.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a member of the Armed Forces shall be imprisoned, fined, or both, in accord-

ance with section 249 of title 18, United States Code.

SA 1587. 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 appropriate place, insert the following:

SEC. ____ . RELIGIOUS BELIEFS.

No prosecution under section 249 of title 18, United States Code, as added by this Act, may be based in whole or in part on religious beliefs quoted from the Bible, the Tanakh, or the Koran.

SA 1588. 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 appropriate place, insert the following:

SEC. ____ . LAW ENFORCEMENT OFFICERS.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a law enforcement officer shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1589. 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 appropriate place, insert the following:

SEC. ____ . PREGNANT WOMEN.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a pregnant woman shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1590. 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 appropriate place, insert the following:

SEC. _____. IMMUTABLE CHARACTERISTICS.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as possessing any immutable characteristic shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1591. 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 appropriate place, insert the following:

SEC. _____. INTENT REQUIRED.

Conduct shall only constitute a violation of section 249 of title 18, United States Code, as added by this Act, if the conduct is committed with intent to intimidate or terrorize the class of persons to which the person against whom the conduct is committed belongs.

SA 1592. 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 appropriate place, insert the following:

SEC. _____. UNLAWFUL ALIENS.

Any alien, whether or not acting under color of law, who while unlawfully present in the United States willfully causes bodily injury to any national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to a national of the United States—

(1) shall be imprisoned not more than 10 years, fined in accordance with title 18, United States Code, or both; and

(2) shall be imprisoned for any term of years or for life, fined in accordance with title 18, United States Code, or both, if—

(A) death results from the offense; or

(B) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

SA 1593. 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 VI, add the following:

SEC. 652. REPORT ON BONUSES AND INCENTIVES FOR RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) **REPORT REQUIRED.**—Not later than March 1, 2010, the Secretary of the Air Force shall submit to the congressional defense committees a report assessing the feasibility, advisability, utility, and cost effectiveness of establishing new retention bonuses or assignment incentive pay for members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons in order to enhance the recruitment and retention of such members.

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

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An assessment of whether additional retention bonuses or assignment incentive pay could help to improve retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(4) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(5) Such other matters as the Secretary considers appropriate.

SA 1594. Mr. CONRAD (for himself and Mr. DORGAN) 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 X, add the following:

SEC. 1073. REPORT ON B-52H BOMBER AIRCRAFT ADVANCED WEAPONS CAPABILITY.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report detailing plans to enhance the combat capabilities of the B-52H bomber aircraft through the integration into the aircraft of a MIL-STD-1760 common electrical and digital interface between weapons and the aircraft.

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

(1) The military requirement for incorporating smart weapons in the bomb bay of the B-52H bomber aircraft.

(2) The impact on the precision strike capability of the B-52H bomber aircraft resulting from the integration of a MIL-STD-1760 interface into the aircraft.

(3) Anticipated operating costs of the MIL-STD-1760 program.

(4) Anticipated research and development and acquisition costs of the MIL-STD-1760 program.

(5) Such other matters as the Secretary considers appropriate.

SA 1595. 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:

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

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

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

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

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

(e) **SAVINGS PROVISION.**—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42

U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

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

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

SA 1596. Mr. KERRY (for himself 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:

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

SEC. 1059. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

(a) **TACTICAL WHEELED VEHICLES PROGRAM.**—Not later than October 1, 2010, the Secretary of the Army may complete a condition-based maintenance demonstration program on tactical wheeled vehicles.

(b) **GUIDED MISSILE DESTROYER PROGRAM.**—Not later than October 1, 2010, the Secretary of the Navy may conduct a condition-based maintenance demonstration program on the guided missile destroyer class of surface combatant ships.

(c) **ISSUES TO BE ADDRESSED.**—The demonstration programs described in subsections (a) and (b) shall address the following:

- (1) The top 10 maintenance issues.
- (2) Nonevidence of failures.
- (3) Projected cost, benefit, and return on investment analysis for a 10-year period.
- (4) Management to cost benefit and return on investment to cost comparison to equivalent commercial applications of condition-based maintenance programs.

(d) **REPORT.**—Not later than December 1, 2010, the Secretary of the Army and the Secretary of the Navy shall submit to the congressional defense committees a report that assesses the condition-based maintenance programs described in subsections (a) and (b) and includes the findings of the Secretary of the Army and the Secretary of the Navy with respect to the issues addressed under subsection (c).

SA 1597. Mr. BROWNBACK (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 end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON REDESIGNATION OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) On October 11, 2008, the Department of State removed North Korea from its list of state sponsors of terrorism, on which it had been placed in 1988.

(2) North Korea was removed from that list despite its refusal to account fully for its abduction of foreign citizens, proliferation of nuclear and other dangerous technologies and weapon systems to terrorist groups and other state sponsors of terrorism, or its commission of other past acts of terrorism.

(3) On March 17, 2009, American journalists Euna Lee and Laura Ling were seized near the Chinese-North Korean border by agents of the North Korean government and were subsequently sentenced to 12 years of hard labor in a prison camp in North Korea.

(4) On April 5, 2009, the Government of North Korea tested a long-range ballistic missile in violation of United Nations Security Council Resolutions 1695 and 1718.

(5) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from, and re-commissioning, its Yongbyon nuclear facility and ending its participation in disarmament talks.

(6) Those actions were in violation of the June 26, 2008, announcement by the President of the United States that the removal of North Korea from the list of state sponsors of terrorism was dependent on the Government of North Korea agreeing to a system to verify its declarations with respect to its nuclear programs.

(7) On May 25, 2009, the Government of North Korea conducted a second illegal nuclear test, in addition to conducting tests of its ballistic missile systems launched in the direction of the western United States.

(8) North Korea has failed to acknowledge or account for its role in building and supplying the secret nuclear facility at Al Kibar, Syria, has failed to account for all remaining citizens of Japan abducted by North Korea, and, according to recent reports, continues to engage in close cooperation with the terrorist Iranian Revolutionary Guard Corps on ballistic missile technology.

(9) There have been recent credible reports that North Korea has provided support to the terrorist group Hezbollah, including by providing ballistic missile components and personnel to train members of Hezbollah with respect to the development of extensive underground military facilities in southern Lebanon, including tunnels and bunkers.

(10) The 2005 and 2006 Country Reports on Terrorism of the Department of State state, with respect to Cuba, Iran, North Korea, and Syria, “Most worrisome is that some of these countries also have the capability to manufacture WMD and other destabilizing technologies that can get into the hands of terrorists. The United States will continue to insist that these countries end the support they give to terrorist groups.”

(11) President Barack Obama stated that actions of the Government of North Korea “are a matter of grave concern to all nations. North Korea’s attempts to develop nuclear weapons, as well as its ballistic missile program, constitute a threat to international peace and security. By acting in blatant defiance of the United Nations Security Council, North Korea is directly and recklessly challenging the international community. North Korea’s behavior increases tensions and undermines stability in Northeast Asia. Such provocations will only serve to deepen North Korea’s isolation. It will not find international acceptance unless it abandons its pursuit of weapons of mass destruction and their means of delivery.”

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Secretary of State should designate North Korea as 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); and

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SA 1598. Mrs. McCASKILL 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. TRAUMATIC SERVICEMEMBERS’ GROUP LIFE INSURANCE COVERAGE FOR ADVERSE REACTIONS TO VACCINATIONS ADMINISTERED BY DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—Section 1980A(b)(3) of title 38, United States Code, is amended—

(1) by striking “The Secretary” and inserting “(A) Except as provided in subparagraph (B), the Secretary”; and

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

“(B) The Secretary shall not exclude under subparagraph (A) a qualifying loss experienced by a member as a result of an adverse reaction to a vaccination administered by the Department of Defense, whether voluntarily or involuntarily, for the purposes of military accession, training, or deployment.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the provisions of and amendments made by section 1032 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13; 119 Stat. 257).

SA 1599. 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:

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date

of completion of all obligations referenced in subsection (e).

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

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

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

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

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

(e) **SAVINGS PROVISION.**—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

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

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

SA 1600. Mr. NELSON (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:

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

SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) **ASSISTANCE SPECIFIED.**—The assistance specified in this subsection is—

(1) assistance provided under—

(A) section 572 the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b);

(B) section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1917);

(C) section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1474);

(D) section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2514);

(E) section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1063); or

(F) section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-76); and

(2) payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(c) **REPORT.**—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

SA 1601. Mr. NELSON of Nebraska (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:

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

SEC. 1073. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to simplify defense travel.

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

(1) A comprehensive discussion of aspects of the Department of Defense travel system that are most confusing, inefficient, and in need of revision.

(2) Critical review of opportunities to streamline and simplify defense travel poli-

cies and to reduce travel-related costs to the Department of Defense.

(3) Options to leverage industry capabilities that could enhance management responsiveness to changing markets.

(4) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in paragraphs (1) and (2), including recommendations for legislative authority.

(5) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

SA 1602. 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 483, between lines 8 and 9, insert the following:

SEC. 1232. STRATEGIC REVIEW OF BASING PLANS FOR THE UNITED STATES EUROPEAN COMMAND.

(a) **REPORT REQUIREMENT.**—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense, in coordination with the combatant commander of the United States European Command, shall submit to the appropriate congressional committees a report on the plan for basing of forces in the European theater. The report shall include a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan satisfies the commitments undertaken by the United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(3) how the plan addresses the current security environment in Europe, including United States participation in theater cooperation activities;

(4) how the plan contributes to peace and stability in Europe; and

(5) the impact that a permanent change in the basing of a unit currently assigned to the United States European Command would have on the matters described in paragraphs (1) through (4).

(b) **NOTIFICATION REQUIREMENT.**—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the continental United States as of the date of the enactment of this Act.

(c) **DEFINITIONS.**—In this section:

(1) **UNIT.**—The term “unit” has the meaning determined by the Secretary of Defense for purposes of this section.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1603. 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 G of title X, add the following:

SEC. 1073. COMPTROLLER GENERAL REVIEW OF FISCAL YEAR 2009 SPENDING BY THE DEPARTMENT OF DEFENSE.

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

(1) The Department of Defense is under increasing budgetary pressure with the exponential rise in costs of weapon systems and personnel entitlements.

(2) Military departments in the Department of Defense are punished if they do not deplete all funds in their organizational accounts by the end of the fiscal year through a reduction in the allocation to such accounts for the next fiscal year.

(3) The end-of-year spending spree by military departments using “fallout” funds is executed in a condensed time frame that leads to wasteful spending practices and the purchase of unnecessary equipment and supplies.

(b) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, in consultation with the Under Secretary of Defense (Comptroller), shall conduct a review of the obligation and expenditure by the Department of Defense of amounts appropriated to the Department for fiscal year 2009, with particular focus on the obligation and expenditure of such amounts near the end of the fiscal year to determine if policies with respect to spending by the Department contribute to hastened spending and poor use or waste of taxpayer dollars.

(c) REPORT.—Not later than the earlier of March 30, 2010, or the date that is 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the review conducted under subsection (b); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended.

SA 1604. 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 appropriate place, insert the following:

SEC. _____. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “shall audit an agency” and inserting a period.

(b) AUDIT.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

“(1) IN GENERAL.—The audit of the Board of Governors of the Federal Reserve System

and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

“(2) REPORT.—

“(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed, and shall be made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

“(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.”.

SA 1605. 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:

Strike section 121.

SA 1606. Mrs. MCCASKILL 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 XXXI, add the following:

SEC. 3136. SENSE OF THE SENATE ON DOMESTIC PRODUCTION OF MOLYBDENUM-99.

(a) FINDINGS.—The Senate makes the following findings:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum-99 (Mo-99) and there are no such reactors in the United States that can provide a reliable supply of Mo-99 to meet domestic medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo-99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo-99-based medical products in the United States and around the world.

(3) Ensuring a reliable, domestically produced supply of medical radioisotopes, including Mo-99, is of great importance to the public health of the United States.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support

the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests.

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

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people in the United States each year; and

(2) the Secretary of Energy should continue and expand a program to ensure a reliable domestic source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and promote peaceful nuclear industries through the use of low-enriched uranium.

SA 1607. Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ, Mr. VITTER, and Mr. RISCH) 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. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

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

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts in the United States in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) The Commission reached bipartisan consensus on more than 100 recommendations with only one issue not having bipartisan support.

(5) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) EXTENSION OF SUNSET.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking “June 1, 2009” and inserting “September 30, 2010”; and

(3) by inserting after subsection (e) the following new subsection:

“(f) FOLLOW-ON REPORT.—Not later than May 1, 2010, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives a follow-on report to the report submitted under subsection (e). With respect to the matters described under subsection (c), the follow-on report shall include, at a minimum, the following:

“(1) A review of—

“(A) the nuclear posture review required by section 1070; and

“(B) the Quadrennial Defense Review required to be submitted under section 118 of title 10, United States Code.

“(2) A review of legislative actions taken by the 111th Congress.”.

SA 1608. Mr. KYL 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 in title X, insert the following:

SEC. ____ . COMPTROLLER GENERAL REPORT ON STOCKPILE STEWARDSHIP PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the progress of the Stockpile Stewardship Program since its inception and the remaining challenges facing the program. The report shall include recommendations for ensuring—

(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

(2) the safety, security, and reliability of the nuclear weapons stockpile without the use of underground nuclear weapons testing.

SA 1609. Mr. KYL 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 478, between lines 21 and 22, insert the following:

(E) a list of all investments in the energy sector of Iran and assessment of whether any person making such an investment is transacting any economic activity in the United States, including with the United States Government;

SA 1610. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr.

KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) 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:

Strike page 16, line 24 through page 17, line 7 and insert the following:

SEC. ____ . CONSTRUCTION AND APPLICATION.

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes on any rights under the first amendment to the Constitution of the United States, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

SA 1611. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) 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 appropriate place, insert the following:

SEC. ____ . COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, division E of this Act (relating to hate crimes), and the amendments made by that division, shall have no force or effect.

(b) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term “relevant offense” means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(c) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(d) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2010, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2010 and 2011 to carry out this section.

SA 1612. Mr. NELSON of Florida (for himself and Mr. VITTER) 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 419, strike line 10 and all that follows through page 420, line 2, and insert the following:

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “the Secretary of Defense” and inserting “the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing.”; and

(B) by striking “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and inserting “the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.”.

SA 1613. Mr. LEAHY proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms.

COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) 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 the amendment, insert the following:

(b) FIRST AMENDMENT.—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(c) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

SA 1614. Mr. LEAHY 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. . LIMITATION ON PROSECUTIONS.

(a) IN GENERAL.—All prosecutions under section 249 of title 18, United States Code, as added by this Act, shall be undertaken pursuant to guidelines issued by the Attorney General.

(1) to guide the exercise of the discretion of Federal prosecutors and the Attorney General in their decisions whether to seek death sentences under such section when the crime results in a loss of life; and

(2) that identify with particularity the type of facts of such cases that will support the classification of individual cases in term of their culpability and death eligibility as low, medium, and high.

(b) REQUIREMENTS FOR DEATH PENALTY.—If the Government seeks a death sentence in crime under section 249 of title 18, United States Code, as added by this Act, that results in a loss of life—

(1) the Attorney General shall certify with particularity in the information or indictment how the facts of the case support the Government's judgment that the case is properly classified among the cases involv-

ing a hate crime that resulted in a victim's death;

(2) the Attorney General shall document in a filing to the court—

(A) the facts of the crime (including date of offense and arrest and location of the offense), charges, convictions, and sentences of all state and Federal hate crimes (committed before or after the effective date of this legislation) that resulted in a loss of life and were known to the Assistant United States Attorney or the Attorney General; and

(B) the actual or perceived race, color, national origin, ethnicity, religion, gender, sexual orientation, gender identity, or disability of the defendant and all victims; and

(3)(A) the court, either at the close of the guilt trial or at the close of the penalty trial, shall conduct a proportionality review in which it shall examine whether the prosecutorial death seeking and death sentencing rates in comparable cases in Federal prosecutions are both greater than 50 percent; and

(B) if the State fails to satisfy the test under subparagraph (A), by a preponderance of the evidence, the court shall dismiss the Government's action seeking a death sentence in the case.

SA 1615. Mr. SESSIONS 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, or both, and shall be subject to the penalty of death in accordance with chapter 228, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, and shall be subject to the penalty of death in accordance with chapter 228, if—

SA 1616. Mr. SESSION 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. ____ . ATTACKS ON UNITED STATES SERVICEMEN.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

“§ 1389. Prohibition on attacks on United States servicemen on account of service

“(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

“(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than \$500, be fined under this title in an amount not less than \$500 nor more than \$10,000 and imprisoned not more than 2 years;

“(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than \$500, be fined under this title in an amount not less than \$1000 nor more than \$100,000 and imprisoned not more than 5 years; and

“(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than \$2500 and imprisoned not less than 16 months nor more than 10 years.

“(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘Armed Forces’ has the meaning given that term in section 1388;

“(2) the term ‘immediate family member’ has the meaning given that term in section 115; and

“(3) the term ‘United States serviceman’—

“(A) means a member of the Armed Forces; and

“(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

“1389. Prohibition on attacks on United States servicemen on account of service.”.

SA 1617. Mr. SESSIONS 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:

“(3) REGULATIONS.—All prosecutions conducted by the United States pursuant to this section shall be undertaken pursuant to guidelines issued by the Attorney General that shall establish neutral and objective criteria for determining whether a crime was motivated by the status of the victim.

SA 1618. Mr. THUNE (for himself, Mr. VITTER, Mr. ENZI, Mr. BARRASSO, and Mr. COBURN) 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 H of title X, add the following:

SEC. 1083. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) FINDINGS.—Congress finds the following:

(1) The second amendment to the Constitution of the United States protects the right of an individual to keep and bear arms, including for purposes of individual self-defense.

(2) The right to bear arms includes the right to carry arms for self-defense and the defense of others.

(3) Congress has previously enacted legislation for national authorization of the carrying of concealed firearms by qualified active and retired law enforcement officers.

(4) Forty-eight States provide by statute for the issuance of permits to carry concealed firearms to individuals, or allow the carrying of concealed firearms for lawful purposes without need for a permit.

(5) The overwhelming majority of individuals who exercise the right to carry firearms in their own States and other States have proven to be law-abiding, and such carrying has been demonstrated to provide crime prevention or crime resistance benefits for the licensees and for others.

(6) Congress finds that the prevention of lawful carrying by individuals who are traveling outside their home State interferes with the constitutional right of interstate travel, and harms interstate commerce.

(7) Among the purposes of this Act is the protection of the rights, privileges, and immunities guaranteed to a citizen of the United States by the fourteenth amendment to the Constitution of the United States.

(8) Congress therefore should provide for the interstate carrying of firearms by such individuals in all States that do not prohibit the carrying of concealed firearms by their own residents.

(b) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

“§ 926D. Reciprocity for the carrying of certain concealed firearms

“(a) Notwithstanding any provision of the law of any State or political subdivision thereof—

“(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may carry a concealed firearm in any State other than the State of residence of the person that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes;

“(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic

identification document and is entitled to carry a concealed firearm in the State in which the person resides otherwise than as described in paragraph (1), may carry a concealed firearm in any State other than the State of residence of the person that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

“(b) A person carrying a concealed firearm under this section shall—

“(1) in a State that does not prohibit the carrying of a concealed firearms by residents of the State for lawful purposes, be entitled to carry such firearm subject to the same laws and conditions that govern the specific places and manner in which a firearm may be carried by a resident of the State; or

“(2) in a State that allows residents of the State to obtain licenses or permits to carry concealed firearms, be entitled to carry such a firearm subject to the same laws and conditions that govern specific places and manner in which a firearm may be carried by a person issued a permit by the State in which the firearm is carried.

“(c) In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, a firearm shall be carried according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

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

“(1) effect the permitting process for an individual in the State of residence of the individual; or

“(2) preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

(d) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. BROWN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 2:30 p.m. to conduct a hearing entitled “Contracting Preferences for Alaska Native Corporations.”

The PRESIDING OFFICER. Without objection, it is so ordered.