

Whereas, in 1998, Stephanie Tubbs Jones was elected to the first of 5 terms in the House of Representatives, where she was a tireless advocate for the citizens of Ohio's 11th Congressional District and championed increased access to health care, improved voting rights, and quality education for all;

Whereas Stephanie Tubbs Jones was the first African-American woman to represent the State of Ohio in Congress;

Whereas Ohio has lost a beloved daughter and the House of Representatives one of its strongest voices with the passing of Stephanie Tubbs Jones on August 20, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of the Honorable Stephanie Tubbs Jones and expresses its condolences to her family and friends and to the people of the 11th Congressional District of Ohio; and

(2) honors the life of Stephanie Tubbs Jones, a highly esteemed and accomplished Member of Congress, dedicated community leader, and tireless advocate for those in need.

SENATE CONCURRENT RESOLUTION
97—EXPRESSING THE
SENSE OF CONGRESS REGARDING
SEXUAL ASSAULTS AND
RAPE IN THE MILITARY

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 97

Whereas, since 2002, 59,690 female veterans have reported being raped or sexually assaulted or experiencing another form of sexual trauma while in the military;

Whereas, according to the Department of Veterans Affairs, female veterans reporting rape, sexual assault, or other sexual trauma constitute almost 20 percent of the women seen at facilities of the Department nationwide;

Whereas 41 percent of female veterans treated at the West Los Angeles Medical Center of the Department of Veterans Affairs reported being sexually assaulted while in the military and 29 percent of such veterans reported being raped while in the military;

Whereas the number of reported sexual assaults and rapes in the military increased by 73 percent from 2004 to 2006, according to the Department of Defense;

Whereas 2,688 sexual assaults were reported in the military in fiscal year 2007, including 1,259 reports of rape, according to the Department of Defense;

Whereas the military chain of command took no action in almost half of the cases of sexual assault in the military investigated by military authorities, claiming insufficient evidence, and the majority of the cases in which some action was taken were resolved through nonjudicial punishment or administrative action, which in most cases amounts to little more than a slap on the wrist;

Whereas only 181 of the 2,212 subjects, or 8 percent, investigated by the military for sexual assault during fiscal year 2007 were referred to courts martial;

Whereas civilian law enforcement authorities prosecute approximately 40 percent of individuals arrested for rape, according to statistics of the Department of Justice and the Federal Bureau of Investigation;

Whereas the absence of aggressive prosecutions by the military perpetuates a hostile environment and hinders a victim's willingness to report a sexual assault or rape;

Whereas, in 2005, the Department of Defense created the Sexual Assault Prevention and Response Office, which serves as the single point of accountability and oversight for the policies of the Department relating to sexual assault;

Whereas the Sexual Assault Prevention and Response Office has improved reporting of sexual assault and rape, but still does not track investigations or prosecutions of reported cases; and

Whereas sexual assault and rape in the military are a threat to the national security of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of Defense should develop a comprehensive strategy to increase and encourage investigation and prosecution of sexual assault and rape cases in the military that includes—

(1) requiring commanders to be held accountable for sexual assaults and rapes that occur in the units under their command and to provide justification for disposing of cases through nonjudicial punishment and other administrative actions;

(2) developing and enhancing existing prevention and response programs by using proven best-practice methods to create a culture that prevents sexual assault and rape in the military and encourages more reporting of sexual assaults and rapes by victims;

(3) conducting more aggressive oversight of existing prevention and response programs, establishing performance metrics to ensure that such programs are effective, and analyzing trends in the prevention and reporting of sexual assaults and rapes;

(4) reviewing current training methods for all personnel involved in military investigations of sexual assault and rape cases, and for judge advocate staff, and implementing any improvements that are necessary;

(5) encouraging communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces and the Department of Defense to enhance coordination and oversight of sexual assault and rape cases as those cases move through the legal process;

(6) reviewing the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively sexual assault cases in the military;

(7) examining any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of sexual assault and rape cases;

(8) reviewing command disposition of cases and identifying whether additional oversight is required to ensure that the resolution of cases through nonjudicial means is justified;

(9) classifying a military protection order as a standing military order to ensure that an investigation has occurred and appropriate command authorities have completely adjudicated allegations before the order can be overturned;

(10) establishing a policy that mandates the notification of any military protective order issued at a military installation to local civilian law enforcement agencies to provide the continuity of protection to victims; and

(11) ensuring that once a member of the Armed Forces has notified the member's command that the member has been sexually assaulted or raped, the command affords the member an opportunity for transfer if a military protection order is issued.

AMENDMENTS SUBMITTED AND
PROPOSED

SA 5339. Mr. ALEXANDER (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Ms. MURKOWSKI, Mr. BROWN, Mr. MCCONNELL, Mr. HARKIN, and Mrs. MURRAY) 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 5340. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5341. 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 5342. 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 5343. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5344. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5345. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5346. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5347. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LEAHY, Mr. WYDEN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5348. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5349. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5350. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5351. Mr. AKAKA (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5352. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5353. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5354. Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

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

SA 5356. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5357. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5358. Mr. ENSIGN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5359. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5360. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5361. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5362. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5363. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5364. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5365. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5366. 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 5367. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5368. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BENNETT, Mr. BROWNBACK, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. ENSIGN, Mr. DOMENICI, Mr. ENZI, Mrs. HUTCHISON, Mr. ISAKSON, Mr. THUNE, Mr. INHOFE, Mr. KYL, Mr. WICKER, Mr. ROBERTS, Mr. CHAMBLISS, Mrs. DOLE, Mr. BURR, Mr. MARTINEZ, Mr. STEVENS, Mr. COBURN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5369. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, Mr. ROCKEFELLER, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5370. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5371. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5372. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5373. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5374. Mr. REID (for Mr. BIDEN (for himself, Mr. KERRY, and Mr. HAGEL)) 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 5375. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5376. Mr. WARNER (for himself and 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 5377. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5378. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5379. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5380. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5381. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5382. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5383. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5384. Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5385. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5386. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5387. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5388. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5389. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5390. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5391. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5392. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5393. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5394. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5395. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment in-

tended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5396. Mr. VOINOVICH (for himself and 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 5397. Mr. VOINOVICH (for himself and 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 5398. Mr. VOINOVICH (for himself and 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 5399. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5400. 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 5401. 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 5402. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5403. 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 5404. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5405. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5406. Mr. LEAHY (for himself, Mr. BOND, Mr. FEINGOLD, Mr. BROWN, Ms. KLOBUCHAR, Mr. HARKIN, Mr. JOHNSON, Mr. CASEY, Mr. BYRD, Mr. GRASSLEY, Mr. SMITH, Mr. CARDIN, Mr. CRAIG, Mr. WYDEN, Mr. ROCKEFELLER, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5407. 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 5408. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5409. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5410. Mr. HARKIN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5411. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5412. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5413. 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 5414. Mr. KYL (for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 3001, supra.

SA 5415. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5416. 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 5417. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5418. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5419. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5420. Mr. TESTER (for himself and 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 5421. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5422. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5423. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5424. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5425. 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 5426. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5427. Mrs. BOXER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

SA 5428. 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 5429. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5430. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5432. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5433. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5434. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5435. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5436. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

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

SA 5438. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5439. 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 5440. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5441. Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) 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 5442. Mrs. MCCASKILL (for herself, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5443. 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 5444. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5445. Mr. BAYH 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 5339. Mr. ALEXANDER (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Ms. MURKOWSKI, Mr. BROWN, Mr. McCONNELL, Mr. HARKIN, and Mrs. MURRAY) 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 B of title XXXI, add the following:

SECTION 3116. PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) **SHORT TITLE.**—This section may be cited as the “Energy Employees Occupational Illness Compensation Program Improvement Act of 2008”.

(b) **PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.**—

(1) **IN GENERAL.**—Section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-1) is amended to read as follows:

“SEC. 3672. COMPENSATION TO BE PROVIDED.

“Subject to the other provisions of this subtitle:

“(1) **CONTRACTOR EMPLOYEES.**—

“(A) **IN GENERAL.**—A covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3673.

“(B) **COMPENSATION AFTER DEATH OF CONTRACTOR EMPLOYEE.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (2)(B), if the death of a contractor employee occurs after the employee applies for compensation under this subtitle but before such compensation is paid, the amount of compensation described in clause (ii) shall be paid to a survivor of the employee (for purposes of section 3674) or, if the employee has no such survivors, to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).

“(ii) **AMOUNT OF COMPENSATION.**—The amount of compensation described in this clause is the amount of compensation the contractor employee would have received pursuant to section 3673(a), except that if the Secretary cannot determine the minimum impairment rating of the employee under paragraph (1) of such section as a result of the death of the employee, such compensation shall not include compensation pursuant to such paragraph.

“(2) **SURVIVORS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B) or paragraph (1)(B), a survivor of a covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3674.

“(B) **ELECTION OF CONTRACTOR EMPLOYEE COMPENSATION OR SURVIVOR COMPENSATION.**—A survivor who is otherwise eligible to receive compensation pursuant to both subparagraph (A) and paragraph (1)(B) shall not receive compensation pursuant to both subparagraph (A) and paragraph (1)(B), but shall receive compensation pursuant to subparagraph (A) or paragraph (1)(B), as elected by the survivor.

“(C) **COMPENSATION AFTER DEATH OF SURVIVOR.**—If the death of a survivor occurs after the survivor applies for compensation under this subtitle but before such compensation is paid and, in the case of compensation pursuant to paragraph (1)(B), there are no other survivors of the employee (for purposes of section 3674), the amount of compensation the survivor would have received under this section shall be paid to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).”.

(2) **APPLICABILITY.**—The provisions of section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-1), as amended by paragraph (1), shall apply to applications for compensation under subtitle E of such Act filed before, on, or after the date of the enactment of this Act.

SA 5340. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DURBIN, and Mr. WARNER) 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 title XII, add the following: