

(B) of an individual described in paragraph (1)(B) may only be made not more than 2 years after—

(i) the retirement of the member of the armed forces described in subsection (a)(3)(A);

(ii) the member of the armed forces described in subsection (a)(3)(B) received a disability rating described in that subsection; and

(C) of an individual described in paragraph (1)(C) may only be made not more than 2 years after the death of the member of the armed forces.

(3)(A) During any time period described in paragraph (2)(A)(i), (B), or (C), an individual may receive no more than 1 permanent appointment under paragraph (1).

(B) Any individual who received an appointment under paragraph (1) during the period described in paragraph (2)(B) may not receive an appointment during the period described in paragraph (2)(C).

(4) Before the head of an agency may make an appointment under paragraph (1), the head of the agency shall, at least to an extent that satisfies the requirements of applicable law and regulation, provide advance notice of the vacancy to employees of the agency and to others.

(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to deprive an individual who is a preference eligible of a preference in hiring over an individual who is not a preference eligible.

(d) REPORT TO CONGRESS.—(1) Not later than 4 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall, in consultation with and with the assistance of the Secretary of Defense, prepare a report on activities carried out under this section and shall submit it to—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Government Oversight and Reform and the Committee on Armed Services of the House of Representatives.

(2) The report shall include—

(A) findings and conclusions regarding—

(i) the extent to which the exercise of the authority under this section has served the public interest;

(ii) the extent to which the exercise of the authority under this section has had consequences that are counter to the public interest; and

(iii) opinions of spouses of members of the armed services and of employees and managers of agencies where appointments under subsection (b)(1) were made with respect to the authority under this section and its exercise;

(B) any available and appropriate quantitative, as well as qualitative, measures to support the findings and conclusions in subparagraph (A); and

(C) recommendations as to whether the authority under this section should be reauthorized, and, if so, recommendations whether the authority should be made permanent and codified within title 5 of the United States Code and recommendations for any amendments to this section.

(e) TERMINATION OF AUTHORITY.—The authority to make an appointment under this section shall terminate 5 years after the date of enactment of this Act.

## NOTICE OF HEARING

### COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet

on Monday, September 15, 2008, at 11 a.m. to receive testimony on Voter Registration for Wounded Warriors: S. 3308, the “Veterans Voter Support Act.”

Individuals and organizations that wish to submit a statement for the hearing record are requested to contact the Chief Clerk, Lynden Armstrong, at 202-224-7078.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 202-224-6352.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Thursday, September 11, 2008, at 12 noon, in room SD-366 of the Dirksen Senate Office Building.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 11, 2008, at 9 a.m.

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

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. 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 Thursday September 11, 2008, at 2:30 p.m.

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

### COMMITTEE ON INDIAN AFFAIRS

Mr. LAUTENBERG. I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 11, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

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

### COMMITTEE ON THE JUDICIARY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, September 11, 2008, at 10 a.m. in room SD-562 of the Dirksen Senate Office Building.

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

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Small Business and Entre-

preneurship be authorized to meet during the session of the Senate to conduct a hearing entitled “Business Start-up Hurdles in Underserved Communities: Access to Venture Capital and Entrepreneurship Training,” on Thursday, September 11, 2008, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

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

### COMMITTEE ON VETERANS’ AFFAIRS AND THE HOUSE VETERANS’ AFFAIRS COMMITTEE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet jointly with the House Veterans’ Affairs Committee during the session of the Senate on Thursday, September 11, 2008, in room 345 of the Cannon House Office Building, beginning at 9:30 a.m.

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

### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Governmental Affairs be authorized to meet on Thursday, September 11, 2008, at 9 a.m. to conduct a hearing entitled “Dividend Tax Abuse: How Offshore Entities Dodge Taxes on U.S. Stock Dividends.”

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

### SPECIAL COMMITTEE ON AGING

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, September 11, 2008, from 10 a.m.–12:30 p.m. in Russell 325.

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

## PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Mr. President, I ask also unanimous consent that MAJ Marc Packler, my military fellow, be given the privilege of the floor during the Senate debate on the Defense authorization bill.

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

Mr. WICKER. Mr. President, I ask unanimous consent that Chad Jungbluth and Andrew Pate, military fellows serving in my office, be granted floor privileges for the duration of the consideration of the fiscal year 2009 Defense authorization bill.

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

Mr. GRASSLEY. Madam President, I ask unanimous consent that Katie Graham of my Finance Committee staff have privileges of the floor for the duration of the 110th Congress.

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

## MEASURE INDEFINITELY POSTPONED—S.J. RES. 42

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that

Calendar No. 942, S.J. Res. 42, be indefinitely postponed.

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

#### TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 656, submitted earlier today by Senators REID and MCCONNELL.

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

The legislative clerk read as follows:

A resolution (S. Res. 656) expressing the sense of the Senate regarding the terrorist attacks committed against the United States of America on September 11, 2001.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 656) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 656

Whereas at 8:46 AM on the morning of September 11, 2001, hijacked American Airlines Flight 11 was flown into the upper portion of the North Tower of the World Trade Center in New York City, New York;

Whereas 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

Whereas the Fire Department of New York (FDNY), the New York Police Department (NYPD), the Port Authority Police Department (PAPD), the Office of Emergency Management (OEM) of the Mayor of New York, and countless eyewitnesses and public health officials responded immediately and valiantly to these horrific events;

Whereas at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, whose impact caused immediate and catastrophic damage to the headquarters of the Department of Defense;

Whereas Pentagon officials, county fire, police, and sheriff departments, the Metropolitan Washington Airports Authority, the Ronald Reagan Washington National Airport Fire Department, the Fort Myer Fire Department, the Virginia State Police, the Virginia Department of Emergency Management, the Federal Bureau of Investigation, the Federal Emergency Management Agency, a National Medical Response Team, the Bureau of Alcohol, Tobacco, and Firearms, and numerous military personnel all responded promptly and courageously to this attack on the United States military establishment;

Whereas the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

Whereas nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

Whereas the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

Whereas the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history;

Whereas the New York Police Department suffered 23 fatalities as a result of the terrorist attacks, the second largest loss of life of any police force in United States history, exceeded only by the number of Port Authority Police Department officers lost that same day;

Whereas seven years later, the people of the United States of America and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

Whereas seven years later, thousands of men and women in the United States Armed Forces remain in harm's way defending our Nation against those who seek to threaten the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes September 11, 2008, as a day of solemn commemoration of the events of September 11, 2001;

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of these attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend our Nation's security; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked our Nation.

#### ORDERS FOR FRIDAY, SEPTEMBER 12, 2008

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Friday, September 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3001, the Defense authorization bill. I further ask that the previous prohibition on motions to proceed be in effect during Friday's session of the Senate.

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

#### PROGRAM

Mr. NELSON of Florida. Mr. President, as previously announced, there will be no rollcall votes tomorrow or Monday. However, the managers of the bill will be on the floor to debate any further amendments to the Defense authorization bill.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NELSON of Florida. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Friday, September 12, 2008, at 9:30 a.m.