

library, student center, and engineering building;

Whereas, in 1950, the College of Education was separated from the College of Arts and Sciences, and within 3 years 1/3 of all teachers in Omaha public schools held degrees from the Municipal University;

Whereas the College of Business Administration was founded in 1952, and the business community responded by creating internship programs for accounting, insurance, real estate, and retailing at major firms and for students interested in the field of television at station KMTV;

Whereas 12,000 members of the military, including 15 who rose to the rank of general, were able to receive a Bachelor of General Education degree through the College of Adult Education "Bootstrap" program;

Whereas the University received a Reserve Officers' Training Corps (ROTC) unit in July 1951;

Whereas Municipal University became a leader in radio-television journalism by founding its own radio station in 1951, and in 1952 became the first institution in the Midwest to offer courses by television;

Whereas Municipal University became part of the University of Nebraska system in July 1968, and was renamed the University of Nebraska at Omaha, its present-day name;

Whereas, in 1977, the North Central Association of Colleges and Secondary Schools gave the University of Nebraska at Omaha the highest rating possible;

Whereas, in an effort to gain a more suitable location for conferences and an off-campus class site, the University opened the Peter Kiewit Conference Center in 1980;

Whereas the University has established innovative programs that enrich the community through service learning, support of the arts, outreach programs for business, education, and government, and creation of dual-enrollment programs for Nebraska high school students;

Whereas the University has 90,000 graduates, with nearly half of those still residing, raising families, and building careers in the Omaha metropolitan area; and

Whereas the year 2008 is the 100th anniversary of the founding of the University of Nebraska at Omaha, and the activities to commemorate its founding will begin on October 8, 2008: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress congratulates the University of Nebraska at Omaha on its 100 years of outstanding service to the city of Omaha, the State of Nebraska, the United States, and the world in fulfilling its mission of providing sound learning and education.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5596. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5597. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 5272 submitted by Mr. NELSON of Florida and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5598. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr. THUNE, and Ms. STABE-

NOW) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5599. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 5437 submitted by Mr. BAYH and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5600. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5601. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5441 submitted by Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5602. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5566 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5603. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5604. Mr. DURBIN (for himself and Mr. BROWNBAC) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5605. Mr. DURBIN (for himself and Mr. BROWNBAC) submitted an amendment intended to be proposed to amendment SA 5511 submitted by Mr. DURBIN (for himself and Mr. BROWNBAC) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5606. Mr. REID submitted an amendment intended to be proposed to amendment SA 5355 submitted by Mr. GRAHAM (for himself and Mr. LIEBERMAN) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5607. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 5536 submitted by Mr. SESSIONS (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. KYL, Mr. INHOFE, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBAC, and Mr. CHAMBLISS) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5608. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5609. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5610. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5611. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5612. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5593 submitted by Mr. KERRY (for himself and Mr. SMITH) and intended to be proposed to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5613. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5614. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 3023, to amend title 38, United States Code, to improve and enhance compensation and pen-

sion, housing, labor and education, and insurance benefits for veterans, and for other purposes.

SA 5615. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5616. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5617. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5596. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 452, between lines 9 and 10, insert the following:

SEC. 2806. EXPANSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "The Secretary of the Navy;" and inserting "(1) The Secretary of the Navy"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary of the Army may carry out a project under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks at a location with significant identified barracks deficiencies.";

(2) in subsection (b), by striking "The Secretary of the Navy" and inserting "The Secretaries of the Army and Navy";

(3) in subsection (d)(1), by striking "The Secretary of the Navy" and inserting "The Secretaries of the Army and Navy";

(4) in subsection (e)(1), by striking "The Secretary of the Navy shall transmit" and inserting "The Secretaries of the Army and Navy shall each transmit"; and

(5) in subsection (f)—

(A) by striking "The authority" and inserting "(1) The authority"; and

(B) by adding at the end the following new paragraph:

"(2) The authority of the Secretary of the Army to enter into a contract under the pilot program shall expire September 30, 2010."

SA 5597. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 5272 submitted by Mr. NELSON of Florida and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1433. INTELLIGENCE TRAINING PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF PROGRAM.—Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 50 U.S.C. 402 note) is amended to read as follows:

“SEC. 922. INTELLIGENCE TRAINING PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) DIRECTOR.—The term ‘Director’ means the Director of National Intelligence.

“(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(3) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(4) PROGRAM.—The term ‘program’ means the grant program authorized by subsection (b).

“(b) AUTHORITY.—The Director is authorized to establish, determine the scope of, and carry out a grant program to promote language analysis, intelligence analysis, and scientific and technical training, as described in this section.

“(c) PURPOSE.—The purpose of the program shall be to increase the number of individuals qualified for an entry-level position within an element of the intelligence community by providing—

“(1) grants to qualified institutions of higher education, as described in subsection (d); and

“(2) grants to qualified individuals, as described in subsection (e).

“(d) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—(1) The Director is authorized to provide a grant through the program to an institution of higher education to develop a course of study to prepare students of such institution for an entry-level language analyst position, intelligence analyst position, or scientific and technical position within an element of the intelligence community.

“(2) An institution of higher education seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

“(3) The Director shall award a grant to an institution of higher education under this subsection—

“(A) on the basis of the ability of such institution to use the grant to prepare students for an entry-level language analyst position, intelligence analyst position, or scientific and technical position within an element of the intelligence community upon completion of study at such institution; and

“(B) in a manner that provides for geographical diversity among the institutions of higher education that receive such grants.

“(4) An institution of higher education that receives a grant under this subsection shall submit to the Director regular reports regarding the use of such grant, including—

“(A) a description of the benefits to students who participate in the course of study funded by such grant;

“(B) a description of the results and accomplishments related to such course of study; and

“(C) any other information that the Director may require.

“(5) The Director is authorized to provide an institution of higher education that re-

ceives a grant under this section with advice and counsel related to the use of such grant.

“(e) GRANTS TO INDIVIDUALS.—(1) The Director is authorized to provide a grant through the program to an individual to assist such individual in pursuing a course of study—

“(A) identified by the Director as meeting a current or emerging mission requirement of an element of the intelligence community; and

“(B) that will prepare such individual for an entry-level language analyst position, intelligence analyst position, or scientific and technical position within an element of the intelligence community.

“(2) The Director is authorized to provide a grant described in paragraph (1) to an individual for the following purposes:

“(A) To provide a monthly stipend for each month that the individual is pursuing a course of study described in paragraph (1).

“(B) To pay the individual’s full tuition to permit the individual to complete such a course of study.

“(C) To provide an allowance for books and materials that the individual requires to complete such course of study.

“(D) To pay the individual’s expenses for travel that is requested by an element of the intelligence community related to the program.

“(3)(A) The Director shall select individuals to receive grants under this subsection using such procedures as the Director determines are appropriate.

“(B) An individual seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

“(C) The Director is authorized to screen and qualify each individual selected to receive a grant under this subsection for the appropriate security clearance without regard to the date that the employment relationship between the individual and the element of the intelligence community is formed.

“(4) An individual who receives a grant under this subsection, at a threshold amount to be determined by the Director, shall enter into an agreement to perform, upon such individual’s completion of a course of study described in paragraph (1), 1 year of service within an element of the intelligence community, as approved by the Director, for each academic year for which such individual received grant funds under this subsection.

“(5) If an individual who receives a grant under this subsection—

“(A) fails to complete a course of study described in paragraph (1) or the individual’s participation in the program is terminated prior to the completion of such course of study, either by the Director for misconduct or voluntarily by the individual, the individual shall reimburse the United States for the amount of such grant (excluding the individual’s stipend, pay, and allowances); or

“(B) fails to complete the service requirement with an element of the intelligence community described in paragraph (4) after completion of such course of study or if the individual’s employment with such element of the intelligence community is terminated either by the head of such element for misconduct or voluntarily by the individual prior to the individual’s completion of such service requirement, the individual shall—

“(i) reimburse the United States for full amount of such grant (excluding the individual’s stipend, pay, and allowances) if the individual did not complete any portion of such service requirement; or

“(ii) reimburse the United States for the percentage of the total amount of such grant

(excluding the individual’s stipend, pay, and allowances) that is equal to the percentage of the period of such service requirement that the individual did not serve.

“(6)(A) If an individual incurs an obligation to reimburse the United States under subparagraph (A) or (B) of paragraph (5), the head of the element of the intelligence community that employed or intended to employ such individual shall notify the Director of such obligation.

“(B) Except as provided in subparagraph (D), an obligation to reimburse the United States incurred under such subparagraph (A) or (B), including interest due on such obligation, is for all purposes a debt owing the United States.

“(C) A discharge in bankruptcy under title 11, United States Code, shall not release an individual from an obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the final decree of the discharge in bankruptcy is issued within 5 years after the last day of the period of the service requirement described in subparagraph (4).

“(D) The Director may release an individual from part or all of the individual’s obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the Director determines that equity or the interests of the United States require such a release.

“(f) MANAGEMENT.—In carrying out the program, the Director shall—

“(1) be responsible for the oversight of the program and the development of policy guidance and implementing procedures for the program;

“(2) solicit participation of institutions of higher education in the program through appropriate means; and

“(3) provide each individual who participates in the program under subsection (e) information on opportunities available for employment within an element of the intelligence community.

“(g) PENALTIES FOR FRAUD.—An institution of higher education or the officers of such institution or an individual who receives a grant under the program as a result of fraud in any aspect of the grant process may be subject to criminal or civil penalties in accordance with applicable Federal law.

“(h) CONSTRUCTION.—Unless mutually agreed to by all parties, nothing in this section may be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect on the day prior to the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.

“(i) EFFECT OF OTHER LAW.—The Director shall administer the program pursuant to the provisions of chapter 63 of title 31, United States Code and chapter 75 of such title, except that the Comptroller General of the United States shall have no authority, duty, or responsibility in matters related to this program.”

(2) CLERICAL AMENDMENTS.—

(A) IN GENERAL.—The table of contents in section 2(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1811) is amended by striking the item relating to section 922 and inserting the following:

“Sec. 922. Intelligence training program.”

(B) TITLE IX.—The table of contents in that appears before subtitle A of title IX of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2023) is amended by striking the item relating to section 922 and inserting the following:

“Sec. 922. Intelligence training program.”

(b) SENSE OF CONGRESS ON FUNDING.—It is the sense of Congress that for each fiscal

year after fiscal year 2009, Congress should not appropriate funds for the program established under section 922(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, as amended by subsection (a)(1), in an amount that exceeds the amount of funds requested for that program in the budget for that fiscal year submitted to Congress by the President under section 1105(a) of title 31, United States Code.

SA 5598. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5519 submitted by Mr. JOHNSON (for himself, Mr. THUNE, and Ms. STABENOW) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 20, strike "subsection." and insert "subsection."

"(4) MAXIMUM AMOUNT FOR CONSOLIDATED SCHOOL DISTRICTS.—Notwithstanding any other provision of this section, a local educational agency that is formed at any time after 1938 by the consolidation of 2 or more former school districts, of which at least 1 former district was eligible for assistance under this section for the fiscal year preceding the year of the consolidation, shall not be eligible under this section for an amount that is more than the total of the amount that each of the former districts received under this section for the fiscal year preceding the year of the consolidation."

SA 5599. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 5437 submitted by Mr. BAYH and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 722. REPORT ON COGNITIVE REHABILITATION FOR MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report setting forth the evidence to be required from a long term, integrated study on treatment strategies for cognitive rehabilitation for members of the Armed Forces who have sustained a Traumatic Brain Injury (TBI) in order to permit the Department of Defense to determine how receipt of cognitive rehabilitation by such members for Traumatic Brain Injury could be reimbursed as a health care benefit.

SA 5600. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the appropriate place insert the following:

SEC. —. AIR CARRIAGE OF INTERNATIONAL MAIL.

(a) CONTRACTING AUTHORITY.—Section 5402 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

"(b) INTERNATIONAL MAIL.—

"(1) IN GENERAL.—

"(A) Except as otherwise provided in this subsection, the Postal Service may contract for the transportation of mail by aircraft between any of the points in foreign air transportation only with certificated air carriers. A contract may be awarded to a certificated air carrier to transport mail by air between any of the points in foreign air transportation that the Secretary of Transportation has authorized the carrier to serve either directly or through a code-share relationship with one or more foreign air carriers.

"(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 such carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service's requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service sought if, when the Postal Service seeks offers or proposals from foreign air carriers, it also seeks an offer or proposal to provide that service from any certificated air carrier providing service between those points, or pairs of points within a geographic region or regions, on the same terms and conditions that are being sought from foreign air carriers.

"(C) For purposes of this subsection, the Postal Service shall use a methodology for determining fair and reasonable prices for the Postal Service designated region or regions developed in consultation with, and with the concurrence of, certificated air carriers representing at least 51 percent of available ton miles in the markets of interest.

"(D) For purposes of this subsection, ceiling prices determined pursuant to the methodology used under subparagraph (C) shall be presumed to be fair and reasonable if they do not exceed the ceiling prices derived from—

"(i) a weighted average based on market rate data furnished by the International Air Transport Association or a subsidiary unit thereof; or

"(ii) if such data are not available from those sources, such other neutral, regularly updated set of weighted average market rates as the Postal Service, with the concurrence of certificated air carriers representing at least 51 percent of available ton miles in the markets of interest, may designate.

"(E) If, for purposes of subparagraph (D)(ii), concurrence cannot be attained, then the most recently available market rate data described in this subparagraph shall continue to apply for the relevant market or markets.

"(2) CONTRACT PROCESS.—The Postal Service shall contract for foreign air transportation as set forth in paragraph (1) through an open procurement process that will provide—

"(A) potential offerors with timely notice of business opportunities in sufficient detail to allow them to make a proposal;

"(B) requirements, proposed terms and conditions, and evaluation criteria to potential offerors; and

"(C) an opportunity for unsuccessful offerors to receive prompt feedback upon request.

"(3) EMERGENCY OR UNANTICIPATED CONDITIONS; INADEQUATE LIFT SPACE.—The Postal Service may enter into contracts to transport mail by air in foreign air transportation with a certificated air carrier or a foreign air carrier without complying with the requirements of paragraphs (b)(1) and (2) if—

"(A) emergency or unanticipated conditions exist that make it impractical for the Postal Service to comply with such requirements; or

"(B) its demand for lift exceeds the space available to it under existing contracts and—

"(i) there is insufficient time available to seek additional lift using procedures that comply with those requirements without compromising the Postal Service's service commitments to its own customers; and

"(ii) the Postal Service first offers any certificated air carrier holding a contract to carry mail between the relevant points the opportunity to carry such excess volumes under the terms of its existing contract.

"(c) GOOD FAITH EFFORT REQUIRED.—The Postal Service and potential offerors shall put a good-faith effort into resolving disputes concerning the award of contracts made under subsection (b)."

(b) CONFORMING AMENDMENTS TO TITLE 49.—

(1) Section 41901(a) is amended by striking "39." and inserting "39, and in foreign air transportation under section 5402(b) and (c) of title 39."

(2) Section 41901(b)(1) is amended by striking "in foreign air transportation or"

(3) Section 41902 is amended—

(A) by striking "in foreign air transportation or" in subsection (a);

(B) by striking subsection (b) and inserting the following:

"(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

"(1) the places between which the carrier is authorized to transport mail in Alaska;

"(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

"(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place."

(C) by striking "subsection (b)(3)" each place it appears in subsections (c)(1) and (d) and inserting "subsection (b)(2)"; and

(D) by striking subsections (e) and (f).

(4) Section 41903 is amended by striking "in foreign air transportation or" each place it appears.

(5) Section 41904 is amended—

(A) by striking "to or in foreign countries" in the section heading;

(B) by striking "to or in a foreign country" and inserting "between two points outside the United States"; and

(C) by inserting after "transportation." the following: "Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39."

(6) Section 41910 is amended by striking the first sentence and inserting "The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and administrative computations necessary in the interest of mail service."

(7) Chapter 419 is amended—

(A) by striking sections 41905, 41907, 41908, and 41911; and

(B) redesignating sections 41906, 41909, 41910, and 49112 as sections 41905, 41906, 41907, and 41908, respectively.

(8) The chapter analysis for chapter 419 is amended by redesignating the items relating to sections 41906, 41909, 41910, and 49112 as relating to sections 41905, 41906, 41907, and 41908, respectively.

(9) Section 101(f) of title 39, United States Code, is amended by striking “mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service,” and inserting “mail.”

(9) Subsections (b) and (c) of section 3401 of title 39, United States Code, are amended—

(A) by striking “at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49” and inserting “or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title”;

(B) by striking “at rates not to exceed those so fixed and determined for scheduled United States air carriers”;

(C) by striking “scheduled” each place it appears and inserting “certificated”; and

(D) by striking the last sentence in each such subsection.

(10) Section 5402(a) of title 39, United States Code, is amended—

(A) by inserting “‘foreign air carrier’,” after “‘interstate air transportation’,” in paragraph (2);

(B) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24) and inserting after paragraph (6) the following:

“(7) the term ‘certificated air carrier’ means an air carrier that holds a certificate of public convenience and necessity issued under section 41102(a) of title 49;”;

(C) by redesignating paragraphs (9) through (24), as redesignated, as paragraphs (10) through (25), respectively, and inserting after paragraph (8) the following:

“(9) the term ‘code-share relationship’ means a relationship pursuant to which any certificated air carrier or foreign air carrier’s designation code is used to identify a flight operated by another air carrier or foreign air carrier;”;

(D) by inserting “‘foreign air carrier’,” after “‘terms’” in paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SA 5601. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5441 submitted by Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle E—Other Matters

SEC. 1241. SPECIAL ENVOY FOR AFGHANISTAN, PAKISTAN, AND INDIA.

(a) STATEMENT OF POLICY.—Congress declares that it is in the national interest of the United States that the countries of Af-

ghanistan, Pakistan, and India work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President should appoint a special envoy to promote closer cooperation among the countries referred to in subsection (a).

(c) APPOINTMENT.—The special envoy will be appointed with the advice and consent of the Senate and shall have the rank of ambassador.

(d) DUTIES.—The primary responsibility of the special envoy, reporting through the Assistant Secretary of State for South and Central Asia, shall be to strengthen and facilitate relations among the countries referred to in subsection (a) for the benefit of stability and economic growth in the region.

SA 5602. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 5566 submitted by Mr. BIDEN (for himself and Mr. LUGAR) and intended to be proposed to the Bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle E—Enhanced Partnership With Pakistan

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Enhanced Partnership with Pakistan Act of 2008”.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the vital interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing months of political tension and intrigue, as well as mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of that country’s populace, and serve as a model to other countries around the world.

(4) Pakistan is a major non-NATO ally of the United States, and has been a valuable partner in the battle against al Qaeda and the Taliban.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 6 years.

(6) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(7) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to use Pakistan’s Federally Administered Tribal Areas (FATA) as a haven and a base from which to organize terrorist actions in Pakistan and with global reach.

(8) According to a Government Accountability Office Report, (GAO-08-622), “since 2003, the administration’s national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power— diplomatic, military, intelligence, development assistance, economic, and law enforcement support— was needed to address the terrorist threat emanating from the FATA” and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 22 U.S.C. 2375 note).

(9) According to United States military sources and unclassified intelligence reports, including the July 2007 National Intelligence Estimate entitled, “The Terrorist Threat to the U.S. Homeland”, the Taliban, al Qaeda, and their Pakistani affiliates continue to use territory in Pakistan as a haven, recruiting location, and rear base for violent actions in both Afghanistan and Pakistan, as well as attacks globally, and pose a threat to the United States homeland.

(10) The toll of terrorist attacks, including suicide bombs, on the people of Pakistan include thousands of citizens killed and wounded across the country, over 1,400 military and police forces killed (including 700 since July 2007), and dozens of tribal, provincial, and national officials targeted and killed, as well as the brazen assassination of former prime minister Benazir Bhutto while campaigning in Rawalpindi on December 27, 2007, and several attempts on the life of President Pervez Musharraf, and the rate of such attacks have grown considerably over the past 2 years.

(11) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(12) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(13) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(14) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) **COUNTERINSURGENCY.**—The term “counterinsurgency” means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) **COUNTERTERRORISM.**—The term “counterterrorism” means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(4) **FATA.**—The term “FATA” means the Federally Administered Tribal Areas of Pakistan.

(5) **NWFP.**—The term “NWFP” means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) **PAKISTAN-AFGHANISTAN BORDER AREAS.**—The term “Pakistan-Afghanistan border areas” includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) **SECURITY-RELATED ASSISTANCE.**—The term “security-related assistance” means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 368).

(8) **SECURITY FORCES OF PAKISTAN.**—The term “security forces of Pakistan” means the military, paramilitary, and intelligence services of the Government of Pakistan, including the armed forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, Frontier Corps, and Frontier Constabulary.

SEC. 1244. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(3) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(4) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(5) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere in the world;

(6) to work in close cooperation with the Government of Pakistan to coordinate military and paramilitary action against terrorist targets;

(7) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy; and

(8) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods.

SEC. 1245. SENSE OF CONGRESS ON AUTHORIZATION OF FUNDS.

(a) **SENSE OF CONGRESS ON AUTHORIZATION OF FUNDS.**—It is the sense of Congress that there should be authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

(1) For fiscal year 2009, up to \$1,500,000,000.

(2) For fiscal year 2010, up to \$1,500,000,000.

(3) For fiscal year 2011, up to \$1,500,000,000.

(4) For fiscal year 2012, up to \$1,500,000,000.

(5) For fiscal year 2013, up to \$1,500,000,000.

(b) **SENSE OF CONGRESS ON ECONOMIC SUPPORT FUNDS.**—It is the sense of Congress that, subject to an improving political and economic climate, there should be authorized to be appropriated up to \$1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(c) **SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.**—It is the sense of Congress that security-related assistance to the Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (5), (6), and (7) of section 1244.

(d) **USE OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations under this section shall be used for projects determined by an objective measure to be of clear benefit to the people of Pakistan, including projects that promote—

(1) just and democratic governance, including—

(A) political pluralism, equality, and the rule of law;

(B) respect for human and civil rights;

(C) independent, efficient, and effective judicial systems;

(D) transparency and accountability of all branches of government and judicial proceedings; and

(E) anticorruption efforts among police, civil servants, elected officials, and all levels of government administration, including the military;

(2) economic freedom, including—

(A) private sector growth and the sustainable management of natural resources;

(B) market forces in the economy; and

(C) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders; and

(3) investments in people, particularly women and children, including—

(A) broad-based public primary and secondary education and vocational training for both boys and girls;

(B) the construction of roads, irrigation channels, wells, and other physical infrastructure;

(C) agricultural development to ensure food staples in times of severe shortage;

(D) quality public health, including medical clinics with well trained staff serving rural and urban communities; and

(E) public-private partnerships in higher education to ensure a breadth and consistency of Pakistani graduates to help strengthen the foundation for improved governance and economic vitality.

(e) **PREFERENCE FOR BUILDING LOCAL CAPACITY.**—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan to provide assistance under this section.

(f) **AUTHORITY TO USE FUNDS FOR OPERATIONAL EXPENSES.**—Funds authorized by this section may be used for operational expenses. Funds may also be made available to the Inspector General of the United States Agency for International Development to provide audits and program reviews of projects funded pursuant to this section.

(g) **USE OF SPECIAL AUTHORITY.**—The President is encouraged to utilize the authority of section 633(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2393(a)) to expedite assistance to Pakistan under this section.

(h) **USE OF FUNDS.**—Funds appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs by the United States mission in Pakistan, subject to existing reporting and notification requirements.

(i) **NOTIFICATION REQUIREMENTS.**—

(1) **NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.**—The President shall notify Congress not later than 15 days before providing any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government.

(2) **ANNUAL REPORT.**—The President shall submit to the appropriate congressional committees a report on assistance provided under this section. The report shall describe—

(A) all expenditures under this section, by region;

(B) the intended purpose for such assistance, the strategy or plan with which it is aligned, and a timeline for completion associated with such strategy or plan;

(C) the partner or partners contracted for that purpose, as well as a measure of the effectiveness of the partner or partners;

(D) any shortfall in financial, physical, technical, or human resources that hinder effective use and monitoring of such funds; and

(E) any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any.

(j) **SENSE OF CONGRESS ON FUNDING OF PRIORITIES.**—It is the sense of Congress that the Government of Pakistan should allocate a greater portion of its budget, consistent with its “Poverty Reduction Strategy Paper”, to the recurrent costs associated with education, health, and other priorities described in this section.

SEC. 1246. LIMITATION ON CERTAIN ASSISTANCE.

(a) **LIMITATION ON CERTAIN MILITARY ASSISTANCE.**—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) **LIMITATION ON ARMS TRANSFERS.**—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) **CERTIFICATION.**—The certification required by this subsection is a certification to

the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) **WAIVER.**—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is in the national security interests of the United States to provide such waiver.

(e) **PRIOR NOTICE OF WAIVER.**—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor.

SEC. 1247. SENSE OF CONGRESS ON COALITION SUPPORT FUNDS.

It is the sense of Congress that—

(1) Coalition Support Funds are critical components of the global fight against terrorism and the primary support for military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the FATA, the NWFP, and other regions of Pakistan;

(2) despite the broad discretion Congress granted the Secretary of Defense in terms of managing Coalition Support Funds, the Pakistan reimbursement claims process for Coalition Support Funds requires increased oversight and accountability, consistent with the conclusions of the June 2008 report of the United States Government Accountability Office (GAO-08-806); and

(3) in order to ensure that this significant United States effort in support of countering terrorism in Pakistan effectively ensures the intended use of Coalition Support Funds, and to avoid redundancy in other security assistance programs, such as Foreign Military Financing and Foreign Military Sales, more specific guidance should be generated, and accountability delineated, for officials associated with oversight of this program within the United States Embassy in Pakistan, the United States Central Command, the Department of Defense, the Department of State, and the Office of Management and Budget.

SEC. 1248. AFGHANISTAN-PAKISTAN BORDER STRATEGY.

(a) **DEVELOPMENT OF COMPREHENSIVE STRATEGY.**—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measures in and near the border areas of Pakistan and Afghanistan, especially in known or suspected safe havens such as Pakistan's FATA, the NWFP, parts of Balochistan, and other critical areas in the south and east border areas of Afghanistan.

(b) **REPORT.**—Not later than June 1, 2009, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the FATA, as well as proposed timelines and budgets for implementing the strategy.

SEC. 1249. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan; and

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally.

SA 5603. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____ . PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) **PROHIBITION.**—

(1) **CONTRACTS.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of this Act, all contracts greater than \$5 million awarded by the Department of Defense to implement new programs or projects, including congressional initiatives, shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) **BID REQUIREMENT.**—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project, including a congressional initiative, unless more than one bid is received for such contract.

(2) **GRANTS.**—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project including a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) **WAIVER AUTHORITY.**—IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(A) cannot be implemented without a waiver; and

(B) will help meet important national defense needs.

(b) **Congressional Initiative Defined.**—In this section, the term “congressional initiative” means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

SA 5604. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Child Soldiers Prevention

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Child Soldiers Prevention Act of 2008”.

SEC. 1242. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) **CHILD SOLDIER.**—Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term “child soldier”—

(A) means—

(i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 1243. PROHIBITION.

(a) **IN GENERAL.**—Subject to subsections (c), (d), and (e), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, or the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the Arms Export Control Act

(22 U.S.C. 2751), or under any Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b) for the most recent year preceding the fiscal year in which the appropriated funds, transfer, or license, would have been used or issued in the absence of a violation of this subtitle, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) IDENTIFICATION AND NOTIFICATION TO COUNTRIES IN VIOLATION OF STANDARDS.—

(1) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.—The Secretary of State shall include a list of the foreign governments that have violated the standards under this subtitle and are subject to the prohibition in subsection (a) in the report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) NOTIFICATION OF FOREIGN COUNTRIES.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver with the justification for granting such waiver.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in section 1244(b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide assistance to a country for international military education, training, and nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for a country for more than 2 years.

SEC. 1244. REPORTS.

(a) INVESTIGATION OF ALLEGATIONS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n (f) and 2304(h)), the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) ANNUAL REPORT TO CONGRESS.—If, in any of the 5 years following the date of the enactment of this Act, a country or countries are notified pursuant to section 1243(b)(2) or a waiver is granted pursuant to section 1243(c)(1), the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year that contains—

(1) a list of the countries receiving notification that they are in violation of the standards under this subtitle;

(2) a list of any waivers or exceptions exercised under this subtitle;

(3) justification for any such waivers and exceptions; and

(4) a description of any assistance provided under this subtitle pursuant to the issuance of such waiver.

SEC. 1245. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following:

“(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided for chiefs of mission, deputy chiefs of mission, and other officers of the Service who are or will be involved in the assessment of child soldier use or the drafting of the annual Human Rights Report, instruction on matters related to child soldiers, and the substance of the Child Soldiers Prevention Act of 2008.”

SEC. 1246. EFFECTIVE DATE; APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

SA 5605. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 5511 submitted by Mr. DURBIN (for himself and Mr. BROWNBACK) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 strike line 4 to the end and insert the following:

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Child Soldiers Prevention Act of 2008”.

SEC. 1242. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) CHILD SOLDIER.—Consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child, the term “child soldier”—

(A) means—

(i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;

(ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces;

(iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or

(iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state; and

(B) includes any person described in clauses (ii), (iii), or (iv) of subparagraph (A) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 1243. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (c), (d), and (e), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, or the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the Arms Export Control Act (22 U.S.C. 2751), or under any Act making appropriations for foreign operations, export financing, and related programs may be obligated or otherwise made available, and no licenses for direct commercial sales of military equipment may be issued to, the government of a country that is clearly identified, pursuant to subsection (b) for the most recent year preceding the fiscal year in which the appropriated funds, transfer, or license, would have been used or issued in the absence of a violation of this subtitle, as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) IDENTIFICATION AND NOTIFICATION TO COUNTRIES IN VIOLATION OF STANDARDS.—

(1) PUBLICATION OF LIST OF FOREIGN GOVERNMENTS.—The Secretary of State shall include a list of the foreign governments that have violated the standards under this subtitle and are subject to the prohibition in subsection (a) in the report required by section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

(2) NOTIFICATION OF FOREIGN COUNTRIES.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the national interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—Not later than 45 days after each waiver is granted under paragraph (1), the President shall notify the appropriate congressional committees of the waiver with the justification for granting such waiver.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection

(a) upon certifying to the appropriate congressional committees that the government of such country—

(1) has implemented measures that include an action plan and actual steps to come into compliance with the standards outlined in section 1244(b); and

(2) has implemented policies and mechanisms to prohibit and prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide assistance to a country for international military education, training, and nonlethal supplies (as defined in section 2557(d)(1)(B) of title 10, United States Code) otherwise prohibited under subsection (a) upon certifying to the appropriate congressional committees that—

(A) the government of such country is taking reasonable steps to implement effective measures to demobilize child soldiers in its forces or in government-supported paramilitaries and is taking reasonable steps within the context of its national resources to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for a country for more than 2 years.

SEC. 1244. REPORTS.

(a) INVESTIGATION OF ALLEGATIONS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the annual Human Rights Report that relate to child soldiers under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n (f) and 2304(h)), the Secretary of State shall ensure that such reports include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) ANNUAL REPORT TO CONGRESS.—If, in any of the 5 years following the date of the enactment of this Act, a country or countries are notified pursuant to section 1243(b)(2) or a waiver is granted pursuant to section 1243(c)(1), the President shall submit a report to the appropriate congressional committees not later than June 15 of the following year that contains—

(1) a list of the countries receiving notification that they are in violation of the standards under this subtitle;

(2) a list of any waivers or exceptions exercised under this subtitle;

(3) justification for any such waivers and exceptions; and

(4) a description of any assistance provided under this subtitle pursuant to the issuance of such waiver.

SEC. 1245. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following:

“(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided for chiefs of mission, deputy chiefs of mission, and other officers of the Service who are or will be involved in the assessment of child soldier use or the drafting of the annual Human Rights Report, instruction on matters related to child soldiers, and the substance of the Child Soldiers Prevention Act of 2008.”.

SEC. 1246. EFFECTIVE DATE; APPLICABILITY.

This subtitle, and the amendments made by this subtitle, shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

SA 5606. Mr. REID submitted an amendment intended to be proposed to amendment SA 5355 submitted by Mr. GRAHAM (for himself and Mr. LIEBERMAN) and intended to be proposed to the bill S. 3001, authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1041. SENSE OF SENATE ON LEGISLATIVE ACTION REGARDING HABEAS CORPUS REVIEW FOR DETAINEES AT GUANTANAMO BAY, CUBA.

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

(1) Seven years after the terrorist attacks of September 11, 2001, the perpetrators of that heinous deed have yet to be brought to justice.

(2) Policies that circumvent the requirements of the United States Constitution and international treaties to which the United States is a signatory have created a legal morass that has undermined efforts to bring accused terrorists to justice.

(3) On four occasions, the Supreme Court has rejected the current Administration's legal rules for individuals at Guantanamo Bay, Cuba, and elsewhere, causing years of delay and uncertainty:

(A) In *Rasul v. Bush*, 542 U.S. 466 (2004), the Supreme Court held that the Federal habeas corpus statute applied to detainees held at Guantanamo Bay.

(B) In *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), the Supreme Court held that a United States citizen detained as an enemy combatant on United States soil must be provided a meaningful opportunity to challenge the factual basis for his detention.

(C) In *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006), the Supreme Court held that the military commissions established by the Administration violated the Uniform Code of Military Justice and the Geneva Conventions.

(D) Most recently, in *Boumediene v. Bush*, 128 S.Ct. 2229 (2008), the Supreme Court held unconstitutional relevant provisions of the Military Commissions Act of 2006 (Public Law 109-366), finding that the detainees at Guantanamo Bay have a right to challenge the legality of their detention under the United States Constitution.

(4) It is important that Congress proceed in a deliberate and thoughtful way to write rules for the treatment of alleged terrorists that will pass constitutional muster.

(5) Such rules should allow the United States Government to detain, interrogate, and try terrorists who harm the American people or conspire to do so, while also pro-

viding procedures that result in a reliable determination of whether the detainee has in fact engaged in such conduct.

(6) Committees of Congress should continue to hold public hearings, consult with national security and legal experts, and take the time to write responsible, bipartisan legislation regarding this complex issue as necessary.

(7) Federal judges in the District of Columbia have already begun to consider habeas corpus petitions filed by detainees at Guantanamo Bay and are well equipped to manage the pending litigation. The Supreme Court, in *Boumediene v. Bush*, expressed confidence that any remaining questions “are within the expertise and competence of the District Court to address in the first instance”.

(8) The Federal courts have consolidated all of the habeas corpus cases of Guantanamo Bay detainees in the District Court for the District of Columbia, and the chief judge of that court is coordinating key procedural issues in these cases.

(9) Federal courts have a long history of considering habeas corpus petitions in sensitive cases and can be trusted to adjudicate these matters in a manner that does not compromise national security in any respect.

(10) The Federal courts—particularly those of the District of Columbia—have repeatedly demonstrated that they can protect classified information. Federal judges responsibly handled classified information in the cases of *Rasul v. Bush*, *Hamdan v. Rumsfeld*, and *Boumediene v. Bush*, and in the review process under the Detainee Treatment Act in such cases as *Bismullah v. Gates*, 501 F.3d 178 (D.C. Cir. 2007), and *Parhat v. Gates*, 532 F.3d 834 (D.C. Cir. 2008). Extensive experience with the Classified Information Procedures Act (CIPA) and the Freedom of Information Act (FOIA) further demonstrates the competence of Federal judges to handle highly sensitive information in a manner that fully addresses national security concerns.

(11) Both candidates for President of the major political parties have called for significant changes to detention operations at Guantanamo Bay. A new President should be afforded an opportunity to review existing policies and make such recommendations to Congress as he considers necessary and appropriate.

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

(1) the decision of the Supreme Court in *Boumediene v. Bush* presents complex legal and logistical issues that cannot be satisfactorily resolved in the closing weeks of the 110th Congress;

(2) Congress should enact legislation to address these complex matters, as necessary, only after careful and responsible deliberation;

(3) a hasty legislative response to the *Boumediene v. Bush* decision would unduly complicate pending litigation and could result in another judicial reversal that would set back the goal of establishing stable and effective anti-terror detention policies;

(4) the committees of Congress having jurisdiction should undertake, after the convening of the 111th Congress, a full review of the legal and policy issues presented by the opinion in *Boumediene v. Bush*; and

(5) the new President should conduct a comprehensive review of anti-terror detention policies and should make recommendations to Congress during his first six months in office for such legislation as he considers necessary to carry out an effective strategy for preventing terrorism and bringing alleged terrorists to justice.

SA 5607. Mr. NELSON of Florida submitted an amendment intended to be

proposed to amendment SA 5536 submitted by Mr. SESSIONS (for himself, Mr. NELSON of Nebraska, Mr. LIEBERMAN, Mr. KYL, Mr. INHOFE, Mr. GRAHAM, Mr. VITTER, Mr. BROWNBACK, and Mr. CHAMBLISS) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1083. SENSE OF THE SENATE ON SUPPORT OF CZECH REPUBLIC AND POLAND FOR MISSILE DEFENSE EFFORTS.

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

(1) The Heads of State and Government of the North Atlantic Treaty Organization (NATO) agreed at the Bucharest Summit on April 3, 2008, that “[b]allistic missile proliferation poses an increasing threat to Allies’ forces, territory and populations”.

(2) As part of a broad response to counter the ballistic missile threat, the Heads of State and Government of NATO “recognise the substantial contribution to the protection of Allies from long-range ballistic missiles to be provided by the planned deployment of European-based United States missile defence assets”.

(3) At the Bucharest Summit, the NATO Heads of State and Government stated that, with respect to the planned deployment of United States missile defense capability, “[w]e are exploring ways to link this capability with current NATO missile defence efforts as a way to ensure that it would be an integral part of any future NATO wide missile defence architecture”.

(4) At the Bucharest Summit, the NATO Heads of State and Government stated that, “[b]earing in mind the principle of the indivisibility of Allied security as well as NATO solidarity, we task the Council in Permanent Session to develop options for a comprehensive missile defence architecture to extend coverage to all Allied territory and populations not otherwise covered by the United States system for review at our 2009 Summit, to inform any future political decision”.

(5) On July 8, 2008, the United States Government and the Government of the Czech Republic signed an agreement on the stationing of a United States radar facility in the Czech Republic to track ballistic missiles.

(6) On August 20, 2008, the United States Government and the Government of Poland signed an agreement on the stationing of 10 ground-based missile defense interceptors in Poland.

(7) Supplemental Status of Forces Agreements (SOFA) regarding the missile defense deployment agreements, not yet signed, are required elements of any final agreements to deploy the planned missile defense capabilities in the Czech Republic and Poland.

(8) In order to take legal effect, any final bilateral missile defense agreements must be submitted to and ratified by the parliaments of the Czech Republic and Poland, respectively.

(9) The deployment of the planned United States missile defense system in the Czech Republic and Poland would not provide protection to southeastern portions of NATO territory against missile attack. Additional missile defense capabilities would be required to protect these areas against missile

attack, including against existing short- and medium-range missile threats.

(10) According to the Director of Operational Test and Evaluation, the ground-based interceptor planned to be deployed in Poland would require three flight tests to demonstrate whether it could accomplish its mission in an operationally effective manner. Such testing is not expected to begin before the fall of 2009, and is unlikely to be concluded before 2011.

(11) The Government of Iran continues to defy international calls to cease its uranium enrichment program, has deployed hundreds of short- and medium-range ballistic missiles, and continues to develop and test ballistic missiles of increasing range, as well as a space launch vehicle.

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

(1) the decisions by the Governments of Poland and the Czech Republic to station elements of a missile defense system on their territory are a clear affirmation of the commitment of those governments to support the defense of NATO member states, including the United States, against the threat of long-range ballistic missiles;

(2) the Senate—

(A) recognizes the importance of these decisions taken by the Governments of Poland and the Czech Republic, as well as the statements made by NATO Heads of State and Government relative to missile defense at the Bucharest Summit in April 2008; and

(B) notes the care and seriousness with which the Governments of Poland and the Czech Republic have undertaken their evaluation and consideration of these issues; and

(3) these decisions will deepen the strategic relationship between the United States Government and the Governments of Poland and the Czech Republic and could make a substantial contribution to the collective capability of NATO to counter future long-range ballistic missile threats.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify the requirements of section 226 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 41), or [section 232] of this Act.

SA 5608. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) PROCEDURES.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

“(a) COLLECTION.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and Federal write-in absentee ballots

prescribed under section 103, and for delivering the ballots to the appropriate election officials.

“(b) ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.—

“(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

“(2) CONTRACT WITH EXPRESS MAIL PROVIDERS.—

“(A) IN GENERAL.—The Presidential designee shall carry out this section by contract with one or more providers of express mail services.

“(B) SPECIAL RULE FOR VOTERS IN JURISDICTIONS USING POST OFFICE BOXES FOR COLLECTION OF MARKED ABSENTEE BALLOTS.—In the case of an absent uniformed services voter who wishes to use the procedures established under this section and whose marked absentee ballot is required by the appropriate election official to be delivered to a post office box, the Presidential designee shall enter into an agreement with the United States Postal Service for the delivery of the ballot to the election official under the procedures established under this section.

“(3) DEADLINE DESCRIBED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the last Tuesday that precedes the date of the election.

“(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

“(4) PROHIBITION ON REFUSAL BY STATES TO ACCEPT MARKED ABSENTEE BALLOTS NOT DELIVERED BY POSTAL SERVICE OR IN PERSON.—A State may not refuse to accept or process any marked absentee ballot delivered under the procedures established under this section on the grounds that the ballot is received by the State other than through delivery by the United States Postal Service.

“(c) TRACKING MECHANISM.—Under the procedures established under this section, the entity responsible for delivering marked absentee ballots to the appropriate election officials shall implement procedures to enable any individual whose ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the entity may provide.

“(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”.

(2) EFFECTIVE DATE.—Section 103A of the Uniformed and Overseas Citizens Absentee

Voting Act, as added by this subsection, shall apply with respect to the regularly scheduled general election for Federal office held on or after—

(A) November 2008; or

(B) if the Presidential designee determines that such date is not feasible, a date determined feasible by the Presidential designee (but in no case later than November 2010).

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL RESPONSIBILITIES.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking “and” at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”

(2) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)) is amended—

(A) by striking “and” at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”

(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in the regularly scheduled general election for Federal office held in November 2008 of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a), including the manner in which such voters may utilize such procedures for the submission of marked absentee ballots in regularly scheduled elections for Federal office.

(d) REPORTS ON UTILIZATION OF PROCEEDS.—

(1) REPORTS REQUIRED.—Not later than 180 days after each regularly scheduled general election for Federal office held after January 1, 2008, the Presidential designee shall submit to the congressional defense committees a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as so added, during such general election.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures.

(e) REPORT ON STATUS OF IMPLEMENTATION.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Presidential designee shall submit to the congressional defense committees a report on the status of the implementation of the program for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include a status of the implementa-

tion of the program and a detailed description of the specific steps taken towards its implementation for November 2008, November 2009, and November 2010.

(f) DEFINITIONS.—In this section:

(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)).

SEC. 588. 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.—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(a)(1)–(16), determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).”

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

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

(2) 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(a)(1)–(16), determines, under regulations promulgated by the Presidential designee, is not clearly necessary to prevent fraud in the conduct of elections).”

SA 5609. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

SECTION 2822. EASTLAKE, OHIO.

(a) RELEASE OF RESTRICTIONS.—Subject to the requirements of this section, the Admin-

istrator of General Services is authorized to release the restrictions contained in the deed that conveyed to the city of Eastlake, Ohio, the parcel of real property described in subsection (b).

(b) PROPERTY DESCRIPTION.—The parcel of real property referred to in subsection (a) is the site of the John F. Kennedy Senior Center located at 33505 Curtis Boulevard, city of Eastlake, Ohio, on 10.873 acres more or less as conveyed by the deed from the General Services Administration dated July 20, 1964, and recorded in the Lake County Ohio Recorder's Office in volume 601 at pages 40–47.

(c) CONSIDERATION.—

(1) IN GENERAL.—The city of Eastlake shall pay to the Administrator \$30,000 as consideration for executing the release under subsection (a).

(2) DEPOSIT OF PROCEEDS.—The Administrator shall deposit any funds received under paragraph (1) into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(3) AVAILABILITY OF AMOUNTS DEPOSITED.—To the extent provided in appropriations Acts, amounts deposited into the Federal Buildings Fund under paragraph (2) shall be available for the uses described in section 592(b) of title 40, United States Code.

(d) FILING OF INSTRUMENTS TO EXECUTE RELEASE.—The Administrator shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release under subsection (a).

SEC. 2823. KOOCHICHING COUNTY, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—Subject to the requirements of this section, the Administrator of General Services shall convey to Koochiching County, Minnesota, the parcel of real property described in subsection (b), including any improvements thereon.

(b) PROPERTY DESCRIPTION.—The parcel of real property referred to in subsection (a) is the approximately 5.84 acre parcel located at 1804 3rd Avenue in International Falls, Minnesota, which is the former site of the Koochiching Army Reserve Training Center.

(c) QUITCLAIM DEED.—The conveyance of real property under subsection (a) shall be made through a quit claim deed.

(d) CONSIDERATION.—

(1) IN GENERAL.—Koochiching County shall pay to the Administrator \$30,000 as consideration for a conveyance of real property under subsection (a).

(2) DEPOSIT OF PROCEEDS.—The Administrator shall deposit any funds received under paragraph (1) (less expenses of the conveyance) into a special account in the Treasury established under section 572(b)(5)(A) of title 40, United States Code.

(3) AVAILABILITY OF AMOUNTS DEPOSITED.—To the extent provided in appropriations Acts, amounts deposited into a special account under paragraph (2) shall be available to the Secretary of the Army in accordance with section 572(b)(5)(B) of title 40, United States Code.

(e) REVERSION.—The conveyance of real property under subsection (a) shall be made on the condition that the property will revert to the United States, at the option of the United States, without any obligation for repayment of the purchase price for the property, if the property ceases to be held in public ownership or ceases to be used for a public purpose.

(f) OTHER TERMS AND CONDITIONS.—The conveyance of real property under subsection (a) shall be made subject to such other terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

(g) DEADLINE.—The conveyance of real property under subsection (a) shall be made

not later than 90 days after the date of enactment of this Act.

SA 5610. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 854. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

(a) **AUTHORITY TO MODIFY DEFINITION OF "SMALL ARMS PRODUCTION INDUSTRIAL BASE".**—Section 2473(c) of title 10, United States Code, is amended by inserting before the period at the end the following: “, and any subsequent modifications to such list of firms pursuant to a review by the Secretary of Defense”.

(b) **REVIEW OF SMALL ARMS PRODUCTION INDUSTRIAL BASE.**—Not later than September 30, 2009, the Secretary of Defense shall review and determine, based upon manufacturing capability and capacity—

(1) whether any firms included in the small arms production industrial base should be eliminated or modified and whether any additional firms should be included; and

(2) whether any of the small arms listed in section 2473(d) of title 10, United States Code, should be eliminated from the list or modified on the list, and whether any additional small arms should be included in the list.

SA 5611. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) **IN GENERAL.**—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

“SEC. 44. CONTINGENCY CONTRACTING CORPS.

“(a) **ESTABLISHMENT.**—The Administrator shall establish a pilot program that creates a government-wide Contingency Contracting Corps (in this section, referred to as the ‘Corps’). The members of the Corps shall be available for deployment in responding to disasters, natural and man-made, and contingency operations both within and outside the continental United States.

“(b) **CONCEPT OF OPERATIONS.**—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009, the Office of Federal Procurement Policy, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of State, shall provide the appropriate congressional committees a concept of operations (CONOPS) that provides details on the organizational structure of the Corps, chain of command for on-call and deployed members of the Corps, training and equipment requirements for members of the Corps, and

funding requirements related to the operation, training, and equipping of the Corps, and any other matters relating to the efficient establishment and operation of the Corps.

“(c) **MEMBERSHIP.**—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

“(d) **EDUCATION AND TRAINING.**—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

“(e) **SALARY.**—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

“(f) **AUTHORITY TO DEPLOY THE CORPS.**—The Administrator, or the Administrator’s designee, shall have the authority, upon the request of an executive agency, to determine when civilian agency members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed. With respect to members of the Corps who are also members of the Armed Forces or civilian personnel of the Department of Defense, the Secretary of Defense, or the Secretary’s designee, must concur in the Administrator’s deployment determinations.

“(g) **ANNUAL AND FINAL PILOT PROGRAM REPORTS.**—

“(1) **ANNUAL REPORT.**—

“(A) **IN GENERAL.**—The Administrator shall provide to the appropriate congressional committees an annual report on the status of the Corps.

“(B) **CONTENT.**—At a minimum, each report under subparagraph (A) shall include the number of members of the Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.

“(2) **PILOT PROGRAM REPORT.**—

“(A) **IN GENERAL.**—Not later than four years after the concept of operations required by subsection (b) is provided to the appropriate congressional committees, the Administrator, in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of State, shall provide an assessment of the pilot program established by this section and make any recommendations relating to continuation or modification of the Corps.

“(B) **CONTENT.**—At a minimum, the report required by subparagraph (A) shall include, disaggregated by year and in summary, the number of members of the Corps, training accomplished, equipment provided, the fully burdened cost of operating the program, any operations for which the Corps was deployed, an assessment of the effectiveness of the command and control structure for the Corps, an assessment of the integration of deployed members of the Corps with other agencies (both at the members’ parent agencies and while deployed), and the performance of members of the Corps during any deployments.

“(h) **EFFECTIVE DATES.**—

“(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), this section shall take effect upon the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009.

“(2) **ESTABLISHMENT AND DEPLOYMENT OF CORPS.**—The Administrator may not establish or deploy the Corps until the concept of operations required by subsection (b) has been submitted to the appropriate congressional committees.

“(3) **PILOT PROGRAM TERMINATION.**—

“(A) **IN GENERAL.**—Subject to subparagraph (B), the authority provided under this section shall terminate five years after submission to the appropriate congressional committees of the concept of operations required by subsection (b).

“(B) **NO EFFECT ON ONGOING DEPLOYMENTS.**—Expiration of the authority provided under this section shall not affect any deployment of the Corps that occurred prior to the termination of the authority under subparagraph (A), and any such deployment shall continue as authorized by this section prior to its termination.

“(i) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate; and

“(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Foreign Affairs of the House of Representatives.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

“Sec. 44. Contingency Contracting Corps.”.

SA 5612. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 5593 submitted by Mr. KERRY (for himself and Mr. SMITH) and intended to be proposed to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) irrespective of the origins of the recent conflict in Georgia, the disproportionate military response by the Russian Federation on the sovereign, internationally recognized territory of Georgia, including the South Ossetian Autonomous Region (referred to in this section as “South Ossetia”) and the Autonomous Republic of Abkhazia (referred to in this section as “Abkhazia”), is in violation of international law and commitments of the Russian Federation;

(2) the actions undertaken by the Government of the Russian Federation in Georgia have diminished its standing in the international community and should lead to a review of existing, developing, and proposed multilateral and bilateral arrangements;

(3) the United States continues to have interests in common with the Russian Federation, including combating the proliferation of nuclear weapons and fighting terrorism, and these interests can, over time, serve as the basis for improved long-term relations;

(4) the Government of the Russian Federation should immediately comply with the September 8, 2008, follow-on agreement to the 6-point cease-fire agreement negotiated on August 12, 2008;

(5) the Government of the Russian Federation and the Government of Georgia should—

(A) refrain from the future use of force to resolve the status of Abkhazia and South Ossetia; and

(B) work with the United States, Europe, and other concerned countries and through

the United Nations Security Council, the Organization for Security and Cooperation in Europe, and other international fora to identify a political settlement that addresses the short-term and long-term status of Abkhazia and South Ossetia, in accordance with prior United Nations Security Council resolutions;

(6) the United States should—

(A) provide humanitarian and economic assistance to Georgia;

(B) seek to improve commercial relations with Georgia; and

(C) working in tandem with the international community, continue to support the development of a strong, vibrant, multiparty democracy in Georgia;

(7) the President should consult with Congress on future security cooperation and assistance to Georgia, as appropriate;

(8) the United States continues to support the North Atlantic Treaty Organization declaration reached at the Bucharest Summit on April 3, 2008; and

(9) the United States should work with the European Union, Georgia, and its neighbors to ensure the free flow of energy to Europe and the operation of key communication and trade routes.

SA 5613. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. WATER CONSERVATION INVESTMENT PROGRAM.

(a) **ESTABLISHMENT OF ACCOUNT.**—There is hereby established on the books of the Treasury an account to be known as the “Department of Defense Water Conservation Investment Program Account” (in this section referred to as the “Account”).

(b) **CREDITS TO ACCOUNT.**—The Account shall consist of the following:

(1) Amounts appropriated to the Account.

(2) Amounts transferred pursuant to appropriations Acts to the Account from operation and maintenance or military construction accounts of the Department of Defense.

(c) **USE OF FUNDS.**—To the extent provided in appropriations Acts, funds in the account may be used—

(1) to carry out construction or other projects authorized by section 2866 of title 10, United States Code; or

(2) to comply with the requirements of Executive Order No. 13423 (January 24, 2007) or any successor Executive Order relating to water conservation.

SA 5614. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 3023, to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes; as follows:

Strike section 311.

Strike section 401 and insert the following:

SEC. 401. TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253 is amended by adding at the end the following new subsection:

“(i) **ADDITIONAL TEMPORARY EXPANSION OF COURT.**—(1) Subject to paragraph (2), effec-

tive as of December 31, 2009, the authorized number of judges of the Court specified in subsection (a) is increased by two.

“(2) Effective as of January 1, 2013, an appointment may not be made to the Court if the appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in subsection (a).”.

On page 47, between lines 20 and 21, insert the following:

“(15) An assessment of the workload of each judge of the Court, including consideration of the following:

“(A) The time required of each judge for disposition of each type of case.

“(B) The number of cases reviewed by the Court.

“(C) The average workload of other Federal judges”.

SA 5615. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:

SEC. 314. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

Section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1054) is amended to read as follows:

“(e) **REPORTING REQUIREMENTS.**—

“(1) **IN GENERAL.**—Not later than January 1, 2002, and each January 1 thereafter through 2013, the Secretary shall submit to the congressional defense a report regarding progress made toward achieving the energy efficiency goals of the Department of Defense, consistent with the provisions of section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8521 note) and section 11(b) of Executive Order 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

“(2) **REPORTS SUBMITTED AFTER JANUARY 1, 2008.**—Each report required under paragraph (1) that is submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall include the following:

“(A) A description of steps taken to ensure that facility and installation management goals are consistent with current legislative and other requirements, including applicable requirements under the Energy Independence and Security Act of 2007 (Public Law 110-140).

“(B) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations in order to use the data for better energy management.

“(C) A description of steps taken to comply with requirements of the Energy Independence and Security Act of 2007, including new design and construction requirements for buildings.

“(D) A description of steps taken to comply with section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), regarding the supply by the General Services Administration and the Defense Logistics Agency of Energy Star and Federal Energy Management Program (FEMP) designated products to its Department of Defense customers.

“(E) A description of steps taken to encourage the use of Energy Star and FEMP

designated products at military installations in government or contract maintenance activities.

“(F) A description of steps taken to comply with standards for projects built using appropriated funds and established by the Energy Independence and Security Act of 2007 for privatized construction projects, whether residential, administrative, or industrial.”.

SA 5616. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1)—

(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”; and

(B) by adding at the end the following: “The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(2) in paragraph (2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(3) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(4) by inserting after paragraph (4) the following:

“(5) **INSERTION INCENTIVES.**—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) **GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.**—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, which shall include information on the ongoing status of projects funded through the Commercialization Pilot Program and efforts to transition these technologies into programs of record or fielded systems.”; and

(5) in paragraph (8), as so redesignated, by striking "fiscal year 2009" and inserting "fiscal year 2014".

SA 5617. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. SMALL HIGH-TECH FIRMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking "2008" and inserting "2010".

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking "2009" and inserting "2011".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 23, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine why diesel fuel prices have been so high, and what can be done to address the situation.

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

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10:30 a.m., in room 253V the Russell Senate Office Building.

In this hearing, the Committee will receive testimony regarding the consumer benefits of broadband service in areas such as education, job opportunities, telemedicine, and access to government resources.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. 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 hearing on Tuesday, September 16, 2008, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled "Oversight Hearing on EPA's Children's Health Protection Efforts."

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 16, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled "Aligning Incentives: The Case for Delivery System Reform."

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

SUBCOMMITTEE ON ENERGY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, September 16, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON THE CONSTITUTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on the Constitution be authorized to meet during the session of the Senate, to conduct a hearing entitled "Restoring the Rule of Law" on Tuesday, September 16, 2008, at 10:15 a.m., in room SH-216 of the Hart Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Ms. CANTWELL. Mr. President, I ask unanimous consent that Nora Adkins, a detailee to the Committee on Homeland Security and Governmental Affairs, be granted the privilege of the floor for the remainder of the second session of the 110th Congress.

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Jerry

Acosta, a military fellow in my office, be granted the privilege of the floor for the remainder of the Senate's consideration of S. 3001.

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

LIBRARY OF CONGRESS SOUND RECORDING AND FILM PRESERVATION PROGRAMS REAUTHORIZATION ACT OF 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 5893 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 5893) to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5893) was ordered to a third reading, was read the third time, and passed.

DISTRICT OF COLUMBIA AMENDMENT ACT, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 900, H.R. 5551.

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

The legislative clerk read as follows:

A bill (H.R. 5551) to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5551) was ordered to a third reading, was read the third time, and passed.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2008

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