

the number of such students graduating in NOAA science areas; and”.

#### SEC. 6. PROGRAM OR PROJECT GRANTS AND CONTRACTS.

Section 205 (33 U.S.C. 1124) is amended—

(1) by striking “204(c)(4)(F).” in subsection (a) and inserting “204(c)(4)(F) or that are appropriated under section 208(b).”; and

(2) by striking the matter following paragraph (3) in subsection (b) and inserting the following:

“The total amount that may be provided for grants under this subsection during any fiscal year shall not exceed an amount equal to 5 percent of the total funds appropriated for such year under section 212.”.

#### SEC. 7. EXTENSION SERVICES BY SEA GRANT COLLEGES AND SEA GRANT INSTITUTES.

Section 207(a) (33 U.S.C. 1126(a)) is amended in each of paragraphs (2)(B) and (3)(B) by striking “advisory services” and inserting “extension services”.

#### SEC. 8. FELLOWSHIPS.

Section 208(a) (33 U.S.C. 1127) is amended—

(1) by striking “Not later than 1 year after the date of the enactment of the National Sea Grant College Program Act Amendments of 2002, and every 2 years thereafter,” in subsection (a) and inserting “Every 2 years,”; and

(2) by adding at the end the following:

“(c) Restriction on Use of Funds.—Amounts available for fellowships under this section, including amounts accepted under section 204(c)(4)(F) or appropriated under section 212 to implement this section, shall be used only for award of such fellowships and administrative costs of implementing this section.”

#### SEC. 9. NATIONAL SEA GRANT ADVISORY BOARD.

(a) REDESIGNATION OF SEA GRANT REVIEW PANEL AS BOARD.—

(1) REDESIGNATION.—The sea grant review panel established by section 209 of the National Sea Grant College Program Act (33 U.S.C. 1128), as in effect before the date of the enactment of this Act, is redesignated as the National Sea Grant Advisory Board.

(2) MEMBERSHIP NOT AFFECTED.—An individual serving as a member of the sea grant review panel immediately before date of the enactment of this Act may continue to serve as a member of the National Sea Grant Advisory Board until the expiration of such member's term under section 209(c) of such Act (33 U.S.C. 1128(c)).

(3) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to such sea grant review panel is deemed to be a reference to the National Sea Grant Advisory Board.

(4) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 209 (33 U.S.C. 1128) is amended by striking so much as precedes subsection (b) and inserting the following:

#### “SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.

“(a) ESTABLISHMENT.—There shall be an independent committee to be known as the National Sea Grant Advisory Board.”.

(B) DEFINITION.—Section 203(9) (33 U.S.C. 1122(9)) is amended to read as follows:

“(9) The term ‘Board’ means the National Sea Grant Advisory Board established under section 209.”;

(C) OTHER PROVISIONS.—The following provisions are each amended by striking “panel” each place it appears and inserting “Board”:

(i) Section 204 (33 U.S.C. 1123).

(ii) Section 207 (33 U.S.C. 1126).

(iii) Section 209 (33 U.S.C. 1128).

(b) DUTIES.—Section 209(b) (33 U.S.C. 1128(b)) is amended to read as follows:

“(b) DUTIES.—

“(1) IN GENERAL.—The Board shall advise the Secretary and the Director concerning—

“(A) strategies for utilizing the sea grant college program to address the Nation's highest priorities regarding the understanding, assessment, development, management, utilization, and conservation of ocean, coastal, and Great Lakes resources;

“(B) the designation of sea grant colleges and sea grant institutes; and

“(C) such other matters as the Secretary refers to the Board for review and advice.

“(2) BIENNIAL REPORT.—The Board shall report to the Congress every two years on the state of the national sea grant college program. The Board shall indicate in each such report the progress made toward meeting the priorities identified in the strategic plan in effect under section 204(c). The Secretary shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties under this title.”.

(c) MEMBERSHIP, TERMS, AND POWERS.—Section 209(c)(1) (33 U.S.C. 1128(c)(1)) is amended—

(1) by inserting “coastal management,” after “resource management,”; and

(2) by inserting “management,” after “development.”.

(d) EXTENSION OF TERM.—Section 209(c)(3) (33 U.S.C. 1128(c)(3)) is amended by striking the second sentence and inserting the following: “The Director may extend the term of office of a voting member of the Board once by up to 1 year.”.

(e) ESTABLISHMENT OF SUBCOMMITTEES.—Section 209(c) (33 U.S.C. 1128(c)) is amended by adding at the end the following:

“(8) The Board may establish such subcommittees as are reasonably necessary to carry out its duties under subsection (b). Such subcommittees may include individuals who are not Board members.”.

#### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the National Sea Grant College Program Act (33 U.S.C. 1131) is amended—

(1) by striking subsection (a)(1) and inserting the following: “

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this title—

“(A) \$72,000,000 for fiscal year 2009;

“(B) \$75,600,000 for fiscal year 2010;

“(C) \$79,380,000 for fiscal year 2011;

“(D) \$83,350,000 for fiscal year 2012;

“(E) \$87,520,000 for fiscal year 2013; and

“(F) \$91,900,000 for fiscal year 2014.”;

(2) in subsection (a)(2)—

(A) by striking “fiscal years 2003 through 2008—” and inserting “fiscal years 2009 through 2014—”;

(B) by striking “biology and control of zebra mussels and other important aquatic” in subparagraph (A) and inserting “biology, prevention, and control of aquatic”; and

(C) by striking “blooms, including *Pfiesteria piscicida*, and” in subparagraph (C) and inserting “blooms; and”;

(3) in subsection (c)(1) by striking “rating under section 204(d)(3)(A)” and inserting “performance assessments”; and

(4) by striking subsection (c)(2) and inserting the following:

“(2) regional or national strategic investments authorized under section 204(b)(4).”.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5618), as amended, was read the third time, and passed.

#### AIR CARRIAGE OF INTERNATIONAL MAIL ACT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 3536 and that 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 (S. 3536) to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes.

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

Mr. WHITEHOUSE. 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 related thereto be printed in the RECORD.

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

The bill (S. 3536) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3536

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Air Carriage of International Mail Act”.

#### SEC. 2. 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)”;

(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”;

(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 41912 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 41912 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.”

(10) 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”;

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

(11) 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.

## AUTHORIZING THE PRODUCTION OF RECORDS

### AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of S. Res. 686 and S. Res. 687, which were submitted earlier today.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the measures en bloc.

Thereupon, the Senate proceeded to consider the resolutions en bloc.

S. RES. 686

Mr. REID. Mr. President, the office of Senator CHRISTOPHER S. BOND has received a U.S. request from the U.S. Department of Justice for records regarding a former employee that may be relevant to its investigation into improper activities by lobbyists. The Justice Department has advised that its request arises from its belief that Senator BOND himself was an innocent victim of potentially improper conduct by lobbyists and former staff. Senator BOND seeks to comply with this request. Accordingly, in keeping with Senate rules and practice, this resolution would authorize the office of Senator BOND to produce documents for use in this investigation.

S. RES. 687

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in a criminal action pending before the Sixth Judicial Circuit Court, Oakland County, MI, in which the defendant is charged with two counts: malicious use of telecommunications services and possession of a firearm by a felon. The first count arises out of a threatening telephone conversation the defendant had with a member of Senator STABENOW's staff. The prosecuting attorney has subpoenaed that staff member for the trial, which is likely to be held in the first week of November 2008. Senator STABENOW would like to cooperate by providing testimony from that staff member. This resolution would authorize that staff member, and any other employee of Senator STABENOW's office from whom evidence may be required, to testify in connection with this action, with representation by the Senate Legal Counsel.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be