

## TEXT OF AMENDMENTS

**SA 2558.** Mr. MCCAIN proposed an amendment 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) REDUCTION OF AIRCRAFT PROCUREMENT, AIR FORCE, FOR EXCESS AMOUNTS FOR C-17 AIRCRAFT.—The amount appropriated by title III under the heading “AIRCRAFT PROCUREMENT, AIR FORCE” is hereby reduced by \$2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C-17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft, with the amount of the reduction to be allocated to amounts otherwise available for the procurement of such aircraft.

(b) AVAILABILITY FOR OPERATION AND MAINTENANCE.—The amount appropriated by title II for Operation and Maintenance is hereby increased by \$2,438,403,000, in accordance with amounts requested by the President in the budget for the Department of Defense for fiscal year 2010.

(c) AVAILABILITY FOR OPERATION AND MAINTENANCE, ARMY, FOR OVERSEAS CONTINGENCY OPERATIONS.—The amount appropriated by title IX under the heading “OPERATION AND MAINTENANCE, ARMY”, is hereby increased by \$61,597,000.

**SA 2559.** Mr. SANDERS (for himself, Mr. BYRD, and 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. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, \$12,000,000 shall be available for the peer-reviewed Gulf War Illness Research Program of the Army run by Congressionally Directed Medical Research Programs.

**SA 2560.** Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. COBURN) 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. \_\_\_\_\_. Any specific project contained in the Joint Explanatory statement accompanying this Act that is considered a congressional earmark for purposes of clause 9 of rule XXI of the Rules of the House of Representatives or a congressionally directed spending item as defined in rule XLIV of the Standing Rules of the Senate, when intended to be awarded to a for-profit entity, shall be awarded under full and open competition.

**SA 2561.** Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3326, making ap-

propriations 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) unless the Secretary of the Army determines that the contract explicitly requires the contractor 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) 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 2562.** 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; 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—

(1) the Nevada Test Site of the National Nuclear Security Administration can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

**SA 2563.** Mr. COBURN 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) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

**SA 2564.** Mr. COBURN 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 239, beginning on line 21, strike “the total amount” and all that follows through “\$236,000,000” and insert “the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$530,000”.

**SA 2565.** Mr. COBURN 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 177, line 23, strike “the modernization” and all that follows through line 25 and insert the following: “and the Secretary of Defense, who upon completion of a thorough review, shall provide to each standing committee of Congress a modernization priority assessment for their respective Reserve or National Guard component.”.

**SA 2566.** Mr. COBURN 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. \_\_\_\_\_. No amounts appropriated or otherwise made available by this Act may be obligated or expended to fund any congressionally directed spending item included in the report of the Committee on Appropriations of the Senate (Senate Report 111-74) with respect to any account as follows:

(1) Operation and Maintenance, Army.

(2) Operation and Maintenance, Navy.

(3) Operation and Maintenance, Marine Corps.

(4) Operation and Maintenance, Air Force.

(5) Operation and Maintenance, Defense-Wide.

(6) Operation and Maintenance, Army Reserve.

(7) Operation and Maintenance, Navy Reserve.

(8) Operation and Maintenance, Marine Corps Reserve.

(9) Operation and Maintenance, Air Force Reserve.

(10) Operation and Maintenance, Army National Guard

(11) Operation and Maintenance, Air National Guard.

**SA 2567.** Mr. BARRASSO 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. \_\_\_\_\_. No amounts appropriated or otherwise made available by this Act may be available for the Center on Climate Change and National Security of the Central Intelligence Agency.

**SA 2568.** 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. \_\_\_\_\_. Of the amounts appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" and available for the Office of the Secretary of Defense, up to \$250,000 may be available to the Under Secretary of Defense for Policy for the declassification of the nuclear posture review conducted under section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-262) upon the release of the nuclear posture review to succeed such nuclear posture review.

**SA 2569.** Mr. COBURN 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 239, beginning on line 21, strike "the total amount" and all that follows through "\$236,000,000" and insert "the total amount appropriated in title III of this Act is hereby reduced by \$322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by \$530,000,000".

**SA 2570.** Mrs. FEINSTEIN (for herself and Mr. LEAHY) 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; which was ordered to lie on the table; as follows:

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

SEC. 8104. (a) No funds appropriated or otherwise available by this Act may be obligated or expended to use any cluster munitions unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more

than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the policy applicable to the use of such cluster munitions specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

(b) The President may waive the requirement under subsection (a)(1) if, prior to the use of cluster munitions, the President—

(1) certifies that it is vital to protect the security of the United States; and

(2) not later than 30 days after making such certification, submits to the appropriate congressional committees a report, in classified form if necessary, describing in detail—

(A) the steps that will be taken to protect civilians; and

(B) the failure rate of the cluster munitions that will be used and whether such munitions are fitted with self-destruct or self-deactivation devices.

(c) In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

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

**SA 2571.** Mr. BYRD 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) REPORT ON USE OF LIVE PRIMATES IN TRAINING RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a detailed description of the requirements for the use by the Department of Defense of live primates at the United States Army Medical Research Institute of Chemical Defense, and elsewhere, to demonstrate the effects of chemical or biological agents or chemical (such as physostigmine) or biological agent simulants in training programs.

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

(1) The number of live primates used in the training described in subsection (a).

(2) The average lifespan of primates from the point of introduction into such training programs.

(3) An explanation why the use of primates in such training is more advantageous and realistic than the use of human simulators or other alternatives.

(4) An estimate of the cost of converting from the use of primates to human simulators in such training.

**SA 2572.** Mr. DODD (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; which was ordered to lie on the table; as follows:

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

**SEC. 8104. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES.**

(a) SPECIAL PAY AUTHORIZED.—The Secretary of the military department concerned may pay monthly special pay to any member of the Armed Forces described in subsection (b) for any month or portion of a month in which the member serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in that subsection.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) who, at any time during the period beginning on September 11, 2001, and ending on June 30, 2011, serves on active duty in the Armed Forces or active status in a reserve component of the Armed Forces, including time served performing pre-deployment and re-integration duty regardless of whether or not such duty was performed by such a member on active duty in the Armed Forces, while the member's enlistment or period of obligated service is extended, or has the member's eligibility for retirement suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a "stop-loss authority") authorizing the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(c) AMOUNT.—The amount of monthly special pay payable to a member under this section for a month may not exceed \$500.

(d) CONSTRUCTION WITH OTHER PAYS.—Monthly special pay payable to a member under this section is in addition to any other amounts payable to the member by law.

(e) FUNDING.—

(1) IN GENERAL.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$29,000,000 is hereby appropriated to the Secretary of Defense to carry out this section. Such amount shall be made available to the Secretaries of the military departments only to provide special pay during fiscal year 2010 to members of the Armed Forces described in subsection (b) as provided in this section.

(2) OFFSET.—The amount appropriated or otherwise made available by title II under the heading "OPERATION AND MAINTENANCE, ARMY" is hereby reduced by \$29,000,000.

**SA 2573.** 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. \_\_\_\_\_. (a) ADDITIONAL AMOUNT FOR RDTE, DEFENSE-WIDE, FOR INTEGRATED CHEMICAL AND BIOLOGICAL DETECTION SYSTEM.—The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby increased by \$3,600,000, with

the amount of the increase to be available for the Integrated Chemical and Biological Detection System.

(b) OFFSET.—The amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY" is hereby decreased by \$3,600,000, with the amount of the decrease to be allocated to amounts available for Installation Processing Node-Phase IIA.

**SA 2574.** 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 III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby reduced by \$2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C-17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft, with the amount of the reduction to be allocated to amounts otherwise available for the procurement of such aircraft.

**SA 2575.** 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. \_\_\_\_\_. (a) TESTIMONY BEFORE CONGRESS ON MEETING UNITED STATES OBJECTIVES ON AFGHANISTAN AND PAKISTAN.—The officials specified subsection (b) shall each be made available, by not later than November 15, 2009, to testify in open and closed sessions before the relevant committees of Congress regarding recommendations for additional forces and resources required to achieve the objectives of United States policy with respect to Afghanistan and Pakistan stated pursuant to section 1117(a) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1907).

(b) OFFICIALS.—The officials specified in this subsection are the following:

- (1) The Commander of the United States Central Command.
- (2) The Commander of the United States European Command and Supreme Allied Command, Europe.
- (3) The Commander of United States Forces-Afghanistan.
- (4) The United States Ambassador to Afghanistan

## NOTICES OF HEARINGS—

### 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 previously announced for Thursday, October 1, 2009, at 9:45 p.m., is postponed until a later date.

The purpose of the hearing was to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing previously announced before the Subcommittee on Public Lands and Forests on Thursday, October 1, 2009, at 2:30 p.m., is postponed until a later date.

The purpose of the hearing was to receive testimony on managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration.

For further information, please contact Scott Miller at (202) 224-5488 or Alison Seyferth at (202) 224-4905.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 29, 2009, at 2 p.m. to conduct a hearing entitled "Strengthening and Streamlining Prudential Bank Supervision."

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

### 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 September 29, 2009, at 10 a.m., in room 216 of the Hart Senate Office Building.

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 September 29, 2009.

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, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on September 29, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Body Building Products and Hidden Steroids: Enforcement Barriers."

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

### AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. INOUE. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland

Security and Governmental Affairs be authorized to meet during the session of the Senate on September 29, 2009, at 10 a.m. to conduct a hearing entitled, "Improving Transparency and Accessibility of Federal Contracting Databases."

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

### SUBCOMMITTEE ON CHILDREN'S HEALTH

Mr. INOUE. Mr. President, I ask unanimous consent that the Subcommittee on Children's Health of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on September 29, 2009, at 9:30 a.m. in Dirksen room 406 to hold a hearing entitled, "Promoting and Improving Children's Health Protections."

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

## PRIVILEGES OF THE FLOOR

Mr. BOND. Mr. President, I ask unanimous consent that my military fellow, LTC John Moreth, be granted floor privileges for the duration of the consideration of H.R. 3326 on the floor.

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

Mr. INOUE. Mr. President, I ask unanimous consent that a military fellow in the office of Senator CHRISTOPHER DODD, CPT Lindsay George, be granted floor privileges for the consideration of H.R. 3326, the Defense appropriations bill.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar Nos. 459, 460, 461, that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, that no further motions be in order and any statements relating to the nominations be printed in the RECORD as if read; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

### DEPARTMENT OF JUSTICE

Jenny A. Durkan, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Florence T. Nakakuni, of Hawaii, to be United States Attorney for the District of Hawaii for the term of four years.

Deborah K.R. Gilg, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.