

Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) **DISPLAY IN ROTUNDA.**—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

## SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

## SENATE CONCURRENT RESOLUTION 43—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL TO FORMER SENATOR EDWARD BROOKE

Mr. MCCONNELL (for himself and Mr. REID) submitted the following concurrent resolution; which was considered and agreed to:

### S. CON. RES. 43

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 co-sponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative ELKANOR HOLMES NORTON with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110-260: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

## SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2588. Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

SA 2589. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2590. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2591. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of

Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2592. Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON, of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2593. Mr. LEVIN (for himself, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2594. Mr. SHELBY (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2595. Mr. LIEBERMAN (for himself, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2596. Mr. BOND (for himself, Mr. NELSON, of Florida and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2597. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2598. Mr. BROWNBACK (for himself, Mr. DORGAN, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2599. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2600. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2601. Mr. SANDERS (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2602. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2603. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2604. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2605. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2606. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2607. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2608. Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2609. Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2610. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2611. Mr. WYDEN (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him

to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2612. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2613. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2614. Mr. NELSON of Nebraska (for himself, Mr. CORNYN, Mr. SCHUMER, Mr. CHAMBLISS, Mr. BENNETT, Mr. JOHANNES, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2615. Mrs. HAGAN (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3326, supra.

SA 2616. Mr. LIEBERMAN (for himself, Mr. BAYH, Mr. MCCAIN, Mr. INHOFE, Mr. VITTER, Mr. KYL, Mr. SESSIONS, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2618. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2619. Mr. INHOFE (for himself, Mr. WARNER, Mr. WEBB, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2620. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2621. Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra.

SA 2622. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2610 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2623. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 3326, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2588.** Mr. FRANKEN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

**SA 2589.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act or any other Act may be used for the program described on page two of Annex II to the Classified Annex to S. 1494 (111th Congress, agreed to in the Senate on September 16, 2009) prior to the date that the staff of the Select Committee on Intelligence of the Senate is provided access to such program, as described in such Classified Annex.

**SA 2590.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

(1) The President has emphasized the need for a comprehensive, regional, inter-agency strategy for Afghanistan and Pakistan.

(2) The President has rightly focused on the need to address the threat emanating from the Afghanistan-Pakistan border region.

(3) On September 20, 2009, the President stated that he will ask how any proposed strategy ensures that “. . . al Qaeda and its extremist allies cannot attack the United States homeland, our allies, [and] our troops who are based in Europe”.

(4) United States troop levels in Afghanistan have doubled over the last year.

(5) On September 20, 2009, the President cautioned against the idea that “by sending more troops [to Afghanistan] we’re automatically going to make Americans safe”.

(6) 2009 has already become the deadliest year for United States troops in Afghanistan.

(7) General McChrystal has stated that it “is realistic to expect that Afghan and coalition casualties will increase”.

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

(1) the President has brought needed leadership and focus to one of the key national security challenges facing the United States; and

(2) if the President decides to increase United States troop levels in Afghanistan, before doing so he should provide Congress and the American people with information on the following:

(A) The expected costs of the increased troop levels.

(B) The expected length of time for which troop levels will be increased.

(C) The likelihood that the increase in troop levels will advance United States efforts to eliminate al Qaeda’s safe haven in Pakistan.

(D) The likelihood that the ongoing United States military presence in Afghanistan will increase militancy and instability in Afghanistan and Pakistan.

**SA 2591.** Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense, for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP).

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the contract explicitly requires the contractor—

(A) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with the United States National Electric Code in work under such contract;

(B) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under such contract to ensure that safe and sanitary water is provided; and

(C) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors;

(2) the waiver is necessary for the provision of essential services to troops in the field; or

(3) the work under such contract does not present an imminent threat of death or serious bodily injury.

**SA 2592.** Mr. CASEY (for himself, Mr. DURBIN, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) LIMITATION ON AVAILABILITY OF FUNDS FOR EXECUTION OF CONTRACTS UNDER LOGCAP.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the execution of a contract under the Logistics Civil Augmentation Program (LOGCAP) unless the Secretary of the Army determines that the contract explicitly requires the contractor—

(1) to inspect and immediately correct deficiencies that present an imminent threat of death or serious bodily injury so as to ensure compliance with the United States National Electric Code in work under the contract;

(2) monitor and immediately correct deficiencies in the quality of any potable or non-potable water provided under the contract to ensure that safe and sanitary water is provided; and

(3) establish and enforce strict standards for preventing, and immediately addressing and cooperating with the prosecution of, any instances of sexual assault in all of its operations and the operations of its subcontractors.

(b) WAIVER.—The Secretary of the Army may waive the applicability of the limitation in subsection (a) to any contract if the Secretary certifies in writing to Congress that—

(1) the waiver is necessary for the provision of essential services to troops in the field; or

(2) the work under such contract does not present an imminent threat of death or serious bodily injury.

**SA 2593.** Mr. LEVIN (for himself, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) HEARINGS ON STRATEGY AND RESOURCES WITH RESPECT TO AFGHANISTAN AND PAKISTAN.—Appropriate committees of Congress shall hold hearings, in open and closed session, relating to the strategy and resources of the United States with respect to Afghanistan and Pakistan promptly after the decision by the President on those matters is announced.

(b) TESTIMONY.—The hearings described in subsection (a) should include testimony from senior civilian and military officials of the United States, including, but not limited to, the following:

- (1) The Secretary of Defense.
- (2) The Secretary of State
- (3) The Chairman of the Joint Chiefs of Staff.
- (4) The Commander of the United States Central Command.
- (5) The Commander of the United States European Command and Supreme Allied Commander, Europe.
- (6) The Commander of United States Forces-Afghanistan.
- (7) The United States Ambassador to Afghanistan.
- (8) The United States Ambassador to Pakistan.

**SA 2594.** Mr. SHELBY (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) REPORT ON GROUND-BASED INTERCEPTOR MISSILES.—Not later than 60 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the utilization of funds to maintain the production line of Ground-Based Interceptor (GBI) missiles. The report shall include a plan for the utilization of funds for Ground-Based Interceptor missiles made available by this Act for the Midcourse Defense Segment, including—

(1) the number of Ground-based Interceptor missiles proposed to be produced during fiscal year 2010; and

(2) any plans for maintaining production of such missiles and the subsystems and components of such missiles.

(b) REPORT ON GROUND-BASED MIDCOURSE DEFENSE SYSTEM.—Not later than 120 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal

years 2011 through 2016. The report shall include a description of the plans of the Missile Defense Agency for each of the following:

- (1) To maintain the capability for production of Ground-Based Interceptor missiles.
- (2) To address modernization and obsolescence of the Ground-Based Midcourse Defense system.
- (3) To conduct a robust test program for the Ground-Based Midcourse Defense system.

**SA 2595.** Mr. LIEBERMAN (for himself, Mr. SESSIONS, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.**—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) **PROHIBITION ON DIVERSION OF FUNDS.**—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) **REPORT.**—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

**SA 2596.** Mr. BOND (for himself, Mr. NELSON of Florida, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **LIMITATION ON EARLY RETIREMENT OF TACTICAL AIRCRAFT.**—The Secretary of the Air Force may not retire any tactical aircraft as announced in the Combat Air Forces structuring plan announced on May 18, 2009, until the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) **REPORT.**—The report described in this subsection is a report that sets forth the following:

(1) A detailed plan for how the Secretary of the Air Force will fill the force structure and capability gaps resulting from the retirement of tactical aircraft under the structuring plan described in subsection (a).

(2) A description of the follow-on missions for each base affected by the structuring plan.

(3) An explanation of the criteria used for selecting the bases referred to in paragraph (2) and for the selection of tactical aircraft for retirement under the structuring plan.

(4) A plan for the reassignment of the regular and reserve Air Force personnel affected by the retirement of tactical aircraft under the structuring plan.

(5) An estimate of the cost avoidance to be achieved by the retirement of such tactical aircraft, and a description how such funds would be invested under the period covered by the most current future-years defense program.

**SA 2597.** Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. It is the sense of the Senate to urge the Secretary of Defense to establish in the Department of Defense a single training center for the civilian law enforcement force of the Department of Defense in order to—

(1) promote the standardization of civilian law enforcement training throughout the Department; and

(2) ensure that post, camps, and stations of the Department have a civilian law enforcement force adequate to ensure that mission commanders in the Armed Forces have access to adequate numbers of active duty military law enforcement personnel to deploy and support ongoing contingency operations.

**SA 2598.** Mr. BROWNBACK (for himself, Mr. DORGAN, and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. **APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES.**

(a) **ACKNOWLEDGMENT AND APOLOGY.**—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment

to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) **DISCLAIMER.**—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

**SA 2599.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) It is the sense of Congress that the Haiti Stabilization Initiative (HSI) has proven successful in combining defense, diplomatic, and development assets in a focused mission addressing the root causes of instability in Haiti.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an unclassified report on the Haiti Stabilization Initiative.

(2) The report required under this subsection shall address—

(A) the role of the Haiti Stabilization Initiative in contributing to security, stability, and development in Cité Soleil and Martissant, Haiti, and recommendations for the possible expansion of the program in other parts of Haiti; and

(B) challenges and lessons learned from HSI as a model for interagency cooperation on security and stability programs.

**SA 2600.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.**—Of the amounts appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, \$20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) **SUPPLEMENT NOT SUPPLANT.**—The amount made available by subsection (a) for

the services described in that subsection is in addition to any other amounts available in this Act for such services.

**SA 2601.** Mr. SANDERS (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, \$20,000,000 shall be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

**SA 2602.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title III under the heading “PROCUREMENT, DEFENSE-WIDE” is hereby increased by \$9,740,000, with the amount of the increase to be available for the Special Operations Forces Combat Assault Rifle (SCAR) in accordance with amounts requested for that rifle in the budget of the President for fiscal year 2010.

**SA 2603.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

**SA 2604.** Mr. FEINGOLD submitted an amendment intended to be proposed

by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) In collaboration with the Secretary of Defense, the Secretary of State shall develop a plan for replacing private security contractors with United States Government personnel within one year after the date of the enactment of this Act at United States missions in war zones where the United States Armed Forces are engaged in combat operations.

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit the plan developed under subsection (a) to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**SA 2605.** Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) AMOUNT FOR EVALUATIONS OF CERTAIN LASER SYSTEMS.—Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE” and available for Advanced Weapons Technology (PE# 0603605F), up to \$5,000,000 may be available to carry out the evaluations and analyses required by subsection (b).

(b) EVALUATIONS AND ANALYSES OF CERTAIN LASER SYSTEMS.—The Secretary of Defense shall, in a manner consistent with the October 8, 2008, report of the Air Force Scientific Advisory Board entitled “Airborne Tactical Laser (ATL) Feasibility for Gunship Operations”—

(1) carry out additional enhanced user evaluations of the Advanced Tactical Laser system on a variety of instrumented targets; and

(2) enter into an agreement with a federally funded research and development center under which the center shall—

(A) conduct an analysis of the feasibility of integrating solid state laser systems onto C-130, B-1, and F-35 aircraft platforms to provide close air support; and

(B) estimate the cost per unit of such laser systems and the cost of operating and maintaining each such platform with such laser systems.

**SA 2606.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE” is hereby reduced by \$10,000,000, with

the amount of the reduction to be allocated to amounts available for the Maui Space Surveillance System (MSSS) for PanSTARRS.

**SA 2607.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title IX under the heading “AFGHANISTAN SECURITY FORCES FUND” is hereby increased by \$900,000,000, with the amount designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

**SA 2608.** Mr. KYL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The amount appropriated by title IX under the heading “AFGHANISTAN SECURITY FORCES FUND” is hereby increased by \$900,000,000.

**SA 2609.** Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) COMPTROLLER GENERAL ASSESSMENT OF PHASED ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.—The Comptroller General of the United States shall submit to Congress a report setting forth the assessment of the Comptroller General of the so-called “Phased Adaptive” approach to missile defense in Europe.

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

(1) A comparison of the capabilities, schedule, cost, technology risk, requirements for basing agreements, and geopolitical implications of the “Phased Adaptive” approach to missile defense in Europe, as proposed by the Department of Defense on September 17, 2009, with the approach to missile defense in Europe, as outlined in the budget for fiscal year 2009 for the Department of Defense and the future-years defense program, to provide short, medium, intermediate and long-range missile defense capabilities for the protection of the United States its deployed forces, and allies against the threat of Iranian ballistic missiles

(2) A review of the intelligence data used to inform each of the approaches.

(c) DEADLINE AND FORM OF SUBMITTAL.—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2011 (as submitted pursuant to section 1105 of title 31, United States Code). The report may be submitted

in the form of an initial briefing provided not later than such submittal date, with a written report submitted not later than 30 days after such initial briefing.

**SA 2610.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act for the KC-X tanker aircraft replacement program may be obligated or expended until the Secretary of the Air Force releases comparable pricing data to both offerors under the previous competition for that program.

**SA 2611.** Mr. WYDEN (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. HARKIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **BENEFITS UNDER PDMRA PROGRAM.**—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) **BENEFITS.**—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed \$200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed \$200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) **EXCLUSION OF CERTAIN FORMER MEMBERS.**—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) **FORM OF PAYMENT.**—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(e) **CONSTRUCTION WITH OTHER PAY AND LEAVE.**—The benefits provided a member or former member of the Armed Forces under

this section are in addition to any other pay, absence, or leave provided by law.

(f) **DEFINITIONS.**—In this section:

(1) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(g) **TERMINATION.**—(1) The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

**SA 2612.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. During the one-year period beginning on the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be obligated or expended to carry out section 7306a or 7306b of title 10, United States Code, with respect to any naval vessel stricken from the Naval Vessel Register.

**SA 2613.** Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) Beginning 90 days after the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be used for any existing or new Federal contract if the contractor or a subcontractor at any tier requires that an employee or independent contractor, as a condition of employment, sign a contract that mandates that the employee or independent contractor performing work under the contract or subcontract resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) The prohibition in subsection (a) does not apply with respect to employment contracts that may not be enforced in a court of the United States.

**SA 2614.** Mr. NELSON of Nebraska (for himself, Mr. CORNYN, Mr. SCHUMER, Mr. CHAMBLISS, Mr. BENNETT, Mr.

JOHANNIS, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to \$15,000,000 may be available for the implementation by the Department of Defense of the responsibilities of the Department under the Military and Overseas Voter Empowerment Act and the amendments made by that Act.

**SA 2615.** Mrs. HAGAN (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used to dispose of claims filed regarding water contamination at Camp Lejeune, North Carolina, until the Agency for Toxic Substances and Disease Registry (ATSDR) fully completes all current, ongoing epidemiological and water modeling studies pending as of the date of the enactment of this Act.

**SA 2616.** Mr. LIEBERMAN (for himself, Mr. BAYH, Mr. MCCAIN, Mr. INHOFE, Mr. VITTER, Mr. KYL, Mr. SESSIONS, and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) **FUNDING FOR TWO-STAGE GROUND-BASED INTERCEPTOR MISSILE.**—Of the amounts appropriated or otherwise made available by this Act for a long-range missile defense system in Europe, or appropriated or otherwise made available for the Department of Defense for a long-range missile defense system in Europe from the Consolidated Security Disaster Assistance, and Continuing Appropriations Act of 2009 (Public Law 110-329) and available for obligation, \$151,000,000 shall be available for research, development, test, and evaluation of the two-stage ground-based interceptor missile.

(b) **PROHIBITION ON DIVERSION OF FUNDS.**—Funds appropriated or otherwise made available by this Act for the Missile Defense Agency for the purpose of research, development, and testing of the two-stage ground based interceptor missile shall be utilized solely for that purpose, and may not be reprogrammed or otherwise utilized for any other purpose.

(c) **REPORT.**—Not later than February 1, 2010, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report setting forth the following:

(1) A comprehensive plan for the continued development and testing of the two-stage ground-based interceptor missile, including a description how the Missile Defense Agency will leverage the development and testing of

such missile to modernize the Ground-based Midcourse Defense component of the ballistic missile defense system.

(2) Options for deploying an additional Ground-based Midcourse Defense site in Europe or the United States to provide enhanced defense in response to future long-range missile threats from Iran, and a description of how such a site may be made interoperable with the planned missile defense architecture for Europe and the United States.

**SA 2617.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. (a) The Secretary of Defense shall conduct a study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) The report required under subsection (a) shall include—

(1) an assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government; and

(2) recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

**SA 2618.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of the Army to transition government-owned ammunition production assets to the private sector until 60 days after the Secretary submits a report to the congressional defense committees on the effects of privatizing conventional ammunition production, military readiness, and the United States industrial base. The report shall include, at a minimum, the following:

(1) A cost-benefit analysis for converting additional government-owned ammunition production assets to the private sector, including cost-savings comparisons.

(2) A projection of the impact on the ammunition production industrial base in the United States of converting such assets to the private sector.

(3) A projection of the capability to meet current and future ammunition production and national security requirements by both government-owned and private sector ammunition production assets, as well as a combination of the two production assets.

(4) A projection of potential impact on military readiness as a result of implementing Department of Defense Directive 5160.65.

(5) An implementation plan for the Department of the Army to transition such assets

to the private sector, pursuant to Department of Defense Directive 5160.65.

**SA 2619.** Mr. INHOFE (for himself, Mr. WARNER, Mr. WEBB, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" and available for Program Element #060300, up to \$4,000,000 may be available for the Rehabilitation Technology Transition Center.

**SA 2620.** Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is "all-in" for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint

STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included \$205,000,000 in Aircraft Procurement, Air Force, and \$16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

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

(1) Funds for re-engining of the E-8C Joint Surveillance Target Attack Radar System (Joint STARS) aircraft should be appropriated in accordance with the budget request of the President for fiscal year 2010; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

**SA 2621.** Mr. CHAMBLISS (for himself, Mr. DODD, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the first word, and insert the following:

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

(1) Real time intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

(2) Secretary of Defense Gates and the military leadership of the United States have highlighted the importance of collecting and disseminating critical intelligence and battlefield information to our troops on the ground in Iraq and Afghanistan.

(3) The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is "all-in" for the joint fight.

(4) One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force's E-8C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

(5) Commanders in the field rely on Joint STARS to give them a long range view of the battlefield and detect moving targets in all weather conditions as well as tactical support to Brigade Combat Teams, Joint Tactical Air Controllers and Special Operations Forces convoy overwatch.

(6) Joint STARS is a joint platform, flown by a mix of active duty Air Force and Air National Guard personnel and operated by a joint Army, Air Force, and Marine crew, supporting missions for all the Armed Forces.

(7) With a limited number of airframes, Joint STARS has flown over 55,000 combat hours and 900 sorties over Iraq and Afghanistan and directly contributed to the discovery of hundreds of Improvised Explosive Devices.

(8) The current engines greatly limit the performance of Joint STARS aircraft and are the highest cause of maintenance problems and mission aborts.

(9) There is no other current or programmed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter that Joint STARS provides.

(10) With the significant operational savings that new engines will bring to the Joint STARS, re-engining Joint STARS will pay for itself by 2017 due to reduced operations, sustainment, and fuel costs.

(11) In December 2002, a JSTARS re-engining study determined that re-engining provided significant benefits and cost savings. However, delays in executing the re-engining program continue to result in increased costs for the re-engining effort.

(12) The budget request for the Department of Defense for fiscal year 2010 included \$205,000,000 in Aircraft Procurement, Air Force, and \$16,000,000 in Research, Development, Test, and Evaluation, Air Force for Joint STARS re-engining.

(13) On September 22, 2009, the Department of Defense reaffirmed their support for the President's Budget request for Joint STARS re-engining.

(14) On September 30, 2009, The Undersecretary of Defense (Acquisition, Technology, and Logistics) signed an Acquisition Decision Memorandum directing that the Air Force proceed with the Joint STARS re-engining effort, to include expenditure of procurement and research, development, test, and evaluation funds.

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

(1) Funds for re-engining of the E-8C Joint Surveillance Target Attack Radar System (Joint STARS) should be appropriated in the correct appropriations accounts and in the amounts required in fiscal year 2010 to execute the Joint STARS re-engining system design and development program; and

(2) the Air Force should proceed with currently planned efforts to re-engine Joint STARS aircraft, to include expending both procurement and research, development, test, and evaluation funds.

**SA 2622.** Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2610 submitted by Mr. SESSIONS and intended to be proposed to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act for the KC-X tanker aircraft replacement program may be obligated or expended unless the Secretary of the Air Force includes in the request for proposals for such program penalties for any proposal based on an aircraft that benefitted from development subsidies identified by the United States Trade Representative as illegal. Any penalties so imposed on a proposal shall be proportional (as determined by the Secretary in consultation with the United States Trade Representative) to the competitive advantage

the proposal receives due to such illegal development subsidies.

**SA 2623.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) NATURE OF FULL AND OPEN COMPETITION FOR CONGRESSIONALLY DIRECTED SPENDING ITEMS.—Each congressionally directed spending item specified in this Act or the report accompanying this Act that is intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) CONGRESSIONALLY DIRECTED SPENDING ITEM DEFINED.—In this section, the term “congressionally directed spending item” means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN, Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, October 8, 2009, at 10 a.m., in room SE-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Marcia K. McNutt, to be Director of the United States Geological Survey, and Arun Majumdar, to be Director of the Advanced Research Projects Agency-Energy, Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda\_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FINANCE

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 1, 2009, at 10:30 a.m., in room 216 of the Hart Senate Office Building.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 1, 2009, at 10 a.m., to hold a hearing entitled “Afghanistan's Impact on Pakistan.”

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m., to hold a hearing entitled “Violence against Women: Global Costs and Consequences.”

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

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m.

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

### COMMITTEE ON THE JUDICIARY

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 1, 2009, at 9:30 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

### SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 1, 2009, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Madam President, I ask unanimous consent that a military fellow in my office, MAJ John Vargas, be granted the privilege of the floor for the duration of the debate on the fiscal year 2010 Defense appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent that Andrew