

SA 5301. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5302. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5303. Mr. BINGAMAN (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5304. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5305. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5306. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5307. Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5308. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5309. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5310. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5311. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5312. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5313. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5314. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5315. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5316. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5318. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5320. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5321. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5322. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5323. Mr. LEVIN (for Mr. LEAHY (for himself and Mr. BYRD)) proposed an amendment to the bill S. 3001, supra.

SA 5324. Mr. VITTER (for himself, Mr. DEMINT, Mrs. DOLE, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, Mr. BURR, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5325. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5326. Mr. SMITH (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5327. Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. ALEXANDER, Mrs. CLINTON, Mrs. LINCOLN, Mr. JOHNSON, Mr. PRYOR, Mr. SESSIONS, Mr. KENNEDY, Mr. ROBERTS, Mr. NELSON, of Florida, Mr. THUNE, Mr. INHOFE, Mr. SMITH, Mr. ISAKSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5328. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5329. 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 5330. 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 5331. 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 5332. 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 5333. 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 5334. 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 5335. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5337. Mr. REID (for Mr. BIDEN (for himself, Mr. CASEY, Mr. INHOFE, and Mr. CARPER)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5338. Mr. REID (for Mr. BIDEN (for himself, Mr. KENNEDY, Mrs. MCCASKILL, and Mr. BAYH)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS ON SEPTEMBER 8, 2008

**SA 5265.** Mr. REID 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 D of title VI, add the following:

#### **SEC. 642. MODIFICATION OF OFFSET AGAINST COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

Section 1413a(b)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”; and

(2) in subparagraph (B), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”.

**SA 5266.** Mr. REID (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:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.**

Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “December 31, 2013” and inserting “September 30, 2008”; and

(2) in subsection (c)—

(A) by striking “December 31, 2013” and inserting “September 30, 2008”;

(B) in paragraph (5), by inserting after “For a month during 2008” the following: “ending on or before September 30”;

(C) by striking paragraphs (6) through (10); and

(D) by redesignating paragraph (11) as paragraph (6).

**SA 5267.** Mr. REID 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, insert the following:

#### **SEC. \_\_\_\_ . DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall

submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) OTHER CONTENT.—The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term “Air America” means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term “associated company” means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

TEXT OF AMENDMENTS

**SA 5268.** Mr. CORKER 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 F of title V, add the following:

**SEC. 572. ELIGIBILITY OF SPOUSES OF MILITARY PERSONNEL FOR THE WORK OPPORTUNITY CREDIT.**

(a) IN GENERAL.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting “, or”, and by adding at the end the following new subparagraph:

“(J) either—

“(i) a qualified military spouse (as defined in subsection (1)(1)), or

“(ii) subject to subsection (1)(2), an eligible teleworking military spouse.”.

(b) DEFINITIONS AND RULES RELATING TO QUALIFIED MILITARY SPOUSES.—Section 51 of such Code is amended by adding at the end the following new subsection:

“(1) DEFINITION OF QUALIFIED MILITARY SPOUSE; ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.—For purposes of this section—

“(1) DEFINITION OF QUALIFIED MILITARY SPOUSE.—For purposes of subsection (d)(1)(J), the term ‘qualified military spouse’ means any individual (other than an eligible teleworking military spouse) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of the Armed Forces of the United States who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term ‘extended active duty’ means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

“(2) ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.—

“(A) IN GENERAL.—Notwithstanding subsection (a), in the case of an employer with respect to whom an individual is an eligible teleworking military spouse by reason of employment with such employer described in subparagraph (B), the credit determined under this section—

“(i) shall be allowable for any taxable year which includes any portion of the eligibility period with respect to the spouse, and

“(ii) shall, with respect to any such taxable year, be equal to 40 percent of the qualified wages paid by the employer with respect to such employment occurring during such portion of the eligibility period.

“(B) ELIGIBLE TELEWORKING MILITARY SPOUSE.—For purposes of subsection (d)(1)(J) and this paragraph, the term ‘eligible teleworking military spouse’ means, with respect to any employer, an individual—

“(i) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of a regular component of the Armed Forces of the United States,

“(ii) substantially all of whose employment with the employer is reasonably expected to consist of services performed at the principal residence (within the meaning of section 121) of the individual, and

“(iii) whose qualified wages (expressed as an annual amount) for services performed for

the employer are reasonably expected to equal or exceed an amount equal to 150 percent of the median annual earnings for the United States (determined on the basis of the most recent occupational employment survey published by the Bureau of Labor Statistics before the calendar year in which the taxable year begins).

“(C) ELIGIBILITY PERIOD.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘eligibility period’ means, with respect to any individual who is an eligible teleworking military spouse, the period—

“(I) beginning on the hiring date of the individual, and

“(II) except as provided in clause (ii), ending on the earlier of the last day of the employment described in subparagraph (B) or the last day of the taxable year in which occurs the date on which the individual’s spouse ceases to be a member of a regular component of the Armed Forces of the United States.

“(ii) FAILURE TO MEET EMPLOYMENT AND WAGE REQUIREMENTS.—If the requirements of clauses (ii) and (iii) of subparagraph (B) are not met with respect to any individual for any taxable year—

“(I) the individual shall cease to be an eligible teleworking military spouse with respect to the employer as of the beginning of the taxable year, and

“(II) the employer shall not treat the individual as an eligible teleworking military spouse for any subsequent taxable year.

This clause shall not apply to any failure which is due to unforeseen circumstances or is beyond the control of the employer.

“(D) QUALIFIED WAGES.—The term ‘qualified wages’ has the meaning given such term by subsection (b)(1), except that the amount of wages which may be taken into account with respect to any eligible teleworking military spouse for any taxable year shall not exceed \$12,000.”.

(c) EFFECTIVE DATE.—The amendments made this section shall apply to amounts paid or incurred after the date of the enactment of this Act to individuals who begin work for the employer after such date.

**SA 5269.** Mr. CORKER 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 F of title V, add the following:

**SEC. 572. FEDERAL EMPLOYMENT PREFERENCES FOR MILITARY SPOUSES.**

(a) ELIGIBILITY OF MILITARY SPOUSES FOR PREFERENCE.—Section 2108(3) of title 5, United States Code, is amended—

(1) in subparagraph (F)(iii), by striking “; and” and inserting a semicolon;

(2) in subparagraph (G)(iii), by striking the semicolon at the end and inserting “; and”; and

(3) by inserting after subparagraph (G) the following new subparagraph:

“(H) the wife or husband of an individual serving on active duty or with orders to report for a period of active duty in excess of 90 days or for an indefinite period;”.

(b) ELIGIBILITY FOR ADDITIONAL POINTS ABOVE EARNED RATING ON COMPETITIVE SERVICE EXAMINATIONS.—Section 3309(2) of such title is amended to read as follows: