

(1) The term "absent overseas uniformed services voter" has the meaning given that term in section 103A(d) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) The term "Presidential designee" means the official designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

(3) The term "congressional defense committees" means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

**SEC. 2. PROHIBITION ON REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET NON-ESSENTIAL REQUIREMENTS.**

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—

(1) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended by adding at the end the following new subsection:

"(e) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET NON-ESSENTIAL REQUIREMENTS.—A State shall accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) submitted in any manner by an absent uniformed services voter or overseas voter that contains the information required on the official post card form prescribed under section 101 (other than information which the Presidential designee, in consultation with the Election Assistance Commission and the Election Assistance Commission Board of Advisors under section 214 of the Help America Vote Act of 2002 (42 U.S.C. 15344), determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections)."

(2) EFFECTIVE DATE.—Subsection (e) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act, as added by this subsection, shall apply with respect to each regularly scheduled general election for Federal office held on or after November 1, 2010.

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—(1) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(A) by redesignating subsection (f) as subsection (g); and

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

"(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET NONESSENTIAL REQUIREMENTS.—A State shall accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter that contains the information required to be submitted with such ballot by the Presidential designee (other than information which the Presidential designee, in consultation with the Election Assistance Commission and the Election Assistance Commission Board of Advisors under section 214 of the Help America Vote Act of 2002 (42 U.S.C. 15344), determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections)."

(2) EFFECTIVE DATE.—Subsection (f) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act, as amended by

this subsection, shall apply with respect to each regularly scheduled general election for Federal office held on or after November 1, 2010.

**SA 5691.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 1424, of 1974, section 2705 of the Public Health Service Act, section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I in division A, add the following:

**SEC. 137. EQUITY AUTHORITY.**

(a) IN GENERAL.—If the Secretary establishes a program under this division, the Secretary shall use not less than \$350,000,000,000 of the purchase authority provided under section 101 for the purchase of nonvoting preferred stock meeting the criteria in subsection (b).

(b) ELIGIBLE FINANCIAL INSTITUTIONS.—The authority under this section may be exercised only with respect to financial institutions that—

(1) are deemed by the appropriate regulatory authorities to be adequately capitalized, in relation to their current balance sheets;

(2) raises such additional capital from private sources or from the Secretary under this Act as is determined sufficient by the appropriate regulatory authority for such financial institution; and

(3) is not deemed to be insolvent by the appropriate regulatory authority.

(c) EQUITY CRITERIA.—Nonvoting preferred stock authorized for purchase under this section shall—

(1) have a low-interest-rate coupon (not to exceed 5 percent), with warrants attached;

(2) provide that shareholders will have rights to invest on terms that are equivalent to those of the Secretary, and such rights shall be tradeable;

(3) set terms to give such rights a positive value; and

(4) give private investors preference over the Secretary in the allocation of the new issues.

(d) LIMITS.—Financial institutions recapitalized in accordance with this section shall be permitted to increase their leverage until such time as the economy recovers subject to limitations established by the Board when such conditions return to normal.

**PRIVILEGES OF THE FLOOR**

Mr. DORGAN. I ask unanimous consent that Jon Cary, a legislative fellow in my office, be allowed the privilege of the floor during debate on H.R. 7801.

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

Mr. DODD. I ask unanimous consent that the following fellows, law clerks, and interns on the staff of the Finance Committee be granted the privileges of the floor for the duration of the debate on economic stabilization, tax extenders, and energy: Bridget Mallon, Mary Baker, Sean Thomas, and Kelcy Poulson.

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

Mr. REED. I ask unanimous consent that a detailee to the Committee on Banking, Housing, and Urban Affairs, Robert Lee, be granted the privileges of the floor for the remainder of this session.

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

Mr. DODD. I ask unanimous consent that Eric Reither, from Senator ENSIGN's office, be granted the privilege of the floor.

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

**CORRECTING THE ENROLLMENT OF H.R. 6063**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 105, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 105) directing the Clerk of the House of Representatives to correct the enrollment of H.R. 6063.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 105) was agreed to, as follows:

**S. CON. RES. 105**

*Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 6063, an Act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:*

In section 601(b)(2)(A)(iii) of the bill, strike "Orbiter".

In section 611(d)(1) of the bill, strike "first President" and insert "President".

In section 611(e)(3) of the bill, strike "correctly" and insert "currently".

In section 611(e)(7) of the bill, strike "extention" and insert "extension".

In section 612 of the bill, strike "operations" and insert "operational".

In section 1119 of the bill, strike "The Report" and insert "The report".

**TRAFFICKING IN PERSONS ACCOUNTABILITY ACT OF 2007**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 903, S. 1703.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1703) to prevent and reduce trafficking in persons.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following: **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Trafficking in Persons Accountability Act of 2007".*

**SEC. 2. JURISDICTION IN CERTAIN TRAFFICKING OFFENSES.**

(a) *IN GENERAL.*—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

**"§1596. Additional jurisdiction in certain trafficking offenses**

*"(a) IN GENERAL.*—In addition to any domestic or extra-territorial jurisdiction otherwise provided by law, the courts of the United States have extra-territorial jurisdiction over any offense (or any attempt or conspiracy to commit an offense) under section 1581, section 1583, section 1584, section 1589, section 1590, or section 1591 of this title if—

*"(1) an alleged offender or victim of the offense is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); or*

*"(2) an alleged offender is present in the United States, irrespective of the nationality of the alleged offender.*

*"(b) LIMITATION ON PROSECUTIONS OF OFFENSES PROSECUTED IN OTHER COUNTRIES.*—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.".

(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended by adding at the end the following:

*"1596. Additional jurisdiction in certain trafficking offenses."*

Mr. DURBIN. Mr. President, few issues in the world today raise as many human rights implications as the insidious practice of human trafficking. According to International Labor Organization estimates, there are over 12 million people in forced or bonded labor, forced child labor, or sexual servitude at any given time around the globe. Human trafficking truly represents commerce in human misery.

The U.S. Government has been increasingly vigilant in addressing this global scourge. In 2000, Congress passed the Trafficking Victims Protection Act, which gave our government important new tools to better protect trafficking victims, prosecute traffickers, and prevent future trafficking crimes in this country and abroad. In 2003 and again in 2005, Congress reauthorized the Trafficking Victims Protection Act, and I am proud to cosponsor the latest reauthorization bill—the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008—which Senators BIDEN and BROWNBACK introduced in May.

I chair the Senate Judiciary Committee's new Subcommittee on Human Rights and the Law, created at the beginning of the 110th Congress. Our subcommittee's second hearing, in March 2007, considered legal options to stop human trafficking.

The hearing shed light on a legal loophole in current law. The U.S. government is allowed to prosecute human traffickers who commit crimes in the United States, but it is not permitted to prosecute traffickers who commit crimes abroad and then come to our shores.

In June 2007, Senator COBURN and I introduced a bill to close this loophole. The Trafficking in Persons Accountability Act would permit the U.S. Government to go after human traffickers who are present in the United States, regardless of whether their heinous acts took place in this country or elsewhere. Our bill says to the traffickers: You cannot come to the United States and use us as a zone of impunity and as a safe haven for your ill-gotten gains. Closing this loophole would serve as another tool in the global fight against human trafficking.

The Trafficking in Persons Accountability Act follows on other human rights legislation I have introduced with Senator COBURN, the ranking member of the Subcommittee on Human Rights and the Law. We introduced similar legislation to allow the U.S. Government to prosecute individuals found in the United States who have recruited children for combat or deployed child soldiers in another country. Congress recently approved this bill, and it awaits the President's signature.

And last year, Congress approved a bill to permit the U.S. Government to prosecute those present in the United States who have committed the human rights atrocity of genocide anywhere in the world.

The Trafficking in Persons Accountability Act is supported by the International Justice Mission, the Chicago-based National Immigrant Justice Center, the Break the Chain Campaign, the Urban Justice Center, Mosaic Family Services, Global Rights, the Florida Immigrant Advocacy Center, Asian Pacific Islander Legal Outreach, and the Rape, Abuse & Incest National Network.

We cannot discuss the issue of human trafficking without acknowledging the visionary leadership of the late Senator Paul Wellstone, who called the trafficking of human beings "one of the most horrendous human rights violations of our time."

On the day Congress passed the Trafficking Victims Protection Act on October 11, 2000, Senator Wellstone went to the Senate floor and said the following: "I believe with passage of this legislation . . . we are lighting a candle. We are lighting a candle for these women and girls and sometimes men forced into forced labor. . . . This is the beginning of an international effort to go after this trafficking, to go after this major, god-awful human rights abuse."

Senator Wellstone's commitment to combating human trafficking and other human rights abuses stands as one of his most enduring legacies. The

candle Senator Wellstone lit nearly 8 years ago is burning bright, and we will rekindle it today with the passage of this legislation.

I urge my Senate colleagues to pass the Trafficking in Persons Accountability Act, and I hope the House of Representatives will soon follow suit, so this important bill can be sent to the President and signed into law.

Mr. LEAHY. Mr. President, I am pleased that today the Senate has passed the Trafficking in Persons Accountability Act of 2007, which would improve our efforts to stop the abominable practice of human trafficking in the United States and around the world. This modern-day form of slavery forces, defrauds, or coerces victims into sexual or labor exploitation. It is the world's fastest growing criminal enterprise and generates \$9.5 billion annually, \$4 billion of which goes to the prostitution industry. Nearly 1 million people, mostly women and children, are trafficked worldwide, including nearly 18,000 persons in the United States.

This legislation would expand the Federal court's jurisdiction over human trafficking cases to include offenses committed abroad by noncitizens that enter our borders. Currently, the Department of Justice can only prosecute human trafficking crimes if they occur within the United States or are committed by a U.S. citizen abroad. This legislation would permit the Department of Justice to prosecute offenders of trafficking crimes abroad if they are present in the United States and punish human traffickers who attempt to seek refuge in this country.

Nowhere on Earth should it be acceptable to deceive, abuse, and force a person into a life of enslavement. We should not tolerate human trafficking across our borders, nor should we allow trafficking offenders to seek a safe haven in our country. I commend subcommittee chairman Senator DURBIN for introducing this legislation and for his hard work to combat human rights abuses worldwide. This is an area in which I have worked for many years as the chairman and ranking member of the Foreign Operations Subcommittee of the Appropriations Committee.

I was proud to work with Senator DURBIN to create the Human Rights and the Law Subcommittee, the first congressional committee to specifically address human rights issues. This subcommittee has held hearings on many important issues, and two important pieces of legislation considered by the subcommittee will become law this Congress. The Genocide Accountability Act closed a loophole that until now allowed those who commit or incite genocide to seek refuge in our country without fear of prosecution for their actions. Soon, the President will sign into law the Child Soldiers Accountability Act, making it a crime to recruit or use child soldiers. I look forward to continuing to work with Senator DURBIN to make progress towards

eradicating these and other human rights abuses.

This bill is a step forward towards the prevention of human trafficking, protection of victims, and prosecution of traffickers. I hope the House of Representatives acts quickly on this legislation so it can be enacted before Congress adjourns.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Durbin amendment, which is at the desk, be agreed to, the committee substitute, as amended be agreed to, the bill, as amended be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 5688) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Trafficking in Persons Accountability Act of 2008”.

#### SEC. 2. JURISDICTION IN CERTAIN TRAFFICKING OFFENSES.

(a) IN GENERAL.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 1596. Additional jurisdiction in certain trafficking offenses

“(a) IN GENERAL.—In addition to any domestic or extra-territorial jurisdiction otherwise provided by law, the courts of the United States have extra-territorial jurisdiction over any offense (or any attempt or conspiracy to commit an offense) under section 1581, section 1583, section 1584, section 1589, section 1590, or section 1591 of this title if—

“(1) an alleged offender is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)); or

“(2) an alleged offender is present in the United States, irrespective of the nationality of the alleged offender.

“(b) LIMITATION ON PROSECUTIONS OF OFFENSES PROSECUTED IN OTHER COUNTRIES.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 77 of title 18, United States Code, is amended by adding at the end the following:

“1596. Additional jurisdiction in certain trafficking offenses.”.

The committee substitute amendment, as amended, was agreed to.

The bill (S. 1703), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### NON-FOREIGN AREA RETIREMENT EQUITY ASSURANCE ACT OF 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of Calendar No. 954, S. 3013.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3013) to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics)

S. 3013

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Non-Foreign Area Retirement Equity Assurance Act of 2008” or the “Non-Foreign AREA Act of 2008”.

#### SEC. 2. EXTENSION OF LOCALITY PAY.

[(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304(f)(1) of title 5, United States Code, is amended by striking subparagraph (A) and inserting the following:

“(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands shall be included within a pay locality; and”.]

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

“(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;”;

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following:

“(B) positions under subsection (h)(1)(D) not covered by appraisal systems certified under section 5382; and”;

(iv) in subparagraph (C) (as redesignated by this paragraph), by striking “under subsection (h)(1)(D)” and inserting “under subsection (h)(1)(E)”;

(B) by adding at the end the following:

“(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(D) covered by appraisal systems certified under section 5307(d).”;

(3) in subsection (h)(1)—

(A) in subparagraph (C) by striking “and” after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E);

(C) by inserting after subparagraph (C) the following:

“(D) a Senior Executive Service position under section 3132 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent

the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008 was eligible to receive a cost-of-living allowance under section 5941; and”;

(D) in clause (iii) in the matter following subparagraph (D), by inserting “stationed in the 48 contiguous States and the District of Columbia, or stationed within the United States, but outside the 48 contiguous States and the District of Columbia, in which the incumbent the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008 was not eligible to receive a cost-of-living allowance under section 5941; and” before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence “Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) of this subsection shall be the cost-of-living allowance rate in effect on December 31, 2008, except as adjusted under subsection (c).”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2008.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2009; and

“(B) on January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 4 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2008.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2009 and each calendar year thereafter, the applicable percentage under section 4 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2008.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2008; and

“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).”.

#### SEC. 3. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 4 of this Act, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 9 of this Act.

(b) DEPARTMENT OF VETERANS AFFAIRS.—Each special rate of pay established under