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 vote and a similar measure, H.R. 1000 was introduced in the House by Representative Eleanor 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 Edward William Brooke III.

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

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. RIEH, Mr. KERRY, Mr. NELSON of Florida, and Mr. KLOUCHAR) 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. Dorgan 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 2593. Mr. LEVIN (for himself, Mr. Weins, and Mr. REID) 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 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.

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. ROGERS) 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, 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. CHAMBLISS, Mr. BENNETT, Mr. JOHANNS, and Mr. WENS) 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. WEINS, and Mr. CARUSO) 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. CASEY) 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 by amendment SA 2610 submitted by Mr. SESSIONS and intended to be proposed by the bill H.R. 3326, supra; which was ordered to lie on the table.

SA 2623. Mr. INOUYE 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 for the Department of Defense for the fiscal year ending September 30, 2010, or any other appropriation for the Department of Defense 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 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 emotional distress, false imprisonment, or negligent hiring, supervision, or retention.
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:

At the appropriate place, 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 15, 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 to combat extremism in 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 29, 2009, the President stated that he will ask how any proposed strategy endures. "And if 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 29, 2009, the President cautioned against the idea that “by sending more troops to Afghanistan, we’re automatically going to make all 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) SENATE 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 deployment;

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

(C) The likelihood that the increase in troop levels in Afghanistan will increase militancy and instability in Afghanistan and Pakistan.

(D) The likelihood that the ongoing United States engagement 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. KLOBUCAR) 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 the 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. KLOBUCAR) 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 on the acquisition strategy for the Ground-Based Midcourse Defense (GMD) system during fiscal
years 2011 through 2016. The report shall inclu-
des a description of the plans of the Missile De-

defense Agency for each of the following:

(1) A detailed plan for how the Secretary of
the Air Force will refer to the force structure and
capability gaps resulting from the retire-
ment of tactical aircraft under the struc-
turing plan described in subsection (a).

(2) Options for deploying an additional
Ground-based Midcourse Defense site in Eu-
rop or the United States to provide en-
forcement of the Ground-Based Midcourse De-
defense system.

SEC. 2589. Mr. BOND (for him-
self, Mr. DORGAN, and Mr. ENOY-
E) submitted an amendment intended to be
proposed by him to the bill H.R. 3326, making ap-
propriations for the Department of De-

force for the fiscal year ending Sep-
tember 30, 2010, and for other purposes;
which was ordered to lie on the table; as
follows:

At the appropriate place, insert the fol-
lowing:

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

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

(2) aplogizes for the hardships, losses,
and neglect inflicted on Native Peoples by
the United States against the United States;
or

(b) supplements 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; 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 Special Operations 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:

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—

(1) an assessment of the total value of Department of Defense contracts entered into 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 the extent to which contractors have repeatedly been 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) 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:

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

SEC. 8104. (a) 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—

(1) an assessment of the total value of Department of Defense contracts entered into 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 the extent to which contractors have repeatedly been involved in fraud in connection with contracts or other transactions entered into with the Federal Government.

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. 8104. (a) Funding for Outreach and Reintegration Services Under Yellow Ribbon Reintegration Program.—Of the amount 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.
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. LUTENBERG) 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 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. . 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 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:

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 2614. 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:

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

Sec. 8104. 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 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. 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 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:

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

Sec. 8104. 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 2617. Mr. JOHANNS** 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:

Mr. F RANKEN, Ms. K LOBUCHAR, Mr. RoberT S, Mr. Harkin, and Mr. LautenberG) submitted an amendment in-
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:

Section 8104. None of the funds appropriated or otherwise made available by this Act 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; as follows:

At the appropriate place, insert the following:

Sec. 8103. 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 6000030, up to $4,000,000 may be available for the Rehabilitation Technology Transition Center.

SA 2621. 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; as follows:

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

Section 8104. None of the funds appropriated or otherwise made available by this Act may be available for the Rehabilitation Technology Transition Center.

SEC. 8103. 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 6000030, up to $4,000,000 may be available for the Rehabilitation Technology Transition Center.

The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is “all-in” for the joint fight.

One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance (ISR) is critical to our warfighters in fighting the ongoing wars in Iraq and Afghanistan.

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.

The Chief of Staff of the Air Force, General Norton Schwartz, has stated that the Air Force is “all-in” for the joint fight.

One of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets operating today is the Air Force’s E-3C Joint Surveillance Target Attack Radar System, also known as Joint STARS.

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.

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.

With a mix of airborne and ground-based assets, 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.

The current engines greatly limit the performance of Joint STARS aircraft and are the highest cost contributor to engine maintenance problems and mission aborts.

There is no other current or proposed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter needs identified by the Army, Air Force, and Marine crew.

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.

In December 2002, a JS STARS 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 program.

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.

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.

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-3C 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 mix of airborne and ground-based assets, 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 cost contributor to engine maintenance problems and mission aborts.

(9) There is no other current or proposed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter needs identified by the Army, Air Force, and Marine crew.

(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.

In December 2002, a JS STARS 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 program.

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.

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.

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-3C 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 mix of airborne and ground-based assets, 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 cost contributor to engine maintenance problems and mission aborts.

(9) There is no other current or proposed aircraft or weapon system that can provide the detailed, broad-area ground moving target indicator (GMTI) and airborne battle management support for the warfighter needs identified by the Army, Air Force, and Marine crew.

(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.
(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 root 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) 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 Joint STARS re-engining effort, including 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 current plans 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 after the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act for the KC–X tanker aircraft replacement program, or expended pursuant to any contract awarded under this Act, the Secretary of the Air Force includes in the request for proposals for such program penalties for any proposal based on an aircraft developed 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 coordination with the United States Trade Representative) to the competitive advantage the proposal receives due to such illegal development subsidies.

SA 2623. Mr. INOUYE 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 Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) CONGRESSIONALLY DIRECTED SPENDING ITEMS DEFINED.—In this section, the term ‘‘congressionally directed spending item’’ means the following:

(1) a congressionally directed spending item, as defined in section 121 of the Small Business Act (15 U.S.C. 631), or

(2) a congressional earmark for purposes of rule XIX of the Standing Rules of the Senate.

(A) 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 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. INOUYE. 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. INOUYE. 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., to hold a hearing entitled “Violence against Women: Global Costs and Consequences.”

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

COMMITTEE ON THE JUDICIARY

Mr. INOUYE. 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. INOUYE. 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.