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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 8, 2008, at 2 p.m.

Senate

FRIDAY, JUNE 27, 2008

The Senate met at 9:45 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Great God of love, in Your hands are the depths of the Earth, and the mountain peaks belong to You. We come to You with trust and confidence, for You have promised to watch over and sustain us.

Look favorably upon the efforts of our lawmakers, and help them to humbly serve You and country. May they place Your priorities above their own and seek Your guidance at each crossroad.

Lord, as we again prepare to celebrate America's birthday, make our Nation a beacon of hope to the world. Lead our Nation so that our efforts at home and abroad will be a reflection of Your character and grace. And Lord, bless all who defend our liberties on sea, land, and air.

We pray in the Name of our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 27, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

There will be no rollcall votes today. The next vote will occur at 5:30 p.m., Monday, July 7. That vote will be on the motion to invoke cloture on the motion to concur with respect to the housing reform legislation.

Last night, we were able to reach agreement to complete action on the

FISA legislation. That will be when we return from the recess. So there will be three amendments in order to the legislation, with limited debate time on each. Senators should be prepared to debate and vote on the FISA legislation, which we will complete on Tuesday, July 8.

MEASURES PLACED ON THE CALENDAR—S. 3202, S. 3213, AND H.R. 3195

Mr. REID. Mr. President, I understand there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3202) to address record high gas prices at the pump, and for other purposes.

A bill (S. 3213) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

A bill (H.R. 3195) to restore the intent and protections of the Americans With Disabilities Act of 1990.

Mr. REID. Mr. President, I object to proceeding to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

NOMINATIONS

Mr. REID. Mr. President, we have a number of nominations we are going to try to clear today. We have a number

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of consent requests but just a few in number. We have been asked by the White House to hold off on one of those for the next 15 minutes, so we will do that. We have quite a large batch of nominations to clear. We have a hold on them. We thought we had it all worked out, but there is a problem on the other side. That is unfortunate, but that is what seems to happen. I have had a number of conversations with the President's Chief of Staff, and they have had numerous meetings with my people and the President's people. We thought we had everything worked out—and we do on our side—as to what Mr. Bolton wants. But we will wait to see if that can be worked out with the minority, and sometime in the near future.

I have nothing further at this time, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Mr. President, I am not sure we do have a problem. We are taking a look at it now, and we will be in further consultation with the majority leader.

Mr. REID. Excellent. That is good news.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Pennsylvania is recognized.

KEY PROVISIONS OF H.R. 6331

Mr. CASEY. Mr. President, I rise this morning, prior to our break for the Fourth of July holiday, to talk about Medicare and in particular some of the activity on the floor in the last couple of weeks, but especially last night.

I wanted to highlight some of the provisions of the Medicare Improvements for Patients and Providers Act of 2008 because sometimes, when something gets voted on here, whether it is the bill or a measure to get us to the bill, it can go right by a lot of us and certainly can go right by the American people without enough focus on some of the provisions of the bill and some of the detail. I think it was a real missed opportunity, and I will talk about that

in a moment, but now just some of the highlights.

First of all, with regard to physicians in America, the bill eliminates the pending 10-percent cut in Medicare payments to physicians for the remainder of 2008 and provides a 1.1-percent update in Medicare physician payments for 2009. It provides a 2-percent quality reporting bonus for doctors who report on quality measures through 2010 and provides financial incentives to providers to encourage the use of electronic prescribing technology.

I don't think anyone in America needs to be reminded of how important this is, not just to make sure our Medicare system works well because of the positive impact this could have on doctors, but also anything we can do to encourage the use of information technology or other kinds of technology to make our system more efficient and more safe is critical. So that is one part of the physician section of this bill.

For hospitals in particular and especially in my home State of Pennsylvania, there are so-called section 508 benefits. I will give a quick summary of what that means.

This bill would extend 508 benefits to hospitals so they can continue to pay doctors and other providers in accordance with wages from surrounding areas. For northeastern Pennsylvania especially, this is a critical provision.

Basically, and I am generalizing here, sometimes what happens is you have regions of a State that are categorized or given definitions that don't apply, and the reimbursement level goes down, and therefore the wages are impacted and they have trouble recruiting skilled personnel for positions in those hospitals. So we need a long-term fix for this situation. What this bill would do is continue to extend some help we have given in the past, but we do need a long-term fix, and we are working on that. For now, we need to provide this wage assistance to hospitals—and many hospitals in Pennsylvania have been hit hard by this—so they do not lose critical personnel to surrounding areas. It is a very competitive business, the business of recruiting qualified medical personnel.

That is the physician section.

The second section—and I am going to review just two or three more—the beneficiaries. There is a lot to talk about here, but this bill adds a critical benefit for low-income older citizens, who are among the most vulnerable Medicare beneficiaries. It extends and improves low-income assistance programs for Medicare beneficiaries whose income is below \$14,040. This includes the so-called Qualified Individual Program, which pays Part B premiums for low-income beneficiaries with incomes between \$12,480 and \$14,040. This provision is important to beneficiaries. The bill would increase the amount of assets low-income beneficiaries can have and still qualify for financial help with Medicare costs.

The Presiding Officer knows from his own work in the State of Ohio and the people he represents that as we went through the farm bill, one of the points we focused on with regard to food stamps was that some people who get a benefit from food stamps were adversely affected because things such as childcare expenses—so essential for a family—were being included as part of their assets, and it made it harder for them to get food stamp benefits. The same kind of principle is at stake here, where too often the eligibility determinations for low-income beneficiaries are unfair. This would improve that.

Another area I wish to talk about are pharmacies. The bill requires Medicare to pay pharmacies on time—as they should anyway. Isn't that an interesting provision? These pharmacies have to pay out on prescriptions, and they need reimbursement quickly so they can stay in business. Many of them are the only pharmacies serving their communities in small towns.

When people think of my State, they think of big cities such as Philadelphia or Pittsburgh or Erie or Scranton or Harrisburg or Allentown. But in between, we probably have more small towns than most States in the country. In those smaller communities, that pharmacy is sometimes the only option for many families—and not just rural families but many families who just live in small towns. It is certainly reasonable to expect these pharmacies to be reimbursed within 14 days, and that is what this bill does. It forces the Federal Government to do what it should do, which is to pay pharmacies on time.

Medicare Advantage. That is something we are going to be talking more about, but that is a subject of significant debate in the country. This bill deals with that issue directly. It also deals with rural providers and other beneficiaries.

The bill protects access to care in rural America by extending and building upon expiring provisions, including improving payments for sole community hospitals, critical access hospitals, and ambulances. It extends expiring provisions that preserve payment equity for rural physicians and rural hospitals that run clinical laboratories.

I could go on from there, but I won't. This isn't just about some Medicare concerns we have in our cities, this is about rural America and access to care in rural America. And Pennsylvania has as much of a rural population as virtually any State in the country. We are at least in the top five, at last count.

So all of this is a way to summarize the bill and not do justice necessarily to the detail of the bill. This was a bill that was worked on here, worked on in the Finance Committee for many weeks, and worked on in the House in consultation with the Senate. The chairman of the Finance Committee, MAX BAUCUS, and his team and people

on that committee worked very hard, and I will tell you, to have it stopped, as so many things have been blocked around here—when I look at the total votes, Democrats did their job. We voted, every one of us, in unison to get this legislation moving forward. Yet, if you look at the total, on this vote last night there were eight Republicans who voted to move the bill forward.

When you consider what is at stake—I mean, we listened to the arguments from the other side, but when you talk about making sure physicians are treated fairly so they can treat older citizens in Pennsylvania, Ohio, and across the country; when you talk about reimbursement in the case of hospitals in northeastern Pennsylvania, where they are competing for skilled personnel, yet we are not going to move something forward that can help them on their wages so they can have the best possible care for older citizens—in my home area of northeastern Pennsylvania, we have the highest percentage of people over 65 of anyplace in the country. We need help with this wage index problem to recruit the best personnel.

When you talk about beneficiaries, these are very vulnerable low-income beneficiaries, some of whom do not just have to worry about their Medicare benefits, but they are standing in lines to get food from food pantries. The Presiding Officer has talked about this a lot over the last year. The price of everything in their lives has gone up—gasoline and food, they are worried about Medicare, they are worried about their children and their grandchildren. And we can't vote to move something forward? It is outrageous that we have this split where you get all these Democrats voting for it and only eight Republicans.

Finally, when it comes to pharmacies and rural providers, my goodness, if we can't move legislation forward to make sure the Federal Government pays pharmacies within 14 days, what are we doing? We can't get the votes to move forward.

People across America and families on Medicare are worried. They are worried about Medicare and how it is going to impact their lives. I want them to be aware of what happened here. Democrats voted in unison to move this forward, to make these changes to the Medicare Program. The other side did not. It is a very simple equation. I know we will vote on this again, and I hope our colleagues on the other side, when they consider what is at stake for rural America—for small towns across the country and for very vulnerable people—I hope they would take that into consideration and vote the right way for older citizens and for those families.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Will the Senator withhold his request?

Mr. CASEY. I will withhold.

Mr. SESSIONS. Mr. President, may I be recognized?

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

RURAL HEALTH CARE AND WAGE INDEX PROBLEMS

Mr. SESSIONS. Mr. President, I thank the Senator from Pennsylvania for raising some important issues with regard to the way our Medicare system works—and Medicaid, too, for that matter. In many areas of the country at least half the health care that is provided goes through those programs. I would like to associate myself with what I understood to be one comment that he made about rural health care and wage index problems.

Hospitals in America are reimbursed at different rates. If you are a hospital in a smaller area, the Federal Government calculates how much you should be reimbursed based on what they call a wage index, and that wage index pays substantially less or results in a payment substantially less than is given to hospitals in urban areas for the very same procedure and the very same care.

We tried to make some progress, and did make some progress, a few years ago under the leadership of Senator GRASSLEY. He understood the issue. He believed it was adverse to some of the smaller communities in Iowa. We had some discussion about it. We made some progress, but it is still very dramatic.

Let's say the average is \$100 for a procedure; this is what a hospital would be paid. If your wage index is 80, then you would be paid \$80. If your wage index were 120, you would be paid \$120. If you have two hospitals, one of them with a higher wage index, it gets paid \$120, and a poorer, rural hospital would get paid \$80.

This has some ramifications that go beyond common sense in that the equipment that a rural hospital needs to utilize may be utilized less often, and therefore is more expensive per procedure, than one that will be utilized in a wealthier hospital in a wealthy area. I think this is a big issue.

In response to the concern about the bill, I understand there is a firm view of Members on this side, and the President, that the Medicare Advantage program not be eliminated in this bill. That is basically what has happened. We want to see many, if not all, the reforms in here, or most of these reforms, but there are one or two matters that this side of the aisle feels very strongly about. If we could work those out, I think we could pass that legislation in prompt order.

Some would say it has been blocked by those on this side, and some on this side say it has been blocked by the unwillingness to discuss the concerns that we have, and therefore it is blocked on the other side.

I see our distinguished majority leader.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE PEPFAR REAUTHORIZATION

Mr. REID. Mr. President, in 2003, Congress responded to President Bush's call for action by creating the Global HIV/AIDS Program. The goal of that program was to confront the crisis which has killed more than 30 million Africans since 1982. Thousands are dying every day. About 5,000 are dying every day in Africa—every day, weekends, no holidays off. This strongly bipartisan effort to create this legislation has already helped tens of millions of Africans affected by HIV/AIDS. It has been 5 years since we passed that legislation, and now it is time to reauthorize the Global HIV/AIDS Program.

This program was started with bipartisan support, and that support remains today. The House of Representatives passed the reauthorization on a strong bipartisan vote. The Senate Foreign Relations Committee also passed the bill with broad bipartisan support. This legislation has the strong support of Senate Democrats, most of the Senate Republicans, and President Bush.

Unfortunately, as happens often, the legislation has been blocked by a small group of Republican Senators who have placed a hold on this legislation, preventing us from moving forward. That is why several months ago I asked Chairman BIDEN and Ranking Member LUGAR to negotiate a compromise. They worked tirelessly on this challenge. I thank them for their hard work. Also, Senator ENZI, the ranking member of the HELP Committee, in the absence of Senator KENNEDY, has worked very hard to get rid of some of the holds.

Given the importance of this legislation and the overwhelming amount of work we have to do in the Senate, I thought it would be appropriate to set a deadline to get something done, and that deadline was this week for the negotiations to be completed. First, it was Monday, then Tuesday, then Wednesday. Then yesterday I was told by Senator ENZI there was one more person to work it out with and we could clear it tomorrow. That is today—he told me that yesterday.

We thought an agreement had been reached, and we have a final text of the agreement. I thank everyone for their work and their leadership during these negotiations, for their hard work over the past few days to close the deal on the final issues.

Senators COBURN, ENZI, BURR—I indicated, and the White House—have all taken part. I certainly hope my colleagues on the other side will not block this bipartisan agreement.

President Bush will be attending the G-8 conference over the July recess and

should have this bill in hand to show the commitment of the United States on HIV/AIDS. As President Bush said in February of this year:

Congress needs to make sure that this HIV/AIDS plan, PEPFAR, gets reauthorized for a 5-year period of time. We don't want people guessing on the continent of Africa whether or not the generosity of the American people will continue.

Mr. President, we really must act now. I ask unanimous consent—

Mr. SESSIONS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator will refrain until the majority leader finishes his request.

UNANIMOUS CONSENT REQUEST—S. 2731

Mr. REID. Mr. President, Calendar No. 698, S. 2731—this legislation is named after Tom Lantos and Henry Hyde, with whom I had the good fortune of serving in the House of Representatives. They were both wonderful men. This is called the Lantos-Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Act.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 698, S. 2731, that the only amendment in order, other than the committee-reported substitute, be the Biden-Lugar substitute which is at the desk; that the substitute be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill and there be no further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. I object for a number of Senators who have not been a part of this negotiation and have some concerns.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am disappointed, to say the least, that again the Republicans objected to passing this bill. The White House made a number of calls this morning but obviously not enough. They are concerned that the President is going to be embarrassed when he goes to Europe and not be able to say that this legislation is going to be approved.

I now will offer a unanimous consent agreement, another one, which I think is reasonable based on the bipartisan agreement we have reached so far, which allows Senators on both sides to offer amendments. So I say to everyone, if people do not like this, let's bring this to the floor and have some amendments. That is what this is all about. The consent agreement will have the bill come to the floor at a time when both leaders agree—not just me.

A lot of things we do here say: The majority leader in consultation with the minority leader. That is not what we are saying today. It will take the consent of both leaders. I hope this will be something that is acceptable.

With this consent agreement, we are making the commitment to move the

bill to the floor but giving both Democrats and Republicans a voice in the process. This agreement is fair and allows for a substitute to represent the bipartisan agreement—and, as I said, this offer is more than fair. So here is my next unanimous consent request that I will propound.

I ask unanimous consent the Senate proceed to the consideration of Calendar No. 698, S. 2731, at a time to be determined by the majority leader, following consultation with the Republican leader, and that the only amendments in order, other than the committee-reported substitute, be the following: Biden-Lugar managers' package substitute amendment, two amendments from each side that are germane to the Senate bill, committee-reported substitute and the Biden-Lugar substitute; with second-degree amendments in order to the four amendments that are germane to the amendments to which offered.

There will be two amendments on each side with second-degree amendments in order to the four amendments. As you multiply that, that is a lot of amendments. They have to be germane, would be the only stipulation.

General debate on the bill will be limited to 2 hours equally divided, controlled between the leaders or designees; debate time on any first-degree amendment be limited to 60 minutes equally divided and controlled in the usual form; and any second-degree amendments be limited to 30 minutes equally divided and controlled in the usual form; that upon disposition of all amendments, the use or yielding back of time, the substitute, as amended, be agreed to, the bill, as amended, be read a third time, and the Foreign Relations Committee then be discharged of H.R. 5501, the House companion, and that all after the enacting clause be stricken and the text of S. 2731, as amended, be inserted, the bill be read a third time, and the Senate proceed to vote on passage of H.R. 5501, as amended; that the provisions of this agreement become effective only after each of the amendments covered under this agreement have been available for 24 hours for review and printed in the RECORD; and each leader notifies the legislative clerk that they have no objections, and places a statement in the RECORD; further, that S. 2731 then be returned to the calendar.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. Reserving the right to object, I think some Senators who have concerns about this are not here at this time. I am not at liberty, therefore, to agree to the plausible scenario for moving this bill forward that the majority leader proposed. I note the House has gone out of session, so without their consent the bill would not clear and become law in any case before we get back from our upcoming recess. But I would note that some fabulous progress has been made as a mat-

ter of policy in this bill. I feel far better about it from what I learned this morning—although that was the first time I heard about it—than I did previously.

For those reasons, I will object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I am deeply disappointed. We are going to finish this bill sometime during the next work period, or certainly give it a real try.

Democrats have listened to the concerns of every Senator, especially a small group of Republicans standing in the way of international AIDS assistance. We have compromised, and we have negotiated for months.

The unanimous consent agreement that I have offered is more than fair and will bring forward a strong bipartisan bill. As I said, we will have to finish this when we get back in 10 days or so. We have to finish the housing bill, we have to do the work on FISA; that should take up the first week.

And, of course, we have other things to do. But this will be part of what we plan to do during the next work period. There are literally millions of people depending on us.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, a request for unanimous consent means that the bill passes the Senate without debate, as written. Each Senator should honestly evaluate that before they give their consent.

Senator COBURN was raising a number of concerns, and I think he has been satisfied in them.

Mr. REID. That is true.

Mr. SESSIONS. For example, one of the things he and I felt strongly about was the rule that more than half the funding should be used for medical care. That has a lot of science behind it. And AIDS groups in Africa pleaded with us. That was changed. That is now in there. So I was very pleased with that.

Another change also affirmed abstinence-only programs. Another reform Senator COLEMAN asked for and has received would prevent funding from going to more wealthy nations such as Russia, China and India than would have been available under the original bill.

It would now prevent substandard medicines from being used and would treat faith-based groups that are working hard in Africa now in a fair way. So some real progress has been made on this legislation. I would certainly be the first to acknowledge that.

I have not had a chance to fully look at all of it. But I do think President Bush and the majority leader and others who have worked on this have made the legislation better.

Mr. REID. We will certainly hope to make it good enough that we can get it out of the Senate. We have tried very hard to do that. It is an important piece of legislation.

This is something the President has wanted. He talks about it all the time. We have done our best for him, and we will keep everyone advised of our progress.

We are going to do our very best to finish this next work period. I am confident it may take a little bit of time that people do not want to spend, but we are going to have to do that because it is too important not to.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

RISING PRICE OF GASOLINE

Ms. CANTWELL. Mr. President, I rise this morning to talk about the ever-increasing problem and crisis we have in this country with the rising price of gasoline.

Many of my colleagues saw that yesterday oil futures hit \$140 a barrel; I think today it is up to \$141 a barrel. The stock market, I think, is responding to the anxieties that oil costs are causing to our economy and the future prospects of some people speculating it might even be going up to \$150 or \$200 a barrel. This is a problem for us and a problem that this body needs to address and needs to address quickly.

Many people at home are understanding—because at almost \$4.30, whatever people are paying for gasoline across the country, in Washington State we seem to pay a higher price than the Nation, on average—are starting to understand what the oil futures market is and how much speculation is happening.

But we can see today that on world consumption, there are about 86 million barrels of oil a day that are consumed. But what people might find surprising is that the volume of that oil traded back and forth on a daily basis is over 1 billion barrels per day.

So we produce 86 million, but yet we trade it over and over and over again. In fact, 14 times we trade and sell one barrel of this oil back and forth every day. Many of my colleagues and myself have concerns about the fact that much of this trading, at least this chunk of it, done on the Intercontinental Exchange is done in a dark market. So we do not know what kinds of positions people hold, we do not have the same requirements for excessive trading that we do on NYMEX and on the Chicago Mercantile Exchange.

So we have a lot of anxiety that there is a lot of trading going on in the dark that people do not understand and that this situation, while we are out on recess, could be exacerbated; that we could have a grave problem while we are seeing this continue to shoot up.

A few weeks ago, we had the price shoot up \$10 in 1 day. So my colleagues in the House responded to this, knowing it is an emergency situation. In fact, 402 House Members recognized this is an emergency situation, passed legislation yesterday that was brought to the floor, not a lot of discussion or

debate. There have been many hearings, but the decision was made, because we are leaving, to bring up this emergency declaration to say to the CFTC that they should use their emergency authority to make sure they are cracking down on any excessive speculation in all markets, including those that currently have loopholes, such as the Foreign Boards of Trade, such as ICE, those exempt electronic markets and any exempt swaps and bilateral energy trading.

That is what 402 of our House colleagues said, is that they believe it is an emergency and that the CFTC should use its emergency authority and use that authority to make sure that excessive speculation is investigated, that they demand that people reduce position limits, that they have overall stricter position limits, and that they be aggressive while we are gone on recess.

So while we are taking a holiday, there is no holiday for consumers from higher gas prices. But one thing we can do is make sure the chief agency in charge of policing these oil markets uses its emergency authority while we are gone to do everything they can to protect consumers.

I think this is important legislation. And the fact that 402 of our colleagues also agreed in the House of Representatives, led by Representative CHRIS VAN HOLLEN and Representative BART STUPAK, it is time we do the same thing.

As I said, they did not have a lot of time to discuss this, they were all in agreement that this is an emergency situation, and we should make sure the CFTC uses that emergency authority.

UNANIMOUS CONSENT REQUEST—H.R. 6377

I ask unanimous consent that the Senate proceed to the immediate consideration of this House bill, H.R. 6377, the Energy Markets Emergency Act, which was received from the House; the bill be read three times and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SESSIONS. Reserving the right to object. Would the Senator amend the unanimous consent request, that this legislation be the first order of business following disposition of the FISA legislation and that the first amendment in order be a McConnell amendment, which is the text of S. 3202, the Gas Price Reduction Act?

Ms. CANTWELL. I do not agree to the modification of my request.

Mr. SESSIONS. Mr. President, I object on behalf of the leaders on this side.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. CANTWELL. Mr. President, I am obviously disappointed that my colleague on the other side of the aisle is objecting to this request because this legislation passed by us could go to the President's desk, and we would be sending a very strong message today, that

while we are gone, this is a serious crisis, and we expect the Federal regulator, the policeman on the beat, to be doing their job while we are gone.

We have tried to say to this agency that they should be more aggressive. We have pushed them with letters; we have pushed them with oversight hearings. But now we have our colleagues in the House of Representatives saying: You shall use your emergency authority.

It is disappointing that even though 402 Members, a majority of Republicans and a majority of Democrats—I think only 19 people did not vote in favor of this particular measure—that over 400 Members thought this was such an emergency that we should take this action.

It is very unfortunate that while we are going on holiday, our consumers are not going to have a holiday from high gas prices and will not have the protections and the indication that we have said is critical to making sure oil markets are properly policed and that we do not continue to see this rising and huge increase in gas prices while we are gone.

I am very disappointed in the objection and will continue to fight this issue to make sure our consumers are protected by the Federal agencies that are supposed to be doing their job in protecting them from excessive speculation and manipulation.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WAIVING SANCTIONS ON NORTH KOREA

Mr. BROWNBACK. Mr. President, I wish to speak to the body about an announcement made by the administration yesterday that is probably best captured on the front page of the Washington Times: “‘Axis of evil’ member to be scratched from list.” These are the announcements of the administration policy of what they are going to take that was announced yesterday regarding North Korea.

I believe the administration's announcement yesterday about lifting sanctions on North Korea and removing it from the list of state sponsors of terrorism is shocking, is sad, and it belies the facts. I say “shocking” because of the extent to which we have allowed Kim Jung Il to manipulate the situations and the negotiations. I know some are calling this a victory, but I want us to just review what has taken place and the facts on the ground and the facts in North Korea and the facts for the North Korean people.

I have spoken several times on this floor about North Korea, about its abysmal record of human rights, about the gulag system that is taking place, about 10 percent of its population being killed over the last 15 years through either starvation, deprivation, or the gulag system. When this place finally opens up, we are going to see a level of depravity that is going to rival some of the worst situations we have seen in the last 50 years. Yet now we are removing them from the state sponsor of terrorism list, we are lifting sanctions on them for their nuclear explosions, and we are saying: OK, it is going to be brought into the normal group of nations.

I wish to talk about factually what we know is taking place today in North Korea and ask my colleagues to ask themselves: Is this something we really should be doing? Does this really factually address what the situation is today in North Korea?

North Korea sent the Chinese a declaration that is 6 months late on their nuclear involvement. It does not include any information on uranium enrichment. It has nothing on the secret, illegal nuclear reactor exported to Syria that was bombed a year and a half ago by the Israelis, and it has no indication on the number of nuclear weapons North Korea produced. That is what is missing.

I will talk about what we have done, and yet we do not have that base of information about which I just spoke. In return for this paltry and, frankly, I think insulting lack of information handed over by Kim Jung Il—and I hesitate to call this a declaration for its severe deficiencies—our Government is legitimizing this regime by waiving the Trading With the Enemy Act and removing it from the list of state sponsors of terrorism.

I have heard the argument that these sanctions are only symbolic and that there are many more sanctions still in place to continue the isolation. But let me show you what the State Department gave me on this very subject yesterday.

As shown on this chart, this is the list of sanctions that remain, and they list on it the Glenn amendment sanctions, which I remind the body is a set of mandatory sanctions, that if you use or detonate a nuclear device, these sanctions automatically go on you. They are listed as sanctions being maintained, and yet yesterday this body, in the supplemental, provided the administration with waiver authority on Glenn amendment sanctions toward North Korea. This was something lobbied for heavily by the State Department and this administration. So we cannot say those sanctions are still in place when the administration now has the authority to waive those as well because of lobbying in this body.

We may recall last month when the State Department came to the Hill and lobbied intensively for Congress to waive these Glenn amendment sanc-

tions. I heard about how important it was to give the Department a waiver to carry out disablement and dismantlement. Then that waiver was included in the supplemental without any Senate hearings on the matter. There were no Senate hearings on waiving Glenn amendment sanctions toward North Korea. When the State Department says not to worry, I have very little reason to feel comforted by their assurances that there are plenty more sanctions on the books when they worked hard to lift these very sanctions.

Another point on delisting: What does this say to the other state sponsors of terrorism? It tells President Bashir of Sudan or Castro from Cuba that the way to get off the list is to go out and start a nuclear program and then bargain it away in exchange for getting delisted.

Does anyone really believe North Korea should be removed from this list? That is the pointed question I would like to ask Members of this body and the administration. Does anybody really believe North Korea should actually be taken off the state sponsor of terrorism list when they provided missile technology to Iran, a nuclear reactor to Syria, funding of any number of groups—I want to back off of that statement. I want to only state ones that are obvious and well known. While Iran remains the most active state sponsor of terrorism, North Korea is the only one as far as I know that has built a secret nuclear reactor for a fellow member of this malicious group.

On top of that, the CRS report from just a few months ago provides ample evidence of significant North Korean assistance to terrorist groups. There are reports that North Korea sent trainers and advisers to southern Lebanon to help Hezbollah build tunnels. Other sources say they provided materials for the rockets fired into Israel.

The other piece, as I mentioned, is that today's announcement is saddening. I say saddening because no progress was made on human rights despite all the concessions we handed over, no progress made on human rights in spite of 10 percent of the population being killed in the last 15 years in North Korea. No progress made on human rights—not a part of the agreement, not a part of delisting them, not a part even of the specific items listed by the President that must be done for North Korea to gain its way back into a reasonable relationship with other nations. Despite all the concessions we handed over, there has been no progress at all. We have no assurance that any will be made going forward in this process.

Let me read what the President said about what North Korea must do to end its isolation. This is what the President said yesterday morning:

To end its isolation, North Korea must address these concerns. It must dismantle all of its nuclear facilities, give up its separated plutonium, resolve outstanding questions on its highly enriched uranium and prolifera-

tion activities, and end these activities in a way that we can fully verify.

What about shutting down the concentration camps?

I want to show a picture from Google Earth, so anybody can go and see these. This is Camp 22. If you would like to spot it on Google Earth, these are blown up from Google Earth. The administration probably has a little better resolution on some pictures they have. This is one of the most notorious gulag prison camps in the world. It is in North Korea. Once you go into Camp 22, you do not come out. Nobody has come out of this camp alive. This exists in North Korea today. It continues to exist. Nobody in the administration or elsewhere is calling for it to be shut down. Yet we are going to take them off the state sponsor of terrorism list—while people go in and never come out of this place. Does this sound familiar? Have we heard this story before? Have we heard it before in any dealings with other regimes?

Let me show you a few other pictures of this place from Google Earth. Anyone can go and look at it yourself. Here are some of the barracks at Camp 22. It is a large place. It is larger than the city of Los Angeles areawise, with big mining operations, timber operations where they work people to death. Shown in the picture are some of the barracks of this place. You have fencing, guard posts, the road coming in, the road going to a coal mine where people die mining for coal.

This is a picture of some people—there is not much resolution, again, on that—people probably just going in, never to come out. If we stand here in a couple years, after this regime is no longer in power or it opens up, and we start to get the data and we start to get the evidence and we start to find the bodies and get the body count of how many people died here, I want you to remember this picture. We saw it.

We have done this before where we have said: OK, well, yes, we think there may be something going on, but we are not sure about it, and plus it is more important that we just deal with this specific issue of plutonium and forget these people and them dying, when we have it in our power to negotiate this and say: No, we are not going to take you off this terrorism list until you do something on human rights, until you close down this camp and highlight that piece of it instead of just having this narrow piece, and then this is the way forward to deal with and delegitimize the regime and stop getting the people killed.

The weapon of mass destruction is Kim Jung Il, and what he is doing it on right now is his own people, and we know it.

As I have noted before, Google Earth has made a witness of us all. These images are available to anyone and everyone with an Internet connection.

What about the starvation policy of the regime? What about the kids who are starving in the regime? Let me

show you a picture. I do not have this one blown up. It is a picture of orphans looking out of an orphanage. You can see their emaciated bodies. The German physician, a few years back, who was going around and treating some people in North Korea snuck out pictures very similar to this—not very happy. What about the thousands of refugees who flee to China, many of whom are trafficked into the sex slave trade, while others get repatriated back to North Korea by Chinese authorities to face torture, execution, or a trip to Camp 22? These are issues that by law must be addressed in these negotiations under the North Korean Human Rights Act, signed under this administration, which declares it so.

Furthermore, does anyone really believe we can trust Kim Jung Il to be truthful with these declarations that he is handing us when he has no qualms about treating his own citizens in such a barbaric way? There is a report in the Washington Post that the documents he handed over to us about plutonium and their plutonium plant actually had traces of uranium on the very documents themselves—on the documents.

So while we are dealing with plutonium and we are delisting them as a State sponsor of terrorism, the documents they hand over to verify this have traces of uranium on the documents. Is that mind boggling? We are saying we are going to delist you because you dealt with plutonium, but we are not going to require anything on uranium and we are going to waive the Glenn amendment, push the Congress to waive the Glenn amendment for you detonating a nuclear device, when you built a nuclear reactor in another state-sponsored terrorism country of Syria. We are not going to require anything on that, and we are going to waive these sanctions of Trading with the Enemy Act when you are giving missile technology to Iran which has missiles pointed at Israel and other allies of ours in that region and possibly, in the future, to have range to the United States.

I am stunned. The things we are saying and doing are absolutely counter to the facts on the ground.

I am happy we are dealing with plutonium, but for what we are giving up—“axis of evil” member to be scratched from the list”—and we don’t have anything on uranium. We don’t have anything on human rights. We don’t have anything on missile technology being shipped out to Iran, of all places; we don’t have anything on the nuclear reactor that was built in Syria, and we are going to waive all of these things? Meanwhile, the people die.

This seems like a very bad deal to me, but that is not the biggest reason I am mad. The biggest reason I am mad is because of people still getting killed and we end up with blood on our hands when we have the chance to be able to deal with this differently.

I hope we will start to take into consideration this picture of these or-

phans. I hope we start to take into consideration uranium and what is happening in Iran, what is happening in Syria, and that we don’t invite North Korea back into the fair standing of countries with what they continue to do.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

DELAY OF IRAQI PROVINCIAL ELECTIONS

Mr. LEVIN. Mr. President, last February, the Iraqi Government set October 1, 2008, as the date for provincial elections to occur. These elections are critical to U.S. and Iraqi efforts to bring about reconciliation in their country. For instance, those elections will give members of the Sunni community, many of whom did participate in the previous rounds of provincial elections, a chance to vote for fair representation in Iraqi’s provincial councils. Unfortunately, the provincial elections law, which is the enabling legislation needed for these elections to take place, remains stalled in the Iraqi Council of Representatives and will likely delay provincial elections by at least several months.

The administration’s silence on the Iraqi Government’s failure to adopt election laws that were promised in February—and which set a date of October 1 for those elections—is disturbing, and it is the exact wrong way to send a message to the Iraqi leaders. Many of us have tried repeatedly to get this administration to shift responsibility to the Iraqi leaders for their own future, since there is a broad consensus that there is no military solution and only a political settlement among the Iraqis can end the conflict. The administration, however, has repeatedly missed opportunities to shift this burden to the Iraqis and appears willing to miss another opportunity.

President Bush indicated in February that he was confident that the Iraqi Government was “going to continue to work to make sure that their stated objective of getting provincial elections done by October of 2008 will happen.” And after meeting the Iraqi leaders in Baghdad in April, Secretary Rice said, “They know that provincial elections need to be held before October 1, as has been the announcement.” The administration is well aware that the failure of the Council of Representatives to pass a provincial elections law in the near future is likely to cause the previously established October 1 date for Iraqi provincial elections to be postponed.

The recent GAO report, entitled “Securing, Stabilizing and Rebuilding Iraq,” paints an even bleaker picture. According to that GAO report, it is likely to take 4 to 8 months to prepare for elections after a provincial election law is passed. That means that even if this law was passed next week, the October 1 deadline is unlikely to be met.

Ambassador Crocker said on April 10:

The way forward for a stable Iraq lies as much through successful elections, in my view, over the long term, as it does through the necessary application of force against those who resist the state.

Where is the pressure on the Iraqi Government to keep their commitment to an October election? Where is the administration’s message of disappointment? Iraqi leaders are likely to read the administration’s silence on their failure to act as a shrug of our shoulders.

We have made some security gains in Iraq, but progress is spotty on most political benchmarks set by the Iraqis for themselves, including provincial elections. The administration’s silence on this issue needs to end. It needs to make clear to the Iraqi Government that further delay in passing the provincial election law is totally unacceptable.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INDEPENDENCE DAY

Mr. BYRD. Mr. President, on Friday, July 4, the United States will conduct the 232nd celebration of Independence Day. On this day, we commemorate the signing of the Declaration of Independence in 1776. Flags will fly and rousing music will be heard before the faint whiff of gunpowder and thunderous boom of fireworks reminds us of the great struggle that took place to set our Nation upon its course through history.

Amid all the parades, fireworks, and backyard barbecues, it is worthwhile to consider the document itself. The Declaration of Independence is an amazing and powerful manuscript. Phrases in its opening paragraphs are familiar to most Americans: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.” That line may well be the most recognizable sentence in American political history. It is certainly among the top 10.

As famous as the phrase “Life, Liberty, and the Pursuit of Happiness,” is, however, it is not the first sentence of

the Declaration. The lead sentence reads: "When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation." This sentence sets the stage for the body of the Declaration, which lists in some detail the abuses of power that drove the Founders to a war of secession.

Unlike the philosophical goals of life, liberty, and happiness, which Americans today readily understand and revere, the complaints listed in the Declaration rarely fire the popular imagination. But they should. The abuses of the King listed in the Declaration are the very issues that the Constitution strives to prevent. They are the issues that the Bill of Rights specifically protects us against. They are issues, and battles, still being fought today, as the recent debates and court actions over the rights of detainees and the Foreign Intelligence Surveillance Act, or FISA, demonstrate.

Reading the list of the colonists' grievances paints a vivid picture of life in those times. One can readily imagine the frustrations of a people trying to build a working society, ruled by laws, that welcomes new settlers and that promotes trade and commerce but is continually set back by contempt and indifference. The colonies' governments are dissolved or are forced to meet in out-of-the-way, uncomfortable places or at times that discourage part-time legislators from attending. Laws are arbitrarily suspended until the King, can rule on them, but he never does provide a ruling. New courts cannot be established unless the King, thousands of miles and months of travel away, will agree to them. Judges depend on the King's favor for their jobs and their salaries, so they rarely rule against him, anyway. New taxes and new rules from Britain are continually imposed upon the colonists, from stamp taxes to tea taxes, and their complaints about them are met with silence or violence. Large armies are camped among the colonies and take what they demand from the colonists, but they are immune from prosecution for any wrongs they commit. Mercenaries are brought in, and colonists are seized and forced into military service on behalf of the King.

The colonists complain, but the King does not care. The Declaration concludes, therefore, "A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people." In the Constitution to come, the Founding Fathers will design a government that limits the power of the executive in order to prevent tyranny by one man, and will protect the rights of the indi-

vidual against the state. Courts will be independent, and taxes must be levied only by the representatives of the people.

Our Government was expressly designed to prevent anyone from having to live under the same conditions suffered by the colonists. As Thomas Jefferson wrote, "In questions of power then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

Ultimately, the colonists declared in their Declaration of Independence that "... these united Colonies are, and of Right ought to be Free and Independent States . . . Absolved from all Allegiance to the British Crown . . ." and held Britain, "... as we hold the rest of mankind, Enemies in War, in Peace Friends."

On this Independence Day, the current generation can look back upon those strong, resolute words with pride and gratitude. We would do well to remember the abuses that finally compelled our Founding Fathers to declare war, so that we never let the freedoms that were won for us to be lost. Remember the words of John Adams, who warned that "The jaws of power are always open to devour, and her arm is always stretched out, if possible, to destroy freedom of thinking, speaking, and writing." He further wrote, "Be not intimidated . . . nor suffer yourselves to be wheedled out of your liberties by any pretense of politeness, delicacy, or decency. These, as they are often used, are but three different names for hypocrisy, chicanery and cowardice." Those are the words of experience, speaking across the ages. This Independence Day, we best honor our legacy by caring for it with the same passion and vigilance that John Adams did.

Mr. President, I wish you, and everyone listening, a happy Independence Day.

DEATH OF NICOLE SUVEGES IN IRAQ

Mr. DURBIN. Mr. President, I have just learned of the death in Iraq of an extraordinarily brave woman from my State of Illinois who died this week in a bombing in the Sadr City section of Baghdad. Nicole Suveges was a civilian assigned to the 3rd Brigade Combat Team for the 4th Infantry Division.

She was a political scientist from Illinois and a doctoral student at Johns Hopkins University. She was participating in a program that embeds academics into military units to help personnel in Iraq and Afghanistan navigate difficult local environments.

She chose to go to Iraq for her employer, BAE Systems, because she was interested in learning how people make the transition from an authoritarian society to freedom; that was the focus of her doctoral dissertation. She hoped she might use her knowledge to help Iraqis develop the habits and institutions of democracy.

When she died in a bombing on Tuesday, she was helping local officials mediate disputes in Sadr City. Also killed in the blast were two U.S. soldiers and a State Department Foreign Service Officer.

Iraq was not the first war zone Nicole had worked in. She served as an Army Reservist in Bosnia in the 1990s.

Nicole graduated from the University of Illinois in Chicago in 1992. She was 38 years old. She was one of more than 180 American civilians to die in the war in Iraq. Their deaths are in addition to the 4,113 members of the U.S. military who have lost their lives in Iraq.

Nicole Suveges represented what is best about America. She used her considerable courage and knowledge to try to help heal a badly scarred nation and help Iraqis create for themselves a freer, more secure future. Her death is a loss to Iraq, to America, and to the world.

We extend our condolences to her husband and family, and her friends and colleagues. I ask unanimous consent that a CNN account of Nicole Suveges' life and work be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN GRAD STUDENT DIES IN IRAQ

An American graduate student who went to Iraq to find ways to help ordinary citizens persevere in a transitioning government was one of two American civilians killed in a Sadr City bombing.

Nicole Suveges, a married political scientist from Illinois, was part of a program that embeds academics into military units to help personnel in Iraq and Afghanistan navigate the local environment, according to her employer, BAE Systems.

Suveges, who started her tour with Human Terrain System in April, had been assigned to support the 3rd Brigade Combat Team for the 4th Infantry Division in "political, cultural, and tribal engagements," a statement from the program said.

She was one of four Americans to die in the Sadr City bombing Tuesday. Two U.S. soldiers and a State Department employee, Steven Farley, who worked with the provincial reconstruction team, also were killed in the blast.

"Nicole was a leading academic who studied for years on how to improve conditions for others," Doug Belair, president of BAE's Technology Solutions & Services, said in a written statement. "She came to us to give freely of herself in an effort to make a better world."

Suveges was the second BAE employee to die in a combat zone this year. Michael V. Bhatia, 31, a social scientist from Medway, Massachusetts, died in a roadside bombing May 7 in Afghanistan, BAE said.

Scott Fazekas, BAE's director of communications, said Suveges and Bhatia were among three dozen social scientists hired by the company and its subcontractors to support the program.

The Johns Hopkins University graduate student was also working toward a doctorate in political science with an emphasis on international relations. The focus of her dissertation was on the transition from an authoritarian regime to democracy and how it affects ordinary citizens, the university said.

"Nicole was committed to using her learning and experience to make the world a better place, especially for people who have suffered through war and conflict," William R.

Brody, president of the university, said in a message Wednesday to the campus community. "She exemplifies all that we seek to do at Johns Hopkins: to use knowledge for the good of humanity."

Mark Blyth, Suveges' primary faculty adviser, said that when Suveges came to Johns Hopkins, she planned to write her Ph.D. dissertation on how ideas move across borders from society to society, exploring how radical Islamic ideas filtered through Western European mosques.

After the outbreak of the Iraq war, Suveges decided to shift her focus to the experience of ordinary citizens under a transitional government, said Blyth, a topic that had interested Suveges since her experience in Bosnia with the SFOR/NATO Combined Joint Psychological Operations Task Force.

"She was a very bright, engaging, sweet person, very intellectually curious," Blyth said Wednesday.

BAE said Suveges' experience, which included a tour in Iraq as a civilian contractor and a stint in Bosnia in the 1990s as an Army reservist, made her especially valuable in efforts to improve the lives of Iraqis.

A Human Terrain System statement said Suveges and others were attending a meeting of the District Advisory Council on Tuesday to elect a new chairman.

The officials were helping mediate disputes among the Sadr City leadership and "facilitate the development of a more representative local government," the statement said.

The attack was blamed on a Shiite insurgent cell.

Suveges graduated from the University of Illinois at Chicago in 1992 and received a master's degree in political science from George Washington University in 1998.

She had delivered papers to international relations organizations and served as a graduate teaching assistant, the company said.

At Johns Hopkins, she was managing editor for the Review of International Political Economy, the university said.

Maj. Mike Kenfield, spokesman for the Army's training and doctrine command, said that the program was credited for "reductions in non-lethal operations" and that there had been talk about expanding the purview of the team to outside Iraq and Afghanistan.

ARMS CONTROL AND NON-PROLIFERATION BUREAUCRACY OF THE UNITED STATES

Mr. AKAKA. Mr. President, today I wish to discuss the U.S. arms control and nonproliferation bureaucracy and its impact on our national security.

Recently, I chaired two hearings of the Oversight of Government Management Subcommittee of the Senate Homeland Security and Governmental Affairs Committee concerning the national security bureaucracy for arms control and nonproliferation. I examined several options for improving our ability to control proliferation. They included: Reestablishing an independent arms control and nonproliferation agency, creating a semi-autonomous arms control and nonproliferation agency within the State Department, and reestablishing an arms control bureau in the State Department. Other issues discussed were elevating the role of the head of the arms control and nonproliferation bureaucracy and ensuring that there are enough qualified arms control and non-

proliferation experts to protect our national security and meet our international obligations.

Witnesses for both hearings had decades of experience in managing our nation's arms control and nonproliferation issues. Ambassador Thomas Graham and Ambassador Norman Wulf, along with Dr. Andrew Semmel, who recently retired as Acting Deputy Assistant Secretary of State for Nuclear Nonproliferation Policy and Negotiations, provided perspective about the changes to this bureaucracy over the past decade and the need for reform. Mr. President, I ask unanimous consent to have printed into the RECORD, following my remarks, a report submitted by Ambassador Wulf which represents consensus findings of a number of experts and former U.S. officials experienced in this field.

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

(See exhibit 1.)

Mr. AKAKA. The second hearing featured Ms. Patricia McNerney, the Principal Deputy Assistant Secretary of State for International Security and Nonproliferation, and Ms. Linda Taglialatela, Deputy Assistant Secretary of State for Human Resources. They gave greater insight into the controversial, and damaging, arms control and nonproliferation bureaucracy reorganization at the State Department in 2005 and the ongoing human capital changes the bureaus involved continue to face today. The State Department's use of short-term, Band-Aid fixes to cover a loss of qualified civil servants and a lack of commitment by senior leaders to address the Department's cultural tensions, primarily between regional and functional issues, troubled me since these problems affect both human capital and organizational capacity to confront the evolving threat of weapons of mass destruction.

In 1961, when President John F. Kennedy entered office, the United States faced a perceived missile gap against its foe, the Soviet Union. The Kennedy administration, confronting the critical challenges of the day, advocated a new government "agency of peace" which would work toward "ultimate world disarmament." This agency, the Arms Control and Disarmament Agency, ACDA, helped craft and implement the policy decisions that would reduce the nuclear, biological, and chemical weapons threat to Americans through multiple, lasting, and verifiable treaties. The world was at a nuclear tipping point, where a small change could make a significant difference. The Kennedy administration challenged the conventional wisdom that argued for only an increase in nuclear weapons. It instead focused on controlling and limiting the spread of nuclear weapons by creating the small, but agile, Arms Control and Disarmament Agency that gradually began to increase international security.

The world appears to be at another nuclear tipping point. Today inter-

national security does not hinge on an arms race between two mighty superpowers. Rather, international security is increasingly threatened by the wide proliferation of nuclear programs, material, and knowledge. Countries such as India, Pakistan, North Korea, and Iran have either achieved a nuclear weapons program or have aspirations to create one. Others soon may follow. Along with these headline-grabbing nuclear proliferation concerns, many countries are seeking nuclear power and assured access to uranium to satisfy their growing energy demands. The peaceful application of civilian nuclear programs heightens the risk of diversion or the proliferation of plutonium and enriched uranium. Both presidential candidates have expressed their commitment to addressing proliferation and working with other nations to reduce the threat of nuclear conflict.

The next administration must confront this tipping point head on and solve the problem of our troubled arms control and nonproliferation bureaucracy. Along with its organizational structure, fundamental human capital issues must be resolved. They include: Addressing what is considered by some a cumbersome hiring process; recruiting, developing, and retaining a diverse and highly qualified workforce; involving key stakeholders during organizational changes; and making it desirable for Foreign Service Officers to serve in the fields of arms control and nonproliferation.

We need to consider the gravity of this issue now. I urge my colleagues to advocate an arms control and nonproliferation workforce and organization that will support effectively the policies of the next administration and prepare us for the nuclear threats developing throughout the world.

EXHIBIT 1

FOREWORD

This report was prepared by a volunteer task force. The task force solicited views from participants through two general meetings and from contributors via written comments.

These two groups included many former U.S. officials most with decades of experience in nonproliferation or arms control who graciously gave of their time to this project. They are named below—a short biography of each appears in the annex.

This report contains a general consensus that the Administration taking office in January 2009 should strengthen the organizational capacity of the State Department to meet critical nonproliferation and arms control challenges. Participants and contributors endorse the general thrust of this report though not necessarily every finding and suggestion.

Christopher Mitchell of the Institute for Conflict Analysis and Resolution (ICAR) of George Mason University served as convener of the two meetings that were held. Norman Wulf led those discussions and along with Dean Rust and Barclay Ward drafted the discussion papers and this report.

The task force also included Linda Gallini, Fred McGoldrick, and Sharon Squassoni.

Participants in at least one of the two meetings included members of the task force and Vic Alessi, Kevin Avruch, Joseph M.

DeThomas, James E. Goodby, Allan Krass, Frances Omori, Randy Rydell and Andy Semmel.

Among those commenting upon various drafts of the paper were William Burns, Ralph Earle II, Mark Fitzpatrick, Bob Gallucci, John Holum, Edward Ifft and John Rhineland.

No funds were made available to the task force other than by ICAR for use of their new retreat and conference center located on Mason Neck in Northern Virginia and for refreshments at the two meetings. Special appreciation is expressed to Gina Cerasani and Aneela Shamshad, and Saira Yamin, graduate students at ICAR, who served as volunteer note-takers at the two meetings.

EXECUTIVE SUMMARY

All three major presidential candidates have endorsed (i.) maintaining and strengthening the nuclear nonproliferation regime and (ii.) pursuing nuclear arms control measures with Russia and others. Regrettably, the State Department, which will bear the brunt of the work on nonproliferation and arms control, has lost significant capability—critical personnel have left, the arms control bureau has been abolished, and the bureau whose mandate includes nonproliferation is burdened with tasks outside its traditional purview that dilute its mission. Moreover, the State Department is simply not organized to ensure continued access and accountability to the Secretary of State and President on these critical issues.

Following the election, the President-elect should appoint a high-caliber individual to head up a task force charged with laying out detailed priorities in nonproliferation and arms control and recommending structural changes needed within the executive branch to achieve those priorities. The White House and National Security Council will need to be well-organized to serve the President, but the task force should direct its primary attention to the Department of State. Restoring focus at State will require creating a bureau focused on arms control, removing non-core tasks from the bureau whose responsibilities include nonproliferation, and limiting the activities of the verification and compliance bureau to those required by law. If there are substantial obstacles to near-term creation of an arms control-focused bureau, then those functions should be consolidated in the verification and compliance bureau effectively making it the arms control and verification bureau while seeking a long-term structure. Aggressive steps must be taken to redress the loss of expert staff. For the civil service, this means rehiring, recruiting, and strengthening career paths for personnel, including physical scientists, with expertise in nonproliferation and arms control. For the foreign service, this means providing training in these topics and career paths that reward those working on these functional issues.

Particular attention should be focused on ensuring that nonproliferation and arms control views get to the Secretary of State and the President. Both not only need advice but someone accountable in these areas. Existing law makes provision for such advice but it has proven difficult to implement those provisions effectively. Relying on personal relationships can work up to a point, but as personalities change, other priorities intrude, and administrations change, a more enduring channel and focus not dependent upon personal relationships is needed.

Decisions on these structural issues are critical in the transition period so the new administration can hit the ground running. Iran and North Korea, among others, will not delay their proliferation progress while a new administration organizes itself. Delay-

ing decisions until after the inauguration risks subordinating structural questions to the crisis of the day or decisions being thwarted by "turf" issues as political appointees are put into place. A variety of alternatives should be considered ranging from creating a special office attached to the Secretary, or creating a separate agency within the State Department or an independent agency.

ENSURING THE U.S. GOVERNMENT HAS THE CAPACITY TO MEET CRITICAL NONPROLIFERATION AND ARMS CONTROL CHALLENGES

This short Report which is the result of meetings and discussions between a number of experts focuses on improving the Nation's capacity for dealing with the increasingly complex issues associated with nonproliferation and arms control. It lays out a number of alternative strategies for improving the Government's currently attenuated capacities for effective nonproliferation and arms control action.

I. INTRODUCTION

All three major presidential candidates have endorsed the following objectives: (i.) maintaining and strengthening the nuclear nonproliferation regime and (ii.) pursuing nuclear arms control measures with Russia and others. Regrettably, what the next President will find is a diminished capability within the Executive Branch to achieve either objective.

The historical leadership role of the United States in nonproliferation and arms control has been severely downgraded and the nonproliferation regime significantly weakened. Along with this overall decline, there has been a loss of valuable expertise and bureaucratic structure diminishing the capacity of the United States to pursue nonproliferation and arms control measures.

Restoring U.S. leadership in these areas will require a personal commitment by the new President. Within the Executive Branch, there will need to be a strong organization to execute policies and be accountable to the White House. This paper looks at key organizational issues that must be met, particularly in the State Department, if the new administration is to meet its nonproliferation and arms control objectives.

II. CRITICAL PROLIFERATION CHALLENGES

The 1968 Nuclear Non-Proliferation Treaty (NPT) is the foundation for global cooperation in this area. Its primary goal is to decrease the risk of nuclear war by preventing the spread of nuclear weapons. It also obligates the five states which the NPT recognizes as possessing nuclear weapons—U.S., Russia, UK, France and China—to work toward nuclear disarmament. The urgency of dealing with the threat posed by nuclear weapons has been highlighted recently by former senior officials of both political parties—Secretaries of State Kissinger and Shultz, Secretary of Defense Perry, and Senator Nunn—who have called for renewed efforts to work towards a nuclear weapon free world, arguing that "the world is now on a precipice of a new and dangerous nuclear era." Their agenda, known as the Hoover plan after the Stanford institute where the group meets, is built around the NPT and focuses on U.S.-Russian nuclear arms control as well as on specific nonproliferation measures. No vision of a nuclear weapon free world or major progress toward that goal can be achieved without an intensive focus on both nonproliferation and arms control.

The three major candidates for the Presidency have called for strengthening the NPT and other elements of the nonproliferation regime and for reducing the nuclear arsenals of the United States and other nuclear powers; two have endorsed specific portions of

the Hoover plan. Any new administration will likely focus on a wide variety of other nuclear-related challenges as well, e.g., Iran and North Korea; protecting against the theft or diversion of nuclear material; strengthening export control and interdiction activities; and developing nuclear fuel cycle strategies to reduce the spread of sensitive nuclear facilities. It may reconsider the Comprehensive Test Ban Treaty, which the Senate failed to endorse in 1999, and give higher priority to U.S.-Russian cooperation on strategic nuclear and missile defense issues and to a fissile material cutoff treaty. The new administration will have to continue specific measures to prevent terrorists from acquiring nuclear, radiological, chemical and biological weapons.

III. STRUCTURAL FACTORS

The first year of a new administration offers a unique opportunity for progress. Grasping that opportunity requires diligent preparations during the transition period. To prepare, the President-elect should establish a task force to identify key substantive goals and devise a plan for the creation of nonproliferation and arms control structures to achieve those goals. The task force should be led by an individual of stature who is directly accountable to the President-elect and well-known to the Congress. The task force could continue beyond the inauguration but should not be permanent. After the inauguration, the task force leader might be directly attached to the White House with the assignment of ensuring that substantive and structural goals are achieved.

As cabinet departments with equities in nonproliferation and arms control have appointees put into place, a senior official in each department should be identified to work with the relevant White House and NSC officials. The NSC structure must include interagency groups responsible for integrating the activities and resources of each department, promoting transparency and information flow among agencies, and ensuring the input of the intelligence community. The appointment of a Deputy National Security Adviser for Nonproliferation and Arms Control would demonstrate the priority attached to these issues and allow for greater coordination of interagency activities.

The task force must pay special attention to the organizational structure under the Secretary of State, as State will bear the brunt of the work. State must be capable of performing a wide range of daily activities such as monitoring information, crafting and implementing policy initiatives, anticipating problems, advising high-level political officials, coordinating with other agencies, consulting with Congress, informing the public, and most importantly engaging in extensive diplomacy to maintain and strengthen the nonproliferation regime. Effective nonproliferation can only be achieved if the U.S. works closely with others.

A good organizational structure will help to set priorities, allocate resources, maintain the quality and morale of staff, and get issues to decision-makers in a timely manner. Among the key determinants of an effective structure are: (i) enough senior policy officials and supporting bureaus to focus attention on the full range of issues; (ii) an experienced multi-disciplinary career staff with a high percentage of civil servants including physical science officers; and (iii) high-level channels for getting views to the Secretary of State and President.

As shown below in Section IV, the current structure, which reflects the priorities and approach of this Administration, is entirely inadequate for pursuit of a more comprehensive approach by the new administration. The suggestions offered in Section IV do not

require legislation but should lead to near-term improvements in State's capacity. Even though not required, the administration and Congress may decide that it would be beneficial to codify some of these Section IV changes to ensure that the United States maintains over the long term a high level of capability in these critical areas.

Section V looks at other possible legislative approaches that would create either a semi-autonomous agency within the State Department or a separate agency for nonproliferation and arms control with an independence similar to that possessed by the former Arms Control and Disarmament Agency (ACDA), which was merged with the State Department in 1999.

If not already decided by campaign commitments, the President-elect should decide during the transition whether to pursue a separate agency or limit structural reforms to near-term changes that do not require legislation. Even if the President decides on a separate agency, some improvements in the State structure will still be desirable while awaiting the necessary legislative action. Thorough consultations with the Congress should occur regardless of which direction is chosen.

IV. SUGGESTED CHANGES TO THE CURRENT STATE DEPARTMENT ORGANIZATIONAL STRUCTURE

A. Bureaus and Special Representatives

At the outset of this Administration, three separate bureaus in State dealt with nonproliferation, arms control, and verification and compliance. The arms control bureau was abolished in 2005. Some of the arms control functions, e.g., START, were taken over by the verification and compliance bureau but that bureau's duties remain largely verification and compliance as prescribed by law. Other arms control duties were transferred to the former nonproliferation bureau, now renamed International Security and Nonproliferation. A quick inventory of this bureau's jurisdiction includes: six treaties, five export control regimes, three international organizations that specialize in nonproliferation or arms control topics, conventional arms proliferation, missile proliferation, missile defense, the Proliferation Security Initiative, implementation of several U.N. Security Council resolutions and negotiation of resolutions in the U.N. General Assembly, combating nuclear terrorism, country strategies, cooperative threat reduction in the former U.S.S.R., and securing and disposing of fissile material.

Diluting the focus of the bureau charged with nonproliferation by adding such areas as missile defense and General Assembly resolutions makes it much more difficult to achieve priority nonproliferation objectives. Abolishing the arms control focus and scattering its remains renders it unlikely that a renewed arms control agenda as proposed in the Hoover plan can be successfully pursued. Finally, while verification and compliance remain important, the need for U.S. global engagement on nonproliferation and arms control measures should have higher priority and greater focus.

Suggestions

1. Establish a bureau focused solely on nonproliferation by shifting all non-core duties, such as missile defense and General Assembly resolutions, to a bureau with an arms control focus.

2. Revitalize the organizational structure for arms control by bringing back a bureau solely focused on arms control. Given the difference in priorities in 2005 and what will exist in 2009, new priorities can best be met by creating such a single-focus bureau.

3. Through administrative action, limit the activities of the verification and compliance

bureau to the minimum necessary to fulfill its statutory duties. The goal should be to eliminate bureaucratic infighting and free up staff from this bureau for high priority nonproliferation and arms control activities.

4. If there are substantial obstacles to near-term creation of an arms control focused bureau, then consolidate those functions in the verification and compliance bureau effectively making it the arms control and verification bureau while seeking a long-term structure. This approach should include clearly defining the verification role as suggested above.

5. Utilize existing statutory authority to appoint "Special Representatives of the President" at the ambassadorial level, with at least one dedicated to nonproliferation treaties and related activities; and another to the reemerging arms control agenda. They would work with the assistant secretaries for nonproliferation and arms control and be responsible for negotiations, conferences, and consulting with other governments.

B. Staffing

The State Department should have skills and experience relevant to bilateral and multilateral diplomacy and negotiations; the development, testing and manufacture of nuclear, chemical, biological weapons and their delivery systems; the civil nuclear fuel cycle; and to the implementation of interdiction measures, export controls, treaties and international organizations. An interdisciplinary group of civil servants from the physical and social sciences is needed along with foreign service officers (FSOs) and detailees from the military services. This mix has worked well in the past.

Unfortunately, there has been a significant loss of civil servants from the State Department in recent years, and recruiting physical scientists in particular faces strong competitive pressures outside the government. Moreover, with the elimination of ACDA, it has become more difficult to sustain civil service career patterns up through the office director position. Within the relevant bureaus, the State Department has reduced the number of senior executive service positions (SES) for civil servants and several office director positions have gone to FSOs. Such officers have much to offer, including in some cases as office directors or other senior positions. But FSOs must meet the qualifications of the positions, and in most leadership positions, including office directors; the qualifications require a high level of expertise in the field. Regrettably, the foreign service creates few incentives for FSOs to obtain the requisite knowledge for leadership positions in nonproliferation and arms control.

Suggestions

1. Halt any further "bleeding" of the career nonproliferation and arms control staff. Encourage those who transferred out of these jobs in recent years to return. Promote a civil service career path leading to office director positions, including at the SES level. Launch a recruiting program to hire the next generation of civil service specialists, including in relevant scientific and technical fields. Seek special hiring authority, if necessary, to recruit individuals with technical competence and to tap the skills of those officers who have retired from State.

2. Develop the technical competence of FSOs by creating a career path for nonproliferation and arms control with a protocol of training and assignments in these areas. For all FSOs, regardless of their career path, at least one assignment in nonproliferation and arms control or other functional bureaus should be a factor in promotion decisions to mid or senior level FSO positions. Such assignments could reduce

some cultural barriers that exist between the regional and functional areas.

C. Advising the Secretary of State and the President

Competing interests are a fact of life at the highest political levels and it is important that those advocating on behalf of controlling nuclear weapons be heard. The Under Secretary of State for Arms Control and International Security ("the Under Secretary") is the most senior State official with clearly defined responsibilities for nonproliferation and arms control, although that position's mandate covers other issues including security assistance and conventional arms. This official is subordinate to the Deputy Secretary of State, is one of six under secretaries and ranks below the Under Secretary for Political Affairs who oversees the powerful regional bureaus. This senior level structure is further complicated by policy officials attached directly to the Office of the Secretary of State for diverse areas, such as reconstruction and stabilization, foreign assistance, development aid, counterterrorism, and global AIDS programs.

Seeking to ensure that nonproliferation and arms control were not lost among the competing interests, the legislation merging ACDA into State authorized the Under Secretary to assume the former ACDA Director's role of senior adviser to the Secretary and the President on arms control and nonproliferation and to attend NSC meetings at the President's direction (22 U.S.C. Sec. 2651 a. (b) (2)) (*emphasis added*). Use of this authority, however, was not embraced by the current Administration.

It has long been clear that the State Department structure tends to favor regional interests. This tendency is reflected in the fact that the under secretary to whom the regional bureaus report is the third ranking official in the department. This does not mean that functional interests must give way to regional interests but it does mean that a Secretary of State or a President must ensure that functional priorities are clearly understood and always given appropriate weight. For that to happen, a mechanism must be found to ensure that nonproliferation and arms control equities are represented.

Different approaches—with varying degrees of success—have been taken by different administrations. Some administrations have relied upon the personal relationships among the relevant assistant secretaries, under secretaries, the Deputy Secretary and the Secretary to ensure that nonproliferation and arms control are accorded adequate priority. Others have created various additional mechanisms such as an ambassador-at-large to obtain this result. Of course, up to 1999, the ACDA Director had the rank of Deputy Secretary of State and the authority to advise the Secretary and the President.

Relying solely on personal relationships places at risk over time the capability to sustain the attention of the Secretary of State as personalities change and the inevitable crush of foreign policy issues competes for the Secretary's attention. Continuity of attention to these critical issues could be enhanced by having a structure not dependent upon personalities. Set forth in the suggestions immediately below, which would not require new legislation, and in Section V, which would require new legislation, are various alternatives that should be considered. They could supplement any NSC or White House structural components set up to advise the President. As noted earlier, decisions with respect to these issues should be taken during the transition—delaying those decisions until after the inauguration risks

critical substantive issues crowding out attention to structural questions and “turf” mentalities developing that hamper organizational change.

Suggestions

1. Establish procedures to implement the Under Secretary’s already existing statutory role as senior adviser to the Secretary and the President on nonproliferation and arms control matters. This would allow the Under Secretary to weigh in on major policy questions, including with the President. It would elevate this position in relation to the other under secretaries. Implementing such an approach would work only if understood and accepted up front by all involved, including the President. Actual use of this authority by the Under Secretary with the President is likely to be rare, in any event, given this person’s subordinate position to the Secretary.

2. Establish a position in the Secretary’s office such as Coordinator, Ambassador-at-Large, or Special Adviser to the Secretary of State and President, that would focus on nuclear policy or nonproliferation. The mandate could be limited to a few critical topics, e.g. Iran, North Korea, anti-nuclear terrorism, and/or elements of the Hoover plan, or could be broad enough to focus on all aspects of nuclear proliferation. This would elevate nuclear issues to the highest level in State and permit more focus than the Under Secretary, whose mandate is far broader. This sort of arrangement was used with varying degrees of success during the Carter, Reagan and Bush I administrations. It would require a high degree of coordination between the Under Secretary and the new position, as well as with the relevant assistant secretaries. It would not create any clearer path to the President for views that are contrary to the Secretary’s.

V. SEPARATE AGENCY

State and ACDA working in tandem over nearly three decades were able to sustain a high level of U.S. global leadership in nonproliferation and arms control. This was in large part due to ACDA’s exclusive focus on the mission, its status as an independent sub-cabinet agency with statutory authority to advise the Secretary of State and the President, and a strong cadre of civil service experts. The ten years since ACDA’s demise have seen a decline in U.S. diplomacy in this area. That said, there seems little doubt that ACDA-like resources and strengths will be needed for the foreseeable future. The question is will a strengthened State structure as suggested above in Section IV be adequate to the task over the long run or should the new Administration seek legislation to transfer the nonproliferation and arms control functions to a separate agency? Two different approaches to a separate agency are set forth below.

A. Separate Agency, But Part of State

A semi-autonomous agency within State would be similar to the concept of the National Nuclear Security Administration within the Department of Energy. The agency’s Director would be the nonproliferation and arms control adviser to the Secretary, and have a rank equivalent to the Deputy Secretary of State. The Director would also have the right to communicate directly with the President. The agency would work closely with State regional bureaus and related functional bureaus, but there would be no need for additional nonproliferation and arms control offices elsewhere in State since this agency would represent the coordinated view of the State Department on these issues.

This approach would ensure optimal access to the Secretary. The agency’s unique iden-

tity and mission should improve the recruitment and retention of the diverse professional staff needed, including scientists and other technical experts. The elevation of nonproliferation and arms control within State will make clear to other governments the importance placed on these topics by the United States and lead to regular consultations with friends and allies. A separate agency is the best way to promote an enduring focus on nonproliferation and arms control policy, in contrast to embedding it in the Department’s traditional structure with the vast array of competing interests and predominant focus on country and regional factors. On the other hand, establishing a separate agency would require legislation and presently Congress is focusing on structural issues relevant to post-conflict stabilization and reconstruction, development aid, and foreign assistance. Some argue that a separate agency is not needed; and that State can be structured so that these issues get the attention they deserve and the Secretary gets the necessary advice.

B. Independent Agency

The principal difference from alternative A would be the agency’s independence from State. The agency’s director would have a seat at NSC meetings dealing with relevant issues, and the agency would participate as a separate entity in interagency deliberations. The agency would have a status similar to that of the former ACDA, which would imply a return to a pre-1999 situation where State had its own nonproliferation and arms control offices. The duties and structure of the new agency, however, would have to reflect the priorities and threats of today. Many of the arguments in alternative A are also applicable here.

In addition, this approach is the only one guaranteed to ensure that the President could hear the nonproliferation and arms control perspective even when the Secretary of State has a different view. Equally important, having an independent agency would make certain that unfiltered nonproliferation and arms control views are considered at all levels of interagency policy formulation, a situation that gave ACDA influence. On the other hand, as experience with ACDA demonstrated, the option of going to the President in opposition to the Secretary of State can be more theoretical than real, and might rarely be exercised. An independent agency would result in State creating its own nonproliferation and arms control officials and they would have more influence on the Secretary on a day-to-day basis than would a separate agency. Some in Congress would also not be receptive to creating a new agency, believing that more than a decade is needed to determine whether State can effectively do the job on its own.

VI. CONCLUSION

The above suggestions are, we feel, both practical and necessary although which approach to advising the Secretary of State and the President is actually taken up by a new administration remains a topic for debate and discussion, which we hope will occur over the coming months. These suggestions are offered not as firm conclusions but as alternative ways of improving the country’s capacities for planning and implementing a coordinated and flexible, but above all effective, strategy for dealing with nonproliferation and arms control issues.

30,000 MISSING FIREARMS

Mr. LEVIN. Mr. President, according to data released this month by the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, gun dealers in this

country “lost” an average of 82 firearms every day last year. That means more than 30,000 firearms are mysteriously unaccounted for in gun dealers’ inventories in 2007 alone. With no record of sale, these guns could be prime candidates for sale on the black market.

Perhaps even more disturbing is that the Brady Center to Prevent Gun Violence believes that the 30,000 guns are actually likely an undercount of the total number of guns that disappeared from gun shops last year. The ATF conducted inspections at approximately 10,000 of the Nation’s 60,000 gun dealers last year, finding over 30,000 firearms missing from the dealers’ inventories with no record of sale. The other 50,000 dealers were not inspected due to limited ATF resources. In fiscal year 2005, the ATF examined 3,083 gun dealers and found 12,274 missing firearms.

The underground market for guns is apparently largely supplied by the diversion of this massive number of guns from licensed gun shops into the hands of criminals. Based on its own gun-trafficking investigations, the ATF has concluded that corrupt gun dealers are the largest source of firearms diverted to the illegal market. The Brady Center report, “Death Valley: Profile of a Rogue Gun Dealer,” details one particular gun dealer who was cited over 900 times for Federal gun law violations. Over 480 guns from this dealer were apparently traced to gun crimes, including 41 assaults and 11 murders. In 2003 alone, the dealer reportedly failed to account for 422 guns, more than one-quarter of his entire inventory, during a single inspection.

This kind of activity can be addressed by vigorously enforcing our gun laws, providing law enforcement with stronger tools to crack down on gun trafficking, corrupt gun dealers, and criminals, and by passing sensible gun safety legislation. Unfortunately, the failure of Congress to act on several common sense bills has allowed criminals and possibly terrorists continued easy access to guns. I urge my colleagues to reverse this trend of inaction, and to help put a stop to this huge source of guns for the black market.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

Mr. SPECTER. Mr. President, this Medicare legislation is a very important bill. I believe that it is vital for the Senate to take up this important measure to have open debate to give Senators an opportunity to offer amendments and to have the Senate work its will on these important questions.

As noted in previous floor statements, I have been concerned about Majority Leader REID’s practice of employing a procedure known as filling the tree, which precludes Senators

from offering amendments. This undercuts the basic tradition of the Senate to allow Senators to offer amendments. Regrettably, this has been a practice developed in the Senate by majority leaders on both sides of the aisle, so both Republicans and Democrats are to blame.

On June 12, 2008, I voted in favor of cloture on the motion to proceed on S.3101, legislation similar to H.R. 6331, to prevent the reduction in Medicare payments to physicians. At that time, I was assured by Majority Leader REID that he would not make a procedural motion to fill the tree. Following the failure to obtain cloture on the motion to proceed to S.3101, Finance Chairman BAUCUS and Ranking Member GRASSLEY began to negotiate a bipartisan bill that could be brought before the Senate. I have concerns with some provisions that may have been contained in such an agreement. However, the prospect of the Senate working its will and allowing myself and other Senators to offer amendments to such a bill is more favorable than filling the amendment tree.

The posture of the Senate is such that for the Majority Leader to complete action on H.R. 6331 and send it to the President before the physician payment reduction is scheduled to go into effect at the end of June, the Senate must pass the same legislation the House of Representatives passed. This is the case because the House of Representatives adjourned for the Independence Day recess prior to the Senate vote on cloture on the motion to proceed to H.R. 6331. Since the House will be out of session, there will be no possibility for the House to consider a Senate amended Medicare bill. To guarantee that the same Medicare legislation will be passed by the Senate, no amendments to the legislation were permitted. By bringing this legislation up at the last minute after the House of Representatives adjourned the Majority Leader prevented the opportunity to offer amendments and undermined Senate procedure.

If cloture were to have been obtained on the motion to proceed to H.R. 6331 the legislation would have been vetoed by President Bush. That veto would have resulted in a further delay, since the House would not be in session to override the veto and the scheduled physician payment reductions would go into effect at the end of June. There was an expectation that the Senate would extend the current physician payment rate for 30 days and prevent the pending reduction from going into effect. However, when this legislative extension was offered by Senate Republican Leader MCCONNELL it was objected to by Majority Leader REID.

This vote was a crass partisan political exercise. The majority leader has been aware of this issue for some time and scheduling should have accommodated for the amendment process. I have consistently voted in favor of increasing Medicare physician payments

and will continue to, but I am not going to vote in favor of cloture when there is no opportunity to amend the legislation that comes before the Senate. I will not submit to procedures that prevent the Senate from performing its traditional duty. This is why I voted against cloture on the motion to proceed to H.R. 6331. I expect that this very important issue will be taken up as soon as we return from the Independence Day recess so we can correct this grave problem in a manner that allows the Senate to work its will.

PAKISTAN COALITION SUPPORT FUNDS

Mr. FEINGOLD. Mr. President, in the wake of 9/11, Congress developed a new program to provide financial assistance to allied countries as they joined us in combating al-Qaida. This program reimbursed partner countries for defense spending above and beyond their normal military budget. And of the 27 coalition partner countries who receive this assistance—also known as Coalition Support Funds—Pakistan has been by far the largest recipient, receiving more than \$5.5 billion out of a total \$7 billion allocated for this program.

This program could have been an important part of our global fight against terrorists who pose a very real threat to our country. But a new Government Accountability Office report shows that, in fact, the outcome was just the opposite. Over the past 7 years, U.S. taxpayer dollars have continued to flow with only minimal oversight while we have still not found Osama bin Laden and his senior officials and while al-Qaida has developed a safe haven in Pakistan.

The GAO report details numerous examples of this wasteful spending, including \$20 million paid to the Pakistani Government for road construction and \$15 million to build bunkers—with no evidence that either was ever built. Or what about the more than \$200 million provided for air defense radars with no analysis into whether such technology was needed to fight al-Qaida—an organization not known to have air force capacity? Confronting the threat of al-Qaida and its affiliates must be our top national security priority, and this GAO report sends a strong signal that we need to seriously step up our oversight when providing U.S. taxpayer dollars to our partners in this fight. We can not give them a blank check and expect to them to take care of the job.

The Defense Department's carelessness and negligence has led to a situation where billions of U.S. taxpayer dollars cannot be fully accounted for. With so many domestic programs here at home feeling the brunt of the wars in Iraq and Afghanistan this is simply unacceptable. And given the implications for our national security both here at home and abroad, it cannot continue.

GAS PRICE REDUCTION ACT

Mr. SPECTER. Mr. President, I have sought recognition to discuss legislation introduced yesterday entitled the Gas Price Reduction Act. I have agreed to join over forty of my Republican colleagues to cosponsor this legislation because I believe Congress needs to take action to address high oil and gasoline prices, as well as America's overall energy security going into the future.

My cosponsorship of this bill does not mean that every provision has my full support. My office received the final legislative text late yesterday morning and I have not had a great deal of time to analyze all of the details. That said, I have reluctantly decided to cosponsor this bill to signal my concern with the state of our Nation's energy situation. I have long supported efforts to reduce U.S. oil demand through conservation and efficiency whenever practical, as well as increase domestic oil production in an environmentally safe manner, and encourage energy markets that are free of price manipulation.

I am extremely concerned about the high cost of oil, gasoline, diesel and other fuels which are exacerbating our nation's already difficult economic situation and truly hurting American consumers and families. With oil near \$140 per barrel and gasoline over \$4 per gallon, we are facing an unsustainable situation.

The legislation introduced today proposes to increase the supply of oil, promote technology to lower fuel consumption, and increase oversight and transparency of energy markets. Specifically, the bill would allow consideration for oil exploration and production on the Outer Continental Shelf on the Atlantic and Pacific coasts with appropriate environmental protection at the request of a State's Governor and State legislature. Any authorized drilling could only occur beyond 50 miles offshore and only if the federal government determines that leasing would not create an unreasonable risk of harm to the marine, human, or coastal environment. Further, all existing environmental laws would have to be followed.

The second part of the bill would allow the Department of Interior to move forward with leasing of land in the Western U.S. to develop oil shale. It is my understanding that there are very large deposits of energy resources that could be tapped with significant investments in rock extraction technology. This resource is much less understood than oil and natural gas drilling. I support locating as many domestic resources as we can in an environmentally safe manner. However, I am concerned about claims made by opponents that opening these lands at this time is premature until Congress and the executive branch have the ability to study the results of research and development efforts. Further, some argue that Congress should first review regulations drafted by the Bureau of Land

Management, but which are under review by the Office of Management and Budget. Finally, we should be fully informed about the energy and water inputs that may be necessary for extraction, as well as the greenhouse gas emissions associated with production of oil from shale.

The third title of this bill seeks to increase research, development and deployment of advanced plug-in electric cars and trucks. There is a great deal of emphasis being placed on the promise of plug-in electric vehicles as a replacement technology for today's fuel-consuming vehicles. The potential benefits of plug-in electric vehicles includes much higher energy efficiency, elimination of the need for oil, and use of existing and expanded electric infrastructure. The legislation under consideration would increase research and development for advanced batteries, which will be required to allow these vehicles to drive long distances without needing to recharge. The bill also authorizes a loan program for the retooling of advanced battery manufacturing facilities. Finally, it calls on the federal government to purchase plug-in electric vehicles to the extent practicable to help increase market penetration of the technologies and make significant reductions in government-related fuel use.

Finally, this legislation attempts to strengthen futures markets. There are concerns that the role of speculation in these markets is impacting today's oil and gasoline prices. Therefore, this bill authorizes increased funding and staff for the Commodity Futures Trading Commission—CFTC. It requires the President's Working Group on Financial Markets to conduct a study of international regulation of energy commodities markets. It codifies recent CFTC action on position limits and transparency for foreign boards of trade that are involved in the U.S. oil trading market. Finally, it requires the CFTC to gather information on index traders and swap dealers. Many of these proposals result from the fact that a lack of information in the oil markets is making it very difficult to pinpoint whether and to what extent new actors in the oil markets may be causing some of the price increases we have experienced.

I have been working for many years to tackle the high price of oil and gasoline and improve U.S. energy security. I have long been concerned about OPEC—Oil Producing and Exporting Countries—fixing the price of oil, which makes up the largest share of gasoline prices. I continue to work with my colleagues on both sides of the aisle to pass S. 879, the No Oil Producing and Exporting Cartels Act—NOPEC. NOPEC clarifies that it is unlawful under the antitrust laws for OPEC members to agree to limit the production or distribution, or to set or maintain the price, of petroleum products or natural gas.

Further, on May 7, 2008, I questioned top oil company executives on high oil

and gasoline prices at the Senate Judiciary Committee. Among other points, I asked them to justify the record profits their companies have earned while Americans pay record high prices at the pump. When I was chairman of the Senate Judiciary Committee, I held two hearings in February and March of 2006 to consider the effects of consolidation in the energy industry and whether such concentration had resulted in increased prices of gasoline, other petroleum-based fuels and natural gas. Those hearings prompted me to introduce the Oil and Gas Industry Act of 2006 to require U.S. antitrust agencies to further consider whether mergers within the oil and gas industry have violated antitrust laws and if such mergers and information sharing among companies should receive further scrutiny.

Dating back to 2002, I was the lead cosponsor of fuel savings legislation, including the Carper-Specter amendment to save 1 million barrels of oil per day by 2015 and in 2003 the Landrieu-Specter amendment to save 1 million barrels per day by 2013, which passed by a vote of 99–1. I believe the foundation we laid in the Senate helped lead to the eventual passage of the first automobile fuel efficiency standard increases since the 1970s. On December 19, 2007, the President signed the Energy Independence and Security Act which contained legislation I cosponsored to increase automobile fuel efficiency standards to 35 mpg by 2020. This increase in efficiency, and the anticipated decrease in consumption, could substantially decrease oil use and bring down prices over time.

I commend my colleagues on both sides of the aisle for their proposals to address today's unacceptable oil and gasoline price situation. However, I do not think any purely partisan exercise will ultimately prove successful. While I joined my Republican colleagues in introducing legislation today, I am convinced that we must work in a non-partisan fashion to tackle this issue of paramount importance to our constituents and the economic health of our Nation. As evidenced by the unification of the parties that occurred in December 2007 with the Energy Independence and Security Act, when the parties work together, the American people benefit. I recommend we all rise above politics and work toward constructive solutions to the energy crisis we currently face.

As we consider the Gas Price Reduction Act and other proposals, it is essential that we not act in haste, but rather consider all potential consequences. When we talk about opening new areas for domestic oil production, we must have all of the facts not just about the potential oil reserves, but also about the precise environmental impacts and the status of the advanced technologies like directional drilling that are purported to mitigate these impacts. When Congress involves itself in very complex energy markets, we

ought to be very cautious to avoid unintended consequences that could exacerbate the high and volatile prices we have seen in recent months and years.

I look forward to working with my colleagues on these difficult, but extremely important matters.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, earlier this week, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR CRAPO: Thank you for letting me respond to this subject. Energy prices are hitting every family hard in their pockets. With prices going up on fuel it effects every product that we buy. These energy prices are causing more inflation on America than any other number one item we have. This country is purchasing 60-70 percent of our oil from foreign sources. What we need to do is become energy independent. We need to do everything we can do to meet this goal.

To me, the way we do that is doing everything such as; renewable nuclear, solar, wind, hydro, biomass energy. But just doing renewable energy is not enough. We still need oil for lots of things, so we need to be deep drilling off shores, drilling in Alaska, using shell oil and also the use of coal. We also need new refineries to meet our future needs.

I know that all of this will take a little bit of time to accomplish but its time to get started. Please do not just think of today but way out in the future. If this country becomes energy independent it will lower our prices and help keep inflation low.

So, please, all Senators and Representatives, work together to make this country strong and energy independent.

Sincerely,

WILLIAM, Hayden.

My husband and I are riding our bicycles to work. We wish there were incentives for communities to expand their walking and biking paths. (I lived for two years in Holland 30 years ago and loved the bicycle paths that were totally separate from the motorized vehicle roads). Families there used public transportation and bicycles. I would hope that the government would encourage citizens to get back on their feet and their bikes by creating safe paths and creating communities that encourage gathering rather than urban sprawl. We will be richer and healthier.

I am also getting my name on a waiting list for a hybrid vehicle. Government should

encourage motor vehicle manufacturers to build energy efficient vehicles. (This should have been done a long time ago!!) I am sort of happy about high gasoline prices because finally everyone will put into production technology that will free us from fossil fuels. Too bad we have to be forced to do good things eh? I hope you will support legislation that helps us change rather than stay dependent on an energy source that is doomed to get more scarce and more expensive.

I also have planted a big garden, so I am not so dependent this summer on the grocery store (and the rising cost from transportation).

Thanks for working on this issue.

KARI, *Rexburg.*

SENATOR CRAPO: Within the last few days we received our bill from Idaho Power. In it was our new level pay amount for this coming year. Our usage was up only very slightly, and we had only about \$4.00 to pay to balance out our account following this past year's payments. We were about as close to "even" as you can get. Our level pay (for Idaho Power) went from \$70 to \$103. This is a nearly 50 percent increase without a corresponding increase in usage. (Again, almost no increase in usage at all.) Energy costs are affecting even electrical power.

Gas prices are, of course, rapidly increasing. Diesel prices, however, continue to rise even more. One of the reasons we purchased a pickup with a diesel engine (for about \$5,000 extra) was because of the increased fuel mileage. Yet we are being punished for choosing fuel efficiency because the diesel prices continue to run far above even premium grade gasoline. I have read many times that diesel is not the most highly refined product from a barrel of oil. Because of the high fuel prices, we cannot afford to go camping as many times this year as last year, and I know of several others who either are not camping at all or are cutting back significantly.

I was talking to a friend of mine yesterday, who for many years with his family, was a missionary in Indonesia. He simply said that in Indonesia people riot and rebel when fuel prices go up because they know that when fuel costs rise, all costs rise. Of course, I would not want to see the civil disturbances in America, but I would like to see more people (including those in Congress who apparently do not see this) understand that fuel and energy costs affect all costs. We are not facing an isolated issue of a rise at the gas station. Shipping costs (whether by truck or plane) are up. Shippers will not just "eat" those costs—they will be cumulatively passed on to people who no longer have the economic cushion to absorb it.

I am frustrated by the current Congress' position of practicing opposition to oil exploration, increased refining capacity, and any other short-term responses to an immediate situation other than blaming us for using energy and blaming oil companies for the amount of profits gained by a low percentage of profit on an extremely high volume of business. I too would like to see alternative energy sources—but those are only long-term or very long-term solutions. Reducing usage sounds nice until people realize that shutting down a portion of our economy will have a ripple effect on every other part of the economy. When fuel costs get too high, businesses will end up closing either because of their own costs or because their customers no longer have money to pay them.

Another friend of mine owns a small plumbing business. He described just last week that because of the fuel prices he is now forced to either tell one of his employees to stay home and run the routes himself (taking time away from management and

finding new accounts) or combine two plumbers into one truck instead of them each going to separate jobs during the day. This reduces the number of customers he can serve during that day, which has a ripple effect both to and through his business.

How nice it would be to have available the mass transit from the Northeastern Corridor, from The Bay Area of California, or from the Los Angeles area. For Idaho and much of the West, this is not economically feasible without massive subsidies from the federal government. The distances between towns is too great to justify running buses or building rails—there are not enough riders.

Sometimes it would be nice to make some of the people in the Congress sit in a car as it travels at the posted speed limit the "short" trip between Boise and the next city of equal or greater size (Salt Lake? Spokane? Portland?). Perhaps this all-day trip through minimally-populated areas would help them understand that fuel is vital, distances great, and practical and affordable alternative travel options non-existent.

And none of this deals with the fact that when farmers know they will lose money on a field because the costs of production will exceed the possible revenue, they will simply not plant.

CARL, *Boise.*

DEAR SENATOR CRAPO: Thank you for this opportunity to share an example of how we are dealing with high energy costs. Our family is in Pocatello, and we have a son in school at the University of Idaho. It costs \$150 even with our 30 MPG cars for the round trip to either visit him or have him visit us. There is no real alternative of getting to Moscow from here as plane fare is much more than that, and the travel time is long no matter what the method. Getting a specialized education in Idaho such as a law degree necessitates students attending universities that are long distances from home. I am sure there are other families with students in far-off places that need face to face support making long journeys a regular occurrence.

I am not an expert on energy reserves, but it has been said by people that I trust to know these things that domestic oil production has been stalled/curtailed due to strict laws and environmental concerns. America has oil reserves in Alaska, Texas, the Dakotas, and offshore that we are not using due to various regulations. I would recommend allowing this domestic production to happen as soon as possible.

Nuclear energy production is a necessity. With recent advancements, this type of energy is low-cost, safe, environmentally-friendly, and good for the domestic economy. I would request that more nuclear plants be approved for construction and use.

I appreciate your time and consideration in these matters.

JOHN, *Pocatello.*

HELLO SENATOR CRAPO: A quick little story with a huge impact. I live in a nice apartment complex and know several people who live here. I have recently talked to a couple of them, and they are having to outright move to get closer to their jobs in order to make more per hour than the cost of a round trip in their car. I myself am a 100% disabled Veteran. I have to routinely make trips to Spokane, Washington, in order to get medications to be monitored for my health problems. Recently, I have had to postpone/re-schedule trips in order to save for the trip due to the huge increase in fuel prices. People here in Sandpoint are also losing their jobs left and right due to company downsizing caused directly from rising fuel prices. What is this country coming to? I

think "many" Senators and Congressman/ladies should be reminded that they work for us, the people of this country, because if we want to we can elect them right out of office just as quickly as we elected them into office. That also goes with the President of this country. All this lip service and no action. People just expect this any more and have little faith that anyone will do anything to help this nation rather than line their pockets with dirty money or favors for selling the U.S. out in one way, shape, or form. Again, thank you for voting no regarding the increase in gas prices. Idahoans are "so" proud to be in this state. We are proud that the upper management such as yourself still believe in our Constitution and defend all amendments, not just the ones that will get you elected. This means more to us that anything I believe. Also, you carry through with your promises to Idaho State and the people of this state. You set the example for all the Senators, Congressmen, and the President to follow.

Sincerely,

MIKE, *Sandpoint.*

Unfortunately, the high prices of energy are not just hitting Idahoans at the pumps. The high gas prices have opened the floodgates for the cost of consumer products to be increased across the board. Everywhere we turn, it costs more. Any mode of travel, food, clothing, household repair (the repairman has to figure in the extra cost of gas), the cost of fertilizer and feed for our livestock. Everyone is concerned about the amount of foreclosures in the state. That will only get worse as what income Idahoans had is diminished by the additional cost of everything including gas. It will be even harder for Idahoans to pay their house payment and we may see even more foreclosures.

Mother Nature is having her way with our agriculture states with flooding, etc. That will drive the cost of food and feed even higher, and so much for ethylene. Be careful or it will be a battle between feed and ethylene. If our nation does not wise up and start producing our own food, fuel, etc. and quit building houses on our most fertile ground. The legacy we will leave ourselves and the future generations will be that we gave away or built on our future and the nation by buying and outsourcing too much to foreign countries. We will be at their mercy for our food and fuel.

My humble opinions,

MARY, *Bonnors Ferry.*

DEAR SENATOR CRAPO: Your vote against climate change legislation smacked of partisan politics more to please the oil companies and less to do with supporting Idahoans paying less for gas.

Regarding your request for my observations on the current situation:

I do NOT support: nuclear energy technologies (because of the catastrophic consequences when failure happens); rampant destruction of natural habitats for meager results. (i.e., Alaska. What is the sense in investing millions of dollars to drill for oil in the ANWR when estimates say it contains only enough oil to solely support U.S. consumption for 7 months?); tax breaks for oil companies making windfall profits.

I DO support: Wind and solar power; effective renewable and alternative fuels; more stringent gas mileage demands on automobile manufacturers; more research on affordable hybrids; reduction in price on hybrids; tax incentives for both building and purchasing hybrids; tax penalties for purchasing Large SUV and low gas mileage autos; incentives for conservation; penalties for price gouging on oil companies; Government support for States developing better

public transportation in smaller towns; tax incentives for oil companies that reinvest their windfall profits into more economical oil production and research and development.

On a personal note, I have been looking for a job, but because of higher gas prices, I have been forced to limit potential job interviews because of the cost of travel.

I would call that a catch 22!

VERA, *Hope*.

DEAR SENATOR CRAPO: I absolutely agree that we are in serious trouble vis-à-vis our energy situation. Here is my story:

We have not been overly impacted by the high price of gas because we deliberately choose to live less than five miles from our office and we drive a Prius. Many days we do not even need to take our car out of the garage. However, we see many families in dire straits.

What needs to happen rather than increase our foolish belief in oil by doing things like encouraging more oil drilling in the U.S., is that we need to provide support and incentives for Idaho families and all U.S. families to make wise energy choices like we have. We need to provide even greater tax incentives to those who choose hybrid or electric vehicles. We need to institute tax credits for those who buy or rent homes within walking/biking distance of their workplaces. We need to demand of federal and local governments that public transportation be provided in urban areas and that areas like rural Idaho be connected to nearby areas by fuel efficient means—for example, the electric fast trains of Europe would work beautifully in a state like Idaho—one line running from Moscow to Boise, one from Boise to Pocatello or Salt Lake and one line running from Boise to Sun Valley would make it possible to access almost all the state now accessible by car by electric train.

We need to provide tax and other incentives for energy produced by wind and solar power. We need to provide tax and other incentives to our farmers to adopt less petroleum dependent farming methods. We need to provide encouragement to individuals to eat locally produced, non-petroleum based, sustainable foods.

The only way we are going to save our national and our personal economic well-being is to get off of oil. The only way we are going to resolve the war between ourselves and the Islamic fundamentalists is to reduce our military presence in their lives and the only way we can do that is to release ourselves from our dependence on the oil under the Middle East. Once we do not need that oil, we will finally be free and we will no longer be a target.

That is my story. Our family was lucky because we made wise energy choices some time ago. We do not commute, we buy only one 10-gallon tank of gas per month, and we get as much of our food as possible from local growers. While we are feeling the aware of the pinch of gas prices and mostly food prices for items that we can't grow ourselves or get from local growers, we are not suffering as so many Americans are. We need to address the long term-issues so that more people will be in the position we are in rather than simply putting out small fires by doing things like reducing gas taxes or drilling in Alaska. It is no good to put out small fires when your whole house is in flames.

DEBORAH.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF GWINN, MICHIGAN

• Mr. LEVIN. Mr. President, small towns are at the heart of our country's history and cultural heritage. These communities, and the institutions and groups that make up these towns, are an enduring aspect of our political, economic and social structure, offering their unique and special chapters to the American story. It is in this spirit that I recognize the 100th anniversary of the founding of Gwinn, MI. This town, which is flanked by the Escanaba River in Michigan's Upper Peninsula, is an important part of America's industrial history.

Situated in the Swanzy region, this area is rich in red iron ore, which attracted companies to the region as early as the 1870's for mining. As a result of these mining efforts, Gwinn was formally founded in 1908 by William Gwinn Mather, president of the Cleveland-Cliffs Iron Company as a "model town" for its company's employees. Gwinn is one of only three "model towns" built in the Lake Superior mining region. Mather named the town in honor of his mother, and hired Warren Manning, a prominent architect from Boston, to design the layout of the town. Intended to provide for the social, physical, and cultural well-being of its residents and inspired by European and northeastern design, this thoughtfully conceived town remains a fine and relatively pristine example of a model town of that era. On June 24, 2002, the town of Gwinn was listed in the National Register of Historic Places, an important federal recognition of its historical significance.

Like many small mining towns, Gwinn has weathered some major industrial shifts in the century following its founding. Mining operations in the region began to decline between the 1920s and 1940s and were all but eliminated after World War II. In the mid 1950s, KI Sawyer Air Force Base was established in Marquette County and quickly became a major, and much needed, source of employment for the region. After the closure of Sawyer in 1995 as a result of the Base Closure and Realignment Commission process, it was successfully transformed into a hub of private enterprise. Now home to many businesses and some residential housing, the former base is a testament to the collective efforts of this region to reinvent itself after experiencing yet another significant blow to its economic base.

Gwinn's 100th anniversary is a tribute to the strength and perseverance of its citizens and of America's working families. This milestone will be celebrated through festivities spanning from July 3 to July 12. I know my colleagues in the Senate join me in recognizing the residents of Gwinn as they celebrate their town's 100th anniversary. I wish them another 100 years achievement and success.●

TRIBUTE TO SARAH C. SNIDER

• Mr. LUGAR. Mr. President, I am pleased to have this opportunity to recognize a few of the many accomplishments of Sarah Snider, an outstanding health administrator with 15 years of experience in broadening health care access throughout rural America.

As the administrator of the Richard G. Lugar Center for Rural Health at Union Hospital in Terre Haute, IN, Ms. Snider has worked in conjunction with the hospital's Family Medicine Residency Program to increase the number of primary care physicians who seek careers in rural medicine. She has also led the center's staff in the development of strategies that have greatly increased the exposure of needed rural health training programs. While serving in this role, Ms. Snider has accumulated an impressive list of accomplishments.

For example, in 1996, Ms. Snider worked in collaboration with her colleagues to obtain needed funds for the building of the Clay City, IN, Center for Family Medicine. This clinic serves as a model training site for family physicians and functions today as a vital primary care access point for the citizens of Clay and surrounding counties. More recently, Ms. Snider worked with community leaders in Clinton, IN, to establish the Vermillion-Parke Community Health Center. Similar to the Clay City facility, this community health center will serve as a teaching and learning site for primary care clinicians and address the considerable mental, physical, and dental health needs of surrounding communities.

Ms. Snider has also applied her talents towards the development of the Landsbaum Center for Health Education in Terre Haute, IN. Dedicated in 2003, the Landsbaum Center is a state-of-the-art building that combines the prestigious teaching facilities of Union Hospital with the educational assets of Indiana State University and the Indiana University School of Medicine.

It has been a tremendous pleasure for me to witness Sarah's efforts over the years. Her leadership, dedication, and counsel have benefited many individuals. While she will be dearly missed in Terre Haute, I wish Sarah and her family all the best as they pursue new and exciting endeavors.●

TRIBUTE TO SCOTTY COLSON

• Mr. SESSIONS. Mr. President, on Friday, June 20, 2008, Ukraine's Ambassador to the United States, Oleh Shamshur, appointed Scotty Colson, assistant to the mayor of Birmingham, AL, as an Honorary Consul of the Government of Ukraine.

This designation acknowledges in gratitude the work that the city of Birmingham and its citizens, under the leadership of Scotty Colson, have done to assist the people of Ukraine, especially in the cities of Krasnodon and Vinnytsia since 1997, and in helping to

build the U.S.-Ukraine strategic partnership at the grassroots level. This Birmingham-Ukraine relationship began in 1997 within the U.S.-Ukraine Foundation's U.S.-Ukraine Community Partnerships Project, which was funded by the U.S. Agency for International Development, USAID, with the strong support of Congress.

It is almost impossible to comprehend the positive impact the U.S.-Ukraine Foundation's Community Partnership Program has had all across Ukraine and the amazing collateral benefits it has brought to U.S.-Ukrainian relations. And, with Scotty Colson's leadership the Birmingham-Krasnodon partnership exemplifies the very best of what America has to offer—American volunteers, Americans giving of a helping hand, and Americans demonstrating their commitment to a better world.

Through the relationship fostered by the Community Partnership Project, Birmingham and Krasnodon worked together to enhance citywide development. Birmingham shared its health experience with Krasnodon enabling the city to make substantial improvement to its outdated medical system. Due to the installation of mini-boilers in city buildings, the city of Krasnodon significantly reduced costs during the 2000-2001 winter season. Coming from the top-down control model of the Communist system but learning from citizen participation in Birmingham, Krasnodon established public committees on health care and city beautification, public hearings on government performance and future plans and a roundtable discussion on housing and neighborhood communities. Transparent government with genuine citizen involvement flourishes. To help enable future growth Krasnodon established a one-stop office to register businesses.

Through Scotty Colson and the U.S.-Ukraine Foundation's relationship with Birmingham, other associations and contacts developed for the foundation in and out of Alabama for the purpose of developing U.S.-Ukraine related technical assistance projects. These associations have all assisted the foundation in its mission to aid Ukraine in the development of democratic institutions, economic development and human rights. It is my understanding that one of the favorite slogans within the U.S.-Ukraine Community Partnerships Project, which was officially funded from 1997 to 2007, came from Birmingham's neighborhoods: "You don't have to move to live in a better neighborhood."

Thirteen other cities across the United States partnered with Ukrainian communities to work on strategic planning, economic development, citizen participation, and communal services. There are many success stories. Hundreds of citizen diplomats from the U.S. communities, who volunteered their professional services at a value of over \$5 million to aid Ukraine, rep-

resented their own communities and offered the best of America through this program.

Four mayors from Birmingham, as well as many other community citizens, and officials, actively participated in this program during the period of 1997-2007. As I have said, these personal and voluntary efforts represented the best of America.

The people of Birmingham, AL, who continually develop their own community, are sharing their experience and giving confidence and hope to cities and towns in Ukraine, that they too can have a better future and that they don't have to move to live in a better neighborhood. I am proud to call the recognition Scotty has received from Ukraine to the attention of my Senate colleagues. This recognition of Scotty, really on behalf of the fabulous contributions of the volunteers from Birmingham, AL, has contributed greatly to the advancement of our country's foreign policy interests and specifically to our strategic interests with Ukraine.●

CELEBRATING 65 YEARS OF MARRIAGE

● Mr. THUNE. Mr. President, it is rare these days to see one couple make it to 65 years of marriage. It is even more rare to see two couples, who are best friends, make it to that rather remarkable milestone at the same time. This weekend in Murdo, SD, Harold and Pat Thune and John and Virginia Parker will both celebrate 65 years of marriage.

When Harold Thune and John Parker graduated Murdo High School together in the spring of 1937, neither realized how entwined their lives would become over time. After high school graduation John moved to California. Harold went on to become a basketball star at the University of Minnesota and then a fighter pilot during World War II. Harold returned to Murdo with his young wife Patricia when the war ended to take over the family business at the request of his father who was in poor health.

It was the summer of 1951 when John returned to Murdo with his wife Virginia and reconnected with his high school classmate, who by this time had three young children. In the intervening years since high school, John had found real purpose in his life through his Christian faith. Anxious to share that faith with his high school friend, he began a small Bible study in that summer of 1951. Through that Bible study, first Pat, then Harold made a profession of faith that has served as their life's foundation to this day. They would be the first to tell you that it is hard to imagine them celebrating this blessed occasion absent that life-changing experience.

We honor both couples on this occasion of 65 years of marriage, for staying true to their God, to each other, and to their families. Their example of stead-

fast commitment and devotion is a powerful witness and inspiration to those who have come after about what a Christian marriage should be. Congratulations to the Parkers and the Thunes on this milestone 65th wedding anniversary.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations to the Committee on Foreign Relations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5690) to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2245. An act to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic.

H.R. 4264. An act to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the "Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center".

H.R. 4918. An act to name the Department of Veterans Affairs medical center in Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center".

H.R. 6052. An act to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 163. Concurrent resolution expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus.

H. Con. Res. 195. Concurrent resolution expressing the sense of the Congress that a National Dysphagia Awareness Month should be established.

H. Con. Res. 365. Concurrent resolution honoring the life of Robert Mondavi.

H. Con. Res. 370. Concurrent resolution expressing support for designation of September 2008 as "Gospel Music Heritage Month" and honoring gospel music for its valuable and longstanding contributions to the culture of the United States.

ENROLLED BILLS SIGNED

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2642. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 5690. An act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3202. A bill to address record high gas prices at the pump, and for other purposes.

S. 3213. A bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

H.R. 3195. An act to restore the intent and protections of the Americans with Disabilities Act of 1990.

The following concurrent resolution was read the first and second times by unanimous consent, and placed on the calendar:

H. Con. Res. 365. Concurrent resolution honoring the life of Robert Mondavi.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6773. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus thuringiensis Cry2Ab2 Protein; Exemption from the Requirement of a Tolerance" (FRL No. 8369-4) received on June 26, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6774. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Residues of Quaternary Ammonium Compounds, Didecyl Dimethyl Ammonium Carbonate and Didecyl Dimethyl Ammonium Bicarbonate; Exemption from the Requirement of a Tolerance" (FRL No. 8368-1) received on June 26, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6775. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Teed M.

Moseley, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6776. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report on the financing of certain Petroleos Mexicanos Projects in Mexico by the Pemex Project Master Trust; to the Committee on Banking, Housing, and Urban Affairs.

EC-6777. A communication from the Director, Housing and Facilities Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Subpart N Housing Preservation Grants" (RIN0575-AC76) received on June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6778. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Installation Program" (RIN2502-AH97) received on June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6779. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the remaining obstacles to the efficient and timely circulation of \$1 coins; to the Committee on Banking, Housing, and Urban Affairs.

EC-6780. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, an annual report on the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-6781. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Elephant Trunk Scallop Access Area Closure for General Category Scallop Vessels" (RIN0648-X152) received on June 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6782. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure; Coastwide 2008 Summer Period Scup Commercial Fishery" (RIN0648-X140) received on June 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6783. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Catcher Processors in the Gulf of Alaska" (RIN0648-X138) received on June 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6784. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska" (RIN0648-X136) received on June 26, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6785. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment 26 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs" (RIN0648-AW45) received on June 26,

2008; to the Committee on Commerce, Science, and Transportation.

EC-6786. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Columbia County Area" (FRL No. 8687-2) received on June 26, 2008; to the Committee on Environment and Public Works.

EC-6787. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Crawford County Area" (FRL No. 8687-3) received on June 26, 2008; to the Committee on Environment and Public Works.

EC-6788. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Somerset County Area" (FRL No. 8686-9) received on June 26, 2008; to the Committee on Environment and Public Works.

EC-6789. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Susquehanna County Area" (FRL No. 8687-1) received on June 26, 2008; to the Committee on Environment and Public Works.

EC-6790. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and 2002 Base-Year Inventory for the Warren County Area" (FRL No. 8685-5) received on June 26, 2008; to the Committee on Environment and Public Works.

EC-6791. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Nevada; Wintertime Oxygenated Gasoline Rule; Vehicle Inspection and Maintenance Program; Redesignation of Truckee Meadows to Attainment for the Carbon Monoxide Standard" (FRL No. 8555-1) received on June 26, 2008; to the Committee on Environment and Public Works.

EC-6792. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementations Plans; Washington; Vancouver Air Quality Maintenance Area Second 10-Year Carbon Monoxide Maintenance Plan" (FRL No. 8684-1) received on June 26, 2008; to the Committee on Environment and Public Works.

EC-6793. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality

Management District" (FRL No. 8565-2) received on June 26, 2008; to the Committee on Environment and Public Works.

EC-6794. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Optional Standard Mileage Rates" (Announcement 2008-63) received on June 26, 2008; to the Committee on Finance.

EC-6795. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rolling Average Method of Inventory Valuation" (Revenue Procedure 2008-43) received on June 26, 2008; to the Committee on Finance.

EC-6796. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Law School Loan Repayment Assistance Programs" (Rev. Rul. 2008-34) received on June 26, 2008; to the Committee on Finance.

EC-6797. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-94—2008-103); to the Committee on Foreign Relations.

EC-6798. A communication from the Secretary General, Inter-Parliamentary Union, transmitting a copy of a report entitled, "Equality in Politics: A Survey of Women and Men in Parliaments"; to the Committee on Foreign Relations.

EC-6799. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting a Presidential report and certification relative to the proposed rescission of the designation of North Korea as a state sponsor of terrorism; to the Committee on Foreign Relations.

EC-6800. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to post-liberation Iraq for the period of April 15, 2008, through June 15, 2008; to the Committee on Foreign Relations.

EC-6801. A communication from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on June 26, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6802. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, an annual report on the financial status of the railroad unemployment insurance system for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6803. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Inspector General's Semiannual Report covering the period of October 1, 2007, through March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6804. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a summary of the Department's inventory of inherently governmental and commercial activities for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-6805. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Office's first annual report; to the Committee on the Judiciary.

EC-6806. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Board of Immigration Appeals: Composition of Board and Temporary Board Members" (RIN1125-AA57) received on June 26, 2008; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1566. A bill to amend the Oil Pollution Act of 1990 to improve that Act, and for other purposes (Rept. No. 110-403).

S. 2707. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. No. 110-404).

H.R. 3891. A bill to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation (Rept. No. 110-405).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany H.R. 3986, a bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes (Rept. No. 110-406).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2555. A bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes (Rept. No. 110-407).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN from the Committee on Foreign Relations:

[Treaty Doc. 110-14: International Convention Against Doping in Sport with one understanding, one declaration and one condition (Ex. Rept. 110-11)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to an understanding, a declaration, and a condition.

The Senate advises and consents to the ratification of the International Convention Against Doping in Sport (the "Convention"), adopted by the United Nations Educational, Scientific, and Cultural Organization on October 19, 2005 (Treaty Doc. 110-14; EC 6772), subject to the understanding of section 2, the declaration of section 3, and the condition of section 4.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the United States instrument of ratification:

It is the understanding of the United States of America that nothing in this Convention obligates the United States to provide funding to the World Anti-Doping Agency.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the United States instrument of ratification:

Pursuant to Article 2(4), which defines "Athlete" for purposes of doping control as "any person who participates in sport at the international or national level as defined by each national anti-doping organization and accepted by States Parties and any additional person who participates in a sport or event at a lower level accepted by States Parties", the United States of America declares that "Athlete" for purposes of doping control means any athlete determined by the U.S. Anti-Doping Agency to be subject to or to have accepted the World Anti-Doping Code.

Section 4. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Not later than 60 days after an amendment to either of the Annexes that was concluded in accordance with the specific amendment procedure in Article 34 enters into force for the United States, the Secretary of State shall transmit the text of the amended Annex to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY (for himself and Mr. KOHL):

S. 3219. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BARRASSO:

S. 3220. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Finance.

By Mr. BARRASSO:

S. 3221. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Finance.

By Mr. THUNE:

S. 3222. A bill to promote the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. KENNEDY, Mr. SCHUMER, Ms. STABENOW, Mr. DURBIN, Ms. LANDRIEU, Ms. COLLINS, Mrs. CLINTON, Mr. HARKIN, Mr. DODD, and Mr. SANDERS):

S. 3223. A bill to establish a small business energy emergency disaster loan program; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON:

S. Res. 606. A resolution designating June 27, 2008, as National HIV Testing Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 894

At the request of Mrs. LINCOLN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 894, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles.

S. 1827

At the request of Mr. COCHRAN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1827, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2062

At the request of Mr. DORGAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2062, a bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes.

S. 2495

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 2495, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 3061

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3061, a bill to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 3134

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3134, a bill to amend the Commodity Exchange Act to require energy commodities to be traded only on regulated markets, and for other purposes.

S. 3144

At the request of Mr. BOND, his name was added as a cosponsor of S. 3144, a bill to amend part B of title XVIII of the Social Security Act to delay and

reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies.

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3144, *supra*.

S. 3167

At the request of Mr. BURR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3167, a bill to amend title 38, United States Code, to clarify the conditions under which veterans, their surviving spouses, and their children may be treated as adjudicated mentally incompetent for certain purposes.

S. 3175

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3175, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program, to make technical corrections to that Act, and for other purposes.

S. 3217

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3217, a bill to provide appropriate protection to attorney-client privileged communications and attorney work product.

S. RES. 499

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 499, a resolution urging Palestinian Authority President Mahmoud Abbas, who is also the head of the Fatah Party, to officially abrogate the 10 articles in the Fatah Constitution that call for Israel's destruction and terrorism against Israel, oppose any political solution, and label Zionism as racism.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Ms. SNOWE, Mr. KENNEDY, Mr. SCHUMER, Ms. STABENOW, Mr. DURBIN, Ms. LANDRIEU, Ms. COLLINS, Mrs. CLINTON, Mr. HARKIN, Mr. DODD, and Mr. SANDERS):

S. 3223. A bill to establish a small business energy emergency disaster loan program; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, with the temperatures pushing 90 degrees here in Washington, today might strike some as an odd time to introduce a bill on heating fuels. But for those of us who know the costs of a cold winter ahead, the real fuel crisis is now—and the clock is ticking when it comes to Washington's ability to step in and help before it's too late and this problem becomes a crisis and another state of emergency is declared on Massachusetts. Now and in the coming weeks, families and businesses will be sitting

down to sign their heating fuel contracts, with record prices creating impossible decisions between feeding one's family and heating the home, and laying off employees or going further into debt.

This week the Committee on Small Business and Entrepreneurship held a hearing entitled "Examining Solutions to Cope with the Rise in Home Heating Oil Prices" in which we heard testimony on the effect the historic spike in heating oil prices is having on small businesses. Nationally, 7.7 million households heat their homes with home heating oil. In Massachusetts, more than 963,000 households use home heating oil delivered by over 800 distributors, many of them small businesses.

It is reality—not rhetoric—that price spikes will force people to decide whether to feed their families or heat their homes, and will force small businesses to layoff employees and in some cases shut their doors. The Energy Information Administration is projecting that heating oil prices will be up 56 percent in 2009 as compared with 2007, and even that estimate may be modest. Prices for a gallon of home heating oil sit at over \$4.50 today compared with less than a dollar 10 years ago. That means consumers will have to pay thousands more than ever before to heat their homes this winter, and small businesses who rely on these and other fuels to heat their businesses will face skyrocketing bills at a time when the economy and the credit crunch are already squeezing their bottom lines.

While oil companies are reaping record profits, small business owners are hard hit by these price spikes. Most heating oil distribution is done by small businesses who are victimized many times over by the rising price of fuel. Their accounts receivables go through the roof—which isn't a pretty picture, especially during a credit crunch. Their customers have a difficult time paying their bills and rising credit card fees eat into their margins. The volatility in the market also causes price hedging—a practice of locking into a price in order to buy certainty—to rise from a few cents a gallon a few years ago to upwards of 40 cents a gallon today, rendering almost useless this tool that used to be helpful in giving distributors and consumers an insurance policy against more crippling prices during the winter when the market pressures were greater. These problems are affecting small businesses who work with other heating fuels as well, such as kerosene, propane, and natural gas.

There are many viable and successful small businesses that need assistance to get through times when heating fuel prices spike. This is why I, along with Senator SNOWE, am reintroducing the Small Business Energy Emergency Relief Act to provide assistance through affordable, low-interest Small Business Administration disaster loans to small businesses that have suffered economic

harm and can't pay their bills because of the huge price increases in heating oil, propane, kerosene, and natural gas. Whether they are small fuel distributors or business owners who rely on those fuels to heat their stores, many small businesses are dependent on these four heating fuels.

This bill would amend the Small Business Act to authorize the Small Business Administration to make disaster loans of up to \$1.5 million, and an exception can be made by the Administrator for higher loans if the borrower constitutes a major source of employment, to assist small businesses that have suffered substantial economic injury as the result of a significant increase in the price of kerosene, propane, natural gas, or heating oil. Heating fuel prices would have to go up by 50 percent over the average price during the same 10-day period in the previous 2 years to trigger an energy emergency declaration from the President or the Administrator, though a Governor of a State that has experienced a significant rise in the price of home heating oil may also request assistance for small businesses in that State.

The qualifications for an economic injury disaster loan are the same as for economic injury loans for a physical disaster. A small business must have demonstrated economic injury as a result of the price increases; demonstrate the inability to pay its bills; be unable to locate financing elsewhere; and demonstrate the ability to repay the loan. As in years past, the bill retains a provision authored by Senators HARKIN and KOHL to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make loans to farm operations that qualify as a small business and that have suffered substantial economic injury on or after October 1, 2007, as the result of a significant increase in energy costs in connection with an energy emergency declaration by the President or the Secretary.

This bill has been a collaborative process over many years, which is demonstrated by other provisions that we have retained, including one by Senator LEVIN to allow small businesses to use the proceeds of the loans not only for working capital to recover from the economic injury of the energy costs but also to convert their systems to use alternative or renewable energy sources. That was complimented by a provision added by Senator ENZI to allow the proceeds for cogeneration systems.

This bill was originally introduced in the 107th Congress as S. 295 and it passed the full Senate with 34 cosponsors. Since then, it has passed the Senate twice more, both times in the 109th Congress, once as an amendment to H.R. 6, the Energy Policy Act of 2005, and once as part of a larger Katrina relief amendment to H.R. 2862, only to be dropped in conference both times. Furthermore, this bill has passed the Com-

mittee on Small Business and Entrepreneurship several times, including in 2006 as a stand alone bill and in 2007 as part of the Small Business Disaster Response and Loan Improvements Act.

With heating fuel prices soaring to never before seen heights, and with no end in sight, it is time we pass this bill and make it law. Small businesses across the country already operate on razor thin margins, and the spike in heating fuels this winter will push many otherwise successful businesses over the edge and into bankruptcy. With the credit markets tightening, giving these small businesses low interest loans to help them make it through the winter is a common sense, low cost way to help small businesses, save jobs, and secure the backbone of our economy.

I would like to thank Senator SNOWE for her tireless work on these issues and for cosponsoring this bill, and I ask that this statement is printed for the record. I would also like to thank Senators KENNEDY, SCHUMER, STABENOW, LANDRIEU, DURBIN, COLLINS, CLINTON, HARKIN, DODD, and SANDERS for joining me as original cosponsors, and I ask that all Senators join me in supporting this bill that will help save small businesses across this country who are struggling to adjust to the world of skyrocketing energy prices that we must deal with today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3223

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 "Small Business Energy Emergency Relief Act of 2008".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. FINDINGS.

Congress finds that—

(1) a significant number of small business concerns in the United States, nonfarm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small business concerns dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983 to 1984, 1988 to 1989, 1996 to 1997, 1999 to 2000, 2000

to 2001, 2004 to 2005, 2006 to 2007, and 2007 to 2008; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small business concerns.

SEC. 4. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (9) the following:

"(10) ENERGY EMERGENCIES.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

"(iv) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 50 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) AUTHORIZATION.—The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2007.

"(C) INTEREST RATE.—Any loan or guarantee extended under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) MAXIMUM AMOUNT.—No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed \$1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administrator, in which case the Administrator, in the discretion of the Administrator, may waive the \$1,500,000 limitation.

"(E) DECLARATIONS.—For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; and

"(ii) if no declaration has been made under clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such

increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

“(F) USE OF FUNDS.—Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.”.

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting “, significant increase in the price of heating fuel” after “civil disorders”; and

(2) by inserting “other” before “economic”.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator under section 6.

SEC. 5. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking “operations have” and inserting “operations (i) have”; and

(B) by inserting before “: *Provided*,” the following: “, or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2007, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2007, in connection with an energy emergency declared by the President or the Secretary”;

(2) in the third sentence, by inserting before the period at the end the following: “or by an energy emergency declared by the President or the Secretary”;

(3) in the fourth sentence—

(A) by inserting “or energy emergency” after “natural disaster” each place that term appears; and

(B) by inserting “or declaration” after “emergency designation”.

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from energy emergencies.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply during the 4-year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 6.

SEC. 6. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this Act and the amendments made by this Act.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of

kerosene under section 7(b)(10)(A)(iv)(II) of the Small Business Act, as added by this Act.

SEC. 7. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator issues guidelines under section 6, and annually thereafter until the date that is 12 months after the end of the effective period of section 7(b)(10) of the Small Business Act, as added by this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(10) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(10), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 6, and annually thereafter until the date that is 12 months after the end of the effective period of the amendments made to section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) by this Act, the Secretary shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and the Committee on Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); and

(2) contains recommendations for ways to improve the assistance provided under such section 321(a), if any.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 606—DESIGNATING JUNE 27, 2008, AS NATIONAL HIV TESTING DAY

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 606

Whereas the Centers for Disease Control and Prevention (referred to in this preamble as “the CDC”) found that at the end of 2003, between 1,039,000 and 1,185,000 individuals in the United States were HIV positive, an increase from the estimated 850,000 to 950,000 such individuals at the end of 2002;

Whereas the CDC estimated that at the end of 2006, African-Americans represented 49 percent of all individuals living with HIV/AIDS, Whites represented 30 percent, and Hispanics represented 18 percent;

Whereas the CDC further found that at the end of 2006, men accounted for nearly 73 percent of all individuals living with HIV/AIDS and women represented more than 26 percent;

Whereas the CDC estimated that from the beginning of the epidemic through 2006, 565,927 individuals in the United States have died of AIDS;

Whereas the CDC has determined that the leading cause of HIV infection is male-to-male sexual contact, followed by heterosexual contact and injection drug use;

Whereas the CDC has estimated that during the 10-year period beginning in 1998, the rate of new infections in the United States has remained at approximately 40,000 annually, with no decline;

Whereas individuals at high risk of acquiring HIV are also often at high risk of acquiring other sexually transmitted infections;

Whereas a 2008 report from the CDC estimated that in the United States, 1 in 4 young women and nearly 1 in 2 young African-American women between the ages of 14 and 19 have a sexually transmitted infection;

Whereas the CDC estimates that about 25 percent of all HIV-positive individuals are unaware of their status;

Whereas the CDC reports that when infected individuals knew their status, they were more likely to practice HIV risk-reduction behaviors;

Whereas the CDC reported that in 2005, 40 percent of those individuals diagnosed as HIV-positive were later diagnosed with AIDS within 1 year of their HIV test;

Whereas the CDC reports that early knowledge of HIV status is important for connecting HIV-positive individuals with medical care and services that can reduce mortality and prevent the onset of AIDS;

Whereas a 2004 survey by the Kaiser Family Foundation found that many individuals in the United States wanted more information about HIV, including the different types of HIV tests available, testing costs, test result confidentiality, and testing locations;

Whereas African-Americans and Latinos are much more likely than Whites to say they need more information about HIV testing;

Whereas anxieties, misconceptions, and stigma have been traditionally associated with HIV/AIDS and HIV testing;

Whereas the most commonly used HIV tests require a 2 week waiting period for a diagnosis, and such a waiting period contributes to the anxiety surrounding HIV testing that discourages individuals from receiving their diagnosis;

Whereas the CDC estimated that in 2004, among those who took an HIV test at sites funded by the CDC, 22 percent did not return for their test results;

Whereas rapid test kits approved by the Food and Drug Administration have made HIV testing easier, more accessible, and less invasive, while delivering results within a single day;

Whereas prevention counseling is an essential part of HIV testing, and when conducted according to established CDC guidelines, has been shown to be effective at producing individual behavioral change;

Whereas the National Association of People with AIDS, founded in 1983, is the oldest coalition of people living with HIV/AIDS, and advocates on behalf of all people living with HIV/AIDS;

Whereas National HIV Testing Day is an annual campaign introduced in 1995 and produced by the National Association of People with AIDS to encourage individuals to seek out and receive voluntary HIV counseling and testing;

Whereas the theme of National HIV Testing Day 2008 is, “Take the test, take control”;

Whereas the Advancing HIV Prevention Initiative of the CDC emphasizes the importance of HIV testing;

Whereas as part of its overall public health mission, the CDC annually supports the National HIV Prevention Conference and National HIV Testing Day; and

Whereas June 27 of each year is now recognized as National HIV Testing Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 27, 2008, as National HIV Testing Day;

(2) encourages State and local governments, including their public health agencies, to recognize such a day, to publicize its importance among their communities, to encourage individuals to undergo counseling and testing for HIV and other sexually transmitted infections, and to establish and maintain effective linkages to care and treatment services for individuals testing positive;

(3) encourages the appropriate use of rapid test kits approved by the Food and Drug Administration as a fast and efficient method of HIV testing;

(4) encourages National, State, and local media organizations to carry messages in support of National HIV Testing Day;

(5) encourages the President to emphasize the importance of addressing the HIV/AIDS epidemic among all individuals in the United States, but especially among minority communities; and

(6) supports the development of a National AIDS strategy with clear goals and objectives to reduce new HIV infections, especially among minorities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5065. Mr. LEVIN (for Mr. COBURN) submitted an amendment intended to be proposed by Mr. LEVIN to the bill H.R. 3564, to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

TEXT OF AMENDMENTS

SA 5065. Mr. LEVIN (for Mr. COBURN) submitted an amendment intended to be proposed by Mr. LEVIN to the bill H.R. 3564, to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes; as follows:

On page 2, lines 6 through 8, *strike* “\$1,000,000 for fiscal year 2008, \$3,300,000 for fiscal year 2009, \$3,400,000 for fiscal year 2010, and \$3,500,000 for fiscal year 2011” and *insert* “\$3,200,000 for fiscal year 2009, \$3,200,000 for fiscal year 2010, and \$3,200,000 for fiscal year 2011”.

THE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the following bills en bloc: Calendar No. 841, S. 3015; Calendar No. 842, S. 3082; Calendar No. 843, H.R. 3721; Calendar No. 844, H.R. 4185; Calendar No. 845, H.R. 5168; Calendar No. 846, H.R. 5395; Calendar No. 847, H.R. 5479; Calendar No. 848, H.R. 5517; and Calendar No. 849, H.R. 5528.

I further ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that

any statements relating to the measures be printed in the RECORD.

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

DR. BERNARD DALY POST OFFICE BUILDING

The bill (S. 3015) to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the “Dr. Bernard Daly Post Office Building”, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3015

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

SECTION 1. DR. BERNARD DALY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 18 S. G Street in Lakeview, Oregon, as the “Dr. Bernard Daly Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Dr. Bernard Daly Post Office Building”.

REVEREND EARL ABEL POST OFFICE BUILDING

The bill (S. 3082) to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the “Reverend Earl Abel Post Office Building”, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3082

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

SECTION 1. REVEREND EARL ABEL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, shall be known and designated as the “Reverend Earl Abel Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Reverend Earl Abel Post Office Building”.

MARINE GUNNERY SERGEANT JOHN D. FRY POST OFFICE BUILDING

The bill (H.R. 3721) to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the “Marine Gunnery Sgt. John D. Fry Post Office Building”, was considered, ordered to a third reading, read the third time, and passed.

MARISOL HEREDIA POST OFFICE BUILDING

The bill (H.R. 4185) to designate the facility of the United States Postal Service located at 11151 Valley Boule-

vard in El Monte, California, as the “Marisol Heredia Post Office Building” was considered, ordered to a third reading, read the third time, and passed.

CODY GRATER POST OFFICE BUILDING

The bill (H.R. 5168) to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the “Cody Grater Post Office Building”, was considered, ordered to a third reading, read the third time, and passed.

WILLIAM “BILL” CLAY POST OFFICE BUILDING

The bill (H.R. 5395) to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the “William ‘Bill’ Clay Post Office Building” was considered, ordered to a third reading, read the third time, and passed.

ALONZO WOODRUFF POST OFFICE BUILDING

The bill (H.R. 5479) to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the “Alonzo Woodruff Post Office Building”, was considered, ordered to a third reading, read the third time, and passed.

TEXAS MILITARY VETERANS POST OFFICE

The bill (H.R. 5517) to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the “Texas Military Veterans Post Office”, was considered, ordered to a third reading, read the third time, and passed.

ROCKY MARCIANO POST OFFICE BUILDING

The bill (H.R. 5528) to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the “Rocky Marciano Post Office Building”, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 377, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 377) authorizing the use of the rotunda of the

Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces.

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

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

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

The concurrent resolution (H. Con. Res. 377) was agreed to.

The preamble was agreed to.

REGULATORY IMPROVEMENT ACT OF 2007

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 443, H.R. 3564.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3564) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that a Coburn amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions 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 amendment (No. 5065) was agreed to, as follows:

(Purpose: To modify the authorization of appropriations for fiscal years 2008 through 2011)

On page 2, lines 6 through 8, strike "\$1,000,000 for fiscal year 2008, \$3,300,000 for fiscal year 2009, \$3,400,000 for fiscal year 2010, and \$3,500,000 for fiscal year 2011" and insert "\$3,200,000 for fiscal year 2009, \$3,200,000 for fiscal year 2010, and \$3,200,000 for fiscal year 2011".

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

The bill (H.R. 3564), as amended, was read the third time and passed.

APPOINTMENTS AUTHORITY

Mr. LEVIN. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees,

boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 474, 510, 517, 518, 582, 592, 594, 611, 637, 638, 639, 640, 641, 642, 643, 644, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 667 to and including 682, all nominations on the Secretary's desk in the Air Force, Army, Coast Guard, Foreign Service, NOAA, Marine Corps and Navy, and that the Foreign Relations Committee be discharged from consideration of PN 1815, Lyndon L. Olson, and the Banking Committee be discharged from further consideration of PN 568, Elizabeth A. Duke, and the HELP Committee be discharged from further consideration of PN 1501, Constance Barker, and the Senate proceed en bloc to their consideration; that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, that no further motions be in order; provided further that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Gregory G. Katsas, of Massachusetts, to be an Assistant Attorney General.

DEPARTMENT OF TRANSPORTATION

Simon Charles Gros, of New Jersey, to be an Assistant Secretary of Transportation.

DEPARTMENT OF HOMELAND SECURITY

Harvey E. Johnson, Jr., of Virginia, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security. (New Position)

DEPARTMENT OF STATE

Mark Kimmitt, of Virginia, to be an Assistant Secretary of State (political-military Affairs).

DEPARTMENT OF STATE

James B. Cunningham, of New York, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

T. Vance McMahan, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

T. Vance McMahan, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624.

To be rear admiral (lower half)

Capt. Donald E. Gaddis

DEPARTMENT OF STATE

Liliana Ayalde, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay.

John R. Beyrle, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

Asif J. Chaudhry, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

James Culbertson, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

David F. Girard-diCarlo, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

John Melvin Jones, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Tina S. Kaidanow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

Kristen Silverberg, of Texas, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Rosemary Anne DiCarlo, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Lezlee J. Westine, of Virginia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2009.

Lyndon L. Olson, Jr., of Texas, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2008.

DEPARTMENT OF STATE

Eric J. Boswell, of the District of Columbia, to be an Assistant Secretary of State (Diplomatic Security).

Eric J. Boswell, of the District of Columbia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

DEPARTMENT OF HOMELAND SECURITY

Elaine C. Duke, of Virginia, to be Under Secretary for Management, Department of Homeland Security.

SECURITIES AND EXCHANGE COMMISSION

Elisse Walter, of Maryland, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2012.

Troy A. Paredes, of Missouri, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2013.

Luis Aguilar, of Georgia, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2010.

NATIONAL CREDIT UNION ADMINISTRATION

Michael E. Fryzel, of Illinois, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2013.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Susan D. Peppler, of California, to be an Assistant Secretary of Housing and Urban Development.

Sheila McNamara Greenwood, of Louisiana, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF THE TREASURY

Neel T. Kashkari, of California, to be an Assistant Secretary of the Treasury. (New Position)

EXECUTIVE OFFICE OF THE PRESIDENT

Donald B. Marron, of Maryland, to be a Member of the Council of Economic Advisers.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Joseph J. Murin, of Pennsylvania, to be President, Government National Mortgage Association.

DEPARTMENT OF COMMERCE

Christopher R. Wall, of Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF JUSTICE

Kelly Harrison Rankin, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Clyde R. Cook, Jr., of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel William J. Bender
Colonel Bryan J. Benson
Colonel Christopher C. Bogdan
Colonel Darryl W. Burke
Colonel Joseph T. Callahan, III
Colonel Michael J. Carey
Colonel John B. Cooper
Colonel Samuel D. Cox
Colonel Teresa A.H. Djuric
Colonel Carlton D. Everhart, II
Colonel Terrence A. Feehan
Colonel Samuel A.R. Greaves
Colonel Russell J. Handy
Colonel Scott M. Hanson
Colonel Veralinn Jamieson
Colonel Jeffrey G. Lofgren
Colonel Earl D. Matthews
Colonel Kurt F. Neubauer
Colonel Robert C. Nolan, II
Colonel Craig S. Olson
Colonel John R. Ranck, Jr.
Colonel Darryl L. Roberson
Colonel Jeffry F. Smith
Colonel John F. Thompson
Colonel Gregory J. Touhill
Colonel Thomas J. Trask
Colonel Joseph S. Ward, Jr.
Colonel Scott D. West
Colonel Timothy M. Zadalis

The following named officer for appointment in the United States Air Force to the

grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul J. Selva

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Kenny C. Montoya

The following Army National Guard of the United States officer for promotion in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Errol R. Schwartz

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ricky Lynch

The following named officer for appointment to the grade indicated under title 10, U.S.C., sections 3064 and 3069(b):

To be major general

Col. Patricia D. Horoho

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brigadier General Timothy E. Albertson
Brigadier General Norman E. Arflack
Brigadier General Tod J. Carmony
Brigadier General William L. Enyart, Jr.
Brigadier General Dennis E. Jacobson
Brigadier General Kevin R. McBride
Brigadier General Olin O. Oedekoven

To be brigadier general

Colonel Dean W. Brown
Colonel Annette M. Denner
Colonel David B. Enyeart
Colonel Charles H. Gailles, Jr.
Colonel James R. Gorham
Colonel James J. Grant
Colonel Earnest L. Harrington, Jr.
Colonel Wayne M. Hayes
Colonel Reynold N. Hoover
Colonel Ward K. Johnson, III
Colonel Daniel R. Kern
Colonel Louis J. Landreth
Colonel Martin A. Leppert
Colonel Harry E. Miller, Jr.
Colonel Rafael O. Ferrall
Colonel Renwick L. Payne
Colonel Kendall W. Penn
Colonel Joseph M. Richie
Colonel William F. Roy
Colonel William L. Seekins
Colonel Norman E. Steen
Colonel Larry W. Triphahn

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John R. Allen

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Moira N. Flanders

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Karen A. Flaherty

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Raymond P. English

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Scott A. Weikert

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Bruce A. Doll

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Steven M. Talson

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Mark J. Belton

Capt. Nicholas T. Kalathas

The following named officer for appointment as Chief of Navy Reserve, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5143:

To be vice admiral

Rear Adm. Dirk J. Debbink

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1707 AIR FORCE nomination of Andrew P. Armacost, which was received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1708 AIR FORCE nomination of Hans C. Bruntmyer, which was received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1709 AIR FORCE nominations (4) beginning DWIGHT PEAKE, and ending TREVOR S. PETROU, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1710 AIR FORCE nominations (4) beginning CHRISTINE CORNISH, and ending DAVID G. WATSON, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1723 AIR FORCE nomination of John L. Baekke, which was received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1724 AIR FORCE nominations (3) beginning JOSEPH C. LEE, and ending BRAD A. NIESET, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1725 AIR FORCE nominations (5) beginning ROBERT B. KOHL, and ending ALVIN W. ROWELL, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1770 AIR FORCE nominations (87) beginning JAMES D. BARBER JR., and ending

MARK JOHN ZECHMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

IN THE ARMY

PN1293 ARMY nominations (32) beginning MARVIN P. ANDERSON, and ending MARK V. VAIL, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1294 ARMY nominations (102) beginning JOHN P. ALBANO, and ending D060387, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1726 ARMY nomination of John Kissler, which was received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1727 ARMY nominations (3) beginning MARK A. ARTURI, and ending DANA F. CAMPBELL, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1728 ARMY nominations (3) beginning KATHLEEN AGOGLIA, and ending JAMES R. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1729 ARMY nominations (6) beginning ROBERT J. EGIDIO, and ending ALAN Z. SIEDLECKI, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1771 ARMY nomination of Daisie D. Boettner, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1772 ARMY nomination of Thomas C. Powell, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1773 ARMY nomination of John M. Anderson, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1774 ARMY nomination of Rowell A. Stanley Jr., which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1775 ARMY nominations (2) beginning MICHAEL E. DUNN, and ending KEVIN J. MURPHY, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1776 ARMY nominations (2) beginning TODD D. KOSTELECKY, and ending LEESA J. PAPIER, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1777 ARMY nomination of Christopher C. Everitt, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1778 ARMY nomination of Dennis P. Collins, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1779 ARMY nominations (6) beginning CHRISTOPHER W. BAKER, and ending CHRISTINA M. LONG, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1780 ARMY nominations (44) beginning ERIC J. ALBERTSON, and ending D060628, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

IN THE COAST GUARD

PN1668 COAST GUARD nomination of Jeffrey R. Platt, which was received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1669 COAST GUARD nomination of Eileen M. Lutkenhouse, which was received by the Senate and appeared in the Congressional Record of May 13, 2008.

PN1752 COAST GUARD nomination of Nakeisha B. Hills, which was received by the

Senate and appeared in the Congressional Record of June 5, 2008.

PN1753 COAST GUARD nomination of Elizabeth A. McNamara, which was received by the Senate and appeared in the Congressional Record of June 5, 2008.

IN THE FOREIGN SERVICE

PN877-2 FOREIGN SERVICE nomination of Russell Green, which was received by the Senate and appeared in the Congressional Record of September 6, 2007.

PN1006-2 FOREIGN SERVICE nomination of Dawn M. Liberi, which was received by the Senate and appeared in the Congressional Record of October 23, 2007.

PN1690-1 FOREIGN SERVICE nominations (217) beginning MATTHEW KAZUAKI ASADA, and ending ADAM ZERBINOPOULOS, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2008.

IN THE MARINE CORPS

PN1781 MARINE CORPS nominations (11) beginning JOHN E. BILAS, and ending ALAN R. SINGLETON II, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1782 MARINE CORPS nominations (10) beginning JOSEPH R. CORNELL, and ending JOHN J. SWINCINSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1691 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (51) beginning Mark H. Pickett, and ending Patrick M. Sweeney III, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2008.

IN THE NAVY

PN1572 NAVY nomination of Adam J. Cohan, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1573 NAVY nomination of John E. Pasch III, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1574 NAVY nominations (2) beginning RICHARD C. BOEHM, and ending MICHAEL D. CONGER, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1575 NAVY nominations (7) beginning JAMES R. DUNWORTH, and ending MICHAEL A. SANO, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1576 NAVY nominations (6) beginning WILLIAM K. DAVIS, and ending KATHLEEN R. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1577 NAVY nominations (3) beginning KATHLEEN GROMILOVITZ, and ending JAMES M. MANCHER, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1578 NAVY nominations (3) beginning THOMAS E. FOLLO, and ending SARAH M. STANDARD, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1579 NAVY nominations (4) beginning DAVID J. HARACH, and ending PATRICK R. MULCAHY, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1580 NAVY nominations (6) beginning DONALD R. BURNS, and ending WILLIAM D. MICHAEL, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1581 NAVY nominations (10) beginning ROBERT J. BARTON II, and ending CHRIS-

TOPHER M. WAALER, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1582 NAVY nominations (7) beginning DREW G. FLAVELL, and ending PAUL F. WECKMAN, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1583 NAVY nominations (8) beginning TERI J. BARBER, and ending LORI A. YOST, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1584 NAVY nominations (19) beginning ERIC B. ANDERSON, and ending GEORGE N. WHITBRED IV, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1585 NAVY nominations (107) beginning CLAYTON R. ALLEN, and ending ERIC F. ZANIN, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1586 NAVY nominations (30) beginning TAMMY M. BAKER, and ending LEONARD A. ZIMMERMANN I, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1620 NAVY nominations (4) beginning CHARLES E. A. BAKER, and ending RICHARD N. SOUCIE, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1621 NAVY nominations (4) beginning RAYMOND E. CHARTIER JR., and ending ROBIN D. TYNER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1622 NAVY nominations (6) beginning ROBERT C. BUZZELL, and ending EDUARDO E. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1623 NAVY nominations (7) beginning KEVIN G. AANDAH, and ending DAVID E. WERNER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1624 NAVY nominations (7) beginning DAVID A. BONDURA, and ending WILBURN T. J. STRICKLAND, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1625 NAVY nominations (6) beginning JON D. ALBRIGHT, and ending MICHAEL W. ZARKOWSKI, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1626 NAVY nominations (16) beginning JAMES E. AULL, and ending EDWARD B. WARFORD, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1627 NAVY nominations (12) beginning CHRISTIAN D. BECKER, and ending DONALD L. ZWICK, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1628 NAVY nominations (15) beginning WILLIAM J. BROUGHAM, and ending JEROME ZINNI, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1629 NAVY nominations (11) beginning VORESA E. BOOKER, and ending PAT L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1630 NAVY nominations (13) beginning DANIELLE M. BARRETT, and ending BOYD T. ZBINDEN, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1631 NAVY nominations (223) beginning CHRISTOPHER P. ANKLAM, and ending STEVEN J. YODER, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2008.

PN1683 NAVY nominations (4) beginning JOHN L. FRANKLIN, and ending NORMAN C. PETTY, which nominations were received by the Senate and appeared in the Congressional Record of May 20, 2008.

PN1711 NAVY nomination of Michael J. McCormack, which was received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1712 NAVY nominations (2) beginning GREGG P. LOMBARDO, and ending CHARLES J. NEWBURY, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1713 NAVY nominations (3) beginning DANIEL L. GARD, and ending WILLIAM A. WILDHACK III, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1714 NAVY nominations (19) beginning MARK S. BELLIS, and ending STEVEN R. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1715 NAVY nominations (14) beginning FREDERICK H. BOYLES, and ending ALLISON M. WELDON, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1716 NAVY nominations (8) beginning ESTHER E. BURLINGAME, and ending KIMBERLY K. PELLACK, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1717 NAVY nominations (5) beginning KENNETH D. LAPOLLA, and ending JOSEPH R. WILLIE II, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1718 NAVY nominations (19) beginning BRUCE BENNETT, and ending SCOTT K. RINEER, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1719 NAVY nominations (15) beginning DANIEL K. BEAN, and ending TED Y. YAMADA, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1720 NAVY nominations (30) beginning GLORIA M. BAISEY, and ending PATRICIA L. WEST, which nominations were received by the Senate and appeared in the Congressional Record of June 3, 2008.

PN1730 NAVY nomination of Michael J. Maselly, which was received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1731 NAVY nominations (2) beginning HILLARY KING JR., and ending JAMES E. WATTS, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1732 NAVY nominations (8) beginning ROOSEVELT H. BROWN, and ending DALE C. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1733 NAVY nominations (13) beginning DAVID R. BUSTAMANTE, and ending RODNEY O. WORDEN, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1734 NAVY nominations (15) beginning VIDA M. ANTOLINJENKINS, and ending JONATHAN S. THOW, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1735 NAVY nominations (20) beginning ANGELICA L. C. ALMONTE, and ending NANCY J. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1736 NAVY nominations (22) beginning SMITH C. E. BARONE, and ending CURTIS M. WERKING, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1737 NAVY nominations (25) beginning ROLAND E. ARELLANO, and ending MARVA L. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1738 NAVY nominations (32) beginning CHRISTOPHER BOWER, and ending ANDREW F. WICKARD, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1739 NAVY nominations (64) beginning DEBRA A. ARSENAULT, and ending CLIFTON WOODFORD, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1740 NAVY nominations (8) beginning MICHAEL L. BAKER, and ending CHAD G. WAHLIN, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1741 NAVY nominations (10) beginning BRENT T. CHANNELL, and ending MICHAEL J. SUPKO, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1742 NAVY nominations (11) beginning ALLEN C. BLAXTON, and ending JOEL R. TESSIER, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1743 NAVY nominations (11) beginning MARC E. BOYD, and ending ELISSA J. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1744 NAVY nominations (13) beginning TODD E. BARNHILL, and ending DOMINICK A. VINCENT, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1745 NAVY nominations (17) beginning EDWARD F. BOSQUE, and ending KIM C. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1746 NAVY nominations (26) beginning JOHN D. BANDY, and ending JEFFREY L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1747 NAVY nominations (21) beginning CLAUDE W. ARNOLD JR., and ending MICHELLE G. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1748 NAVY nominations (34) beginning TIMOTHY A. BARNEY, and ending VINCENT C. WATSON, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1749 NAVY nominations (35) beginning ALBERT ANGEL, and ending THOMAS P. WYPYSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1750 NAVY nominations (641) beginning JONATHAN Q. ADAMS, and ending MARK T. ZWOLSKI, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2008.

PN1754 NAVY nominations (23) beginning MICHAEL A. BEMIS, and ending MICHAEL J. UYBOCO, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2008.

PN1783 NAVY nomination of Paul E. Levy, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1784 NAVY nomination of Robert N. Ladd, which was received by the Senate and appeared in the Congressional Record of June 16, 2008.

PN1785 NAVY nominations (2) beginning RAMON J. BERROCAL, and ending BRIAN A. MERRITT, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2008.

ADVISORY COMMITTEE ON PUBLIC DIPLOMACY

Lyndon L. Olson, Jr., of Texas, to be a Member of the United States Advisory Committee on Public Diplomacy for a term expiring July 1, 2011.

BOARD OF GOVERNORS, FEDERAL RESERVE SYSTEM

Elizabeth A. Duke, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1998.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Constance S. Barker, of Alabama, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2011.

EXECUTIVE CALENDAR

Mr. LEAHY. Mr. President, today we confirmed three nominations for high level positions in the Department of Justice. The Senate is moving forward to confirm the nomination of Gregory Katsas to be Assistant Attorney General for the Civil Division at the Department of Justice. This is a nomination that was set to be confirmed before the Easter recess until it was blocked by a last-minute, anonymous Republican hold and additional complications in our relationship with the Department of Justice arose. We have made sufficient progress to move forward today.

We also confirmed today two additional nominations, Kelly H. Rankin to be U.S. Attorney for the District of Wyoming and Clyde R. Cook to be U.S. Marshal for the Eastern District of North Carolina. Those are among the many presidential nominations that we have expedited through the Judiciary Committee. They were considered and reported by the Committee yesterday and being confirmed today.

With the confirmations today, we will have confirmed 35 executive nominations so far this Congress, including the confirmations of 12 U.S. attorneys, 7 U.S. marshals, and the top 3 positions at the Justice Department. When the President and Senate Republicans play to rightwing special interests with constant complaints about judicial nominations, they ignore the progress we have made to restock the leadership ranks at the Department of Justice that were decimated by the scandals of the Gonzales era.

Of course, the grumblings on judicial nominations from the other side of the aisle are nothing more than partisan, election-year rhetoric that rings particularly hollow in light of the progress we have made. With the 5 nominations for lifetime appointments to the Federal bench confirmed this week by the Senate, including 2 for circuit court vacancies, the Senate under Democratic leadership has already, before the Fourth of July recess, matched the total of 54 judicial confirmations reached in 2 full years of the last Congress. That was a Congress with a Republican chairman and Republican majority working to confirm the nominees of a Republican President. And we have already matched their total.

The 14 judicial confirmations so far this year compare to the zero registered by a Republican led Senate by

this juncture during the 1996 session, another presidential election year.

The fact that Senate Democrats have moved more of President Bush's nominees more quickly when we have been in the majority than the Republicans did working with a President of their own party have is nothing new, just unacknowledged. We confirmed 100 nominations in only 17 months in 2001 and 2002, while working with a most uncooperative White House, reducing the judicial vacancies I confronted when I became Judiciary Committee chairman in the summer of 2001 by 45 percent by the end of 2002. The 40 additional judicial nominations we confirmed when I became chairman, again, last year was more than in any of the previous 3 years with a Republican majority and Republican chairman.

It is ironic that the Senate's Republican minority is so focused on the number of judges, because the reduction in judicial vacancies is the one number that has improved during the Bush administration in an era of skyrocketing gas prices, unemployment, health care costs and deficits and plummeting consumer confidence and home values.

On July 1, 2000, when a Republican Senate majority was considering the judicial nominees of a Democratic President in a presidential election year, there were 60 judicial vacancies. Twenty-one were circuit court vacancies. Those vacancies were the result of years of Republican pocket filibusters of judicial nominations. In stark contrast, after the 2 nominations we confirmed yesterday and the circuit court judges we confirmed on Tuesday, there are just 40 total judicial vacancies throughout the country, with only 9 circuit court vacancies. By confirming Judge Helene White and Ray Kethledge to the last two vacancies on the Sixth Circuit Court of Appeals, we reduced circuit court vacancies to single digits for the first time in decades—nine vacancies on our Nation's 13 circuit courts.

The Judiciary Committee and the Senate have continued to make progress filling judicial vacancies even while having to devote extensive time and attention to rebuilding the Department of Justice. At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess and subverting the rule of law.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has

long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials.

This week's troubling report from the Department's inspector general confirms what our oversight efforts in this Congress have uncovered about the politicization of hiring practices at the Department. It confirms our findings and our fears that the same senior Department officials involved with the firing of U.S. attorneys were injecting improper political motives into the process of hiring young attorneys. I suspect further reports from the inspector general will continue to shed light on the extent to which the Bush administration has allowed politics to affect—and infect—the Department's priorities, from law enforcement to the operation of the crucial Civil Rights Division to the Department's hiring practices.

This report and those to follow will serve as a reminder to future Presidents that never again should blatant partisanship be made the crux of the Justice Department's hiring practices. The Department of Justice is not the President's legal defense team. It houses our Nation's top law enforcement officers, and it has been crippled in the last 7 years. By beginning the first real oversight efforts of this administration, we have uncovered troubling truths about this administration's efforts to infuse partisan politics into our Nation's top law enforcement agency.

The oversight efforts did not complete our work. Any result of the mass resignations at the Justice Department in the wake of the scandals, the committee held seven hearings on high-ranking replacements to restock and restore the leadership of the Department of Justice between September of last year up through the spring, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. I thank Senator WHITEHOUSE for chairing the hearings on the Katsas nomination. Today we continue that progress by confirming another nominee for an important leadership position at the Department.

It is vital that we ensure that we have a functioning, independent Justice Department, and that we ensure that this sad era in the history of the Department is not repeated. We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives and it is a disaster

for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes and ideological litmus tests to serve the ends of a particular administration.

I congratulate the nominees and their families on their confirmations today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY, JUNE 30, AND MONDAY, JULY 7, 2008

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Monday, June 30 for a pro forma session only; that following the pro forma session, the Senate stand adjourned under the provisions of H. Con. Res. 379, the adjournment resolution, until 2 p.m. on Monday, July 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of the House message to accompany H.R. 3221, the housing reform legislation, as under the previous order; I further ask that the RECORD remain open until 2 p.m. for the introduction of statements, cosponsorships, introduction of bills, and committee reporting.

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

PROGRAM

Mr. LEVIN. Mr. President, under a previous order, at 5:30 p.m. on Monday, the Senate will proceed to a cloture vote on the motion to concur with respect to the housing reform legislation. As Senator REID stated earlier today, last night we were able to reach an agreement with respect to the FISA legislation. When we return from the Fourth of July recess, we will take up the FISA legislation and consider three amendments with limited debate time. Senators should be prepared to debate and vote on FISA on Tuesday, July 8.

ADJOURNMENT UNTIL 10 A.M., MONDAY, JUNE 30, 2008

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 1:38 p.m., adjourned until Monday, June 30, 2008, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

THOMAS A. BETRO, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE, VICE HOWARD J. KRONGARD, RESIGNED.

BRIAN H. HOOK, OF IOWA, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS), VICE KRISTEN SILVERBERG.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2011.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nomination and the nomination was confirmed:

ELIZABETH A. DUKE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1998.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was confirmed:

CONSTANCE S. BARKER, OF ALABAMA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, June 27, 2008:

DEPARTMENT OF TRANSPORTATION

SIMON CHARLES GROS, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

DEPARTMENT OF HOMELAND SECURITY

HARVEY E. JOHNSON, JR., OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF STATE

MARK KIMMITT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS).
JAMES B. CUNNINGHAM, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

T. VANCE MCMAHAN, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

T. VANCE MCMAHAN, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DONALD E. GADDIS

DEPARTMENT OF STATE

LILIANA AYALDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

JOHN R. BEYLI, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

ASIF J. CHAUDHRY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOLDOVA.

JAMES CULBERTSON, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

DAVID F. GIRARD-DICARLO, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

JOHN MELVIN JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

TINA S. KAIDANOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOSOVO.

KRISTEN SILVERBERG, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LEZLEE J. WESTINE, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2009.

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2008.

DEPARTMENT OF STATE

ERIC J. BOSWELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY).

ERIC J. BOSWELL, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE.

DEPARTMENT OF HOMELAND SECURITY

ELAINE C. DUKE, OF VIRGINIA, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY.

SECURITIES AND EXCHANGE COMMISSION

ELISSE WALTER, OF MARYLAND, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2012.

TROY A. PAREDES, OF MISSOURI, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2013.

LUIS AGUILAR, OF GEORGIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2010.

NATIONAL CREDIT UNION ADMINISTRATION

MICHAEL E. FRYZEL, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2013.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUSAN D. PEPPLER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

SHEILA MCNAMARA GREENWOOD, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF THE TREASURY

NEEL T. KASHKARI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD B. MARRON, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOSEPH J. MURIN, OF PENNSYLVANIA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

DEPARTMENT OF COMMERCE

CHRISTOPHER R. WALL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CONSTANCE S. BARKER, OF ALABAMA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011.

FEDERAL RESERVE SYSTEM

ELIZABETH A. DUKE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 1998.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LYNDON L. OLSON, JR., OF TEXAS, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2011.

DEPARTMENT OF JUSTICE

GREGORY G. KATSAS, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL.

KELLY HARRISON RANKIN, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

CLYDE R. COOK, JR., OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL WILLIAM J. BENDER
COLONEL BRYAN J. BENSON
COLONEL CHRISTOPHER C. BOGDAN
COLONEL DARRYL W. BURKE
COLONEL JOSEPH T. CALLAHAN III
COLONEL MICHAEL J. CAREY
COLONEL JOHN B. COOPER
COLONEL SAMUEL D. COX
COLONEL TERESA A. H. JURIC
COLONEL CARLTON D. EVERHART II
COLONEL TERRENCE A. FREHAN
COLONEL SAMUEL A. R. GREAVES
COLONEL RUSSELL J. HANDY
COLONEL SCOTT M. HANSON
COLONEL VERALINN JAMIESON
COLONEL JEFFREY G. LOFGREN
COLONEL EARL D. MATTHEWS
COLONEL KURT F. NEUBAUER
COLONEL ROBERT C. NOLAN II
COLONEL CRAIG S. OLSON
COLONEL JOHN R. RANCK, JR.
COLONEL DARRYL L. ROBERSON
COLONEL JEFFRY F. SMITH
COLONEL JOHN F. THOMPSON
COLONEL GREGORY J. TOUHILL
COLONEL THOMAS J. TRASK
COLONEL JOSEPH S. WARD, JR.
COLONEL SCOTT D. WEST
COLONEL TIMOTHY M. ZADALIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL J. SELVA

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KENNY C. MONTOYA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. ERROL R. SCHWARTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICKY LYNCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3069(B):

To be major general

COL. PATRICIA D. HOROHO

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL TIMOTHY E. ALBERTSON
BRIGADIER GENERAL NORMAN E. ARFLACK
BRIGADIER GENERAL TOD J. CARMONY
BRIGADIER GENERAL WILLIAM L. ENYART, JR.
BRIGADIER GENERAL DENNIS E. JACOBSON
BRIGADIER GENERAL KEVIN R. MCBRIDE
BRIGADIER GENERAL OLIN O. ODEKOVEN

To be brigadier general

COLONEL DEAN W. BROWN

COLONEL ANNETTE M. DENNER
COLONEL DAVID B. ENYEART
COLONEL CHARLES H. GAILES, JR.
COLONEL JAMES R. GORHAM
COLONEL JAMES J. GRANT
COLONEL EARNEST L. HARRINGTON, JR.
COLONEL WAYNE M. HAYES
COLONEL REYNOLD N. HOOVER
COLONEL WARD K. JOHNSON III
COLONEL DANIEL R. KERN
COLONEL LOUIS J. LANDRETH
COLONEL MARTIN A. LEPPERT
COLONEL HARRY E. MILLER, JR.
COLONEL RAFAEL O. FERRALL
COLONEL RENWICK L. PAYNE
COLONEL KENDALL W. PENN
COLONEL JOSEPH M. RICHIE
COLONEL WILLIAM F. ROY
COLONEL WILLIAM L. SEEKINS
COLONEL NORMAN E. STEEN
COLONEL LARRY W. TRIPHAHN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. ALLEN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MOIRA N. FLANDERS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) KAREN A. FLAHERTY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) RAYMOND P. ENGLISH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. SCOTT A. WEIKERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BRUCE A. DOLL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEVEN M. TALSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARK J. BELTON

CAPT. NICHOLAS T. KALATHAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVY RESERVE, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5143:

To be vice admiral

REAR ADM. DIRK J. DEBBINK

IN THE AIR FORCE

AIR FORCE NOMINATION OF ANDREW P. ARMACOST, TO BE COLONEL.

AIR FORCE NOMINATION OF HANS C. BRUNTMYER, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH DWIGHT PEAKE AND ENDING WITH TREVOR S. PETROU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINE CORNISH AND ENDING WITH DAVID G. WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

AIR FORCE NOMINATION OF JOHN L. BAEKE, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH JOSEPH C. LEE AND ENDING WITH BRAD A. NISSET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT B. KOHL AND ENDING WITH ALVIN W. ROWELL, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES D. BARBER, JR. AND ENDING WITH MARK JOHN ZECHMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH MARVIN P. ANDERSON AND ENDING WITH MARK V. VAIL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

ARMY NOMINATIONS BEGINNING WITH JOHN P. ALBANO AND ENDING WITH D060387, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2008.

ARMY NOMINATION OF JOHN KISSLER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MARK A. ARTURI AND ENDING WITH DANA F. CAMPBELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

ARMY NOMINATIONS BEGINNING WITH KATHLEEN AGOGILIA AND ENDING WITH JAMES R. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

ARMY NOMINATIONS BEGINNING WITH ROBERT J. EGIDIO AND ENDING WITH ALAN Z. SIEDLECKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

ARMY NOMINATION OF DAISIE D. BOETTNER, TO BE COLONEL.

ARMY NOMINATION OF THOMAS C. POWELL, TO BE COLONEL.

ARMY NOMINATION OF JOHN M. ANDERSON, TO BE COLONEL.

ARMY NOMINATION OF ROWELL A. STANLEY, JR., TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MICHAEL E. DUNN AND ENDING WITH KEVIN J. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

ARMY NOMINATIONS BEGINNING WITH TODD D. KOSTELECKY AND ENDING WITH LEESA J. PAPIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

ARMY NOMINATION OF CHRISTOPHER C. EVERITT, TO BE MAJOR.

ARMY NOMINATION OF DENNIS P. COLLINS, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER W. BAKER AND ENDING WITH CHRISTINA M. LONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

ARMY NOMINATIONS BEGINNING WITH ERIC J. ALBERTSON AND ENDING WITH D0000, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

IN THE COAST GUARD

COAST GUARD NOMINATION OF JEFFREY R. PLATT, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF EILEEN M. LUTKENHOUSE, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF NAKESHA B. HILLS, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF ELIZABETH A. MCNAMARA, TO BE LIEUTENANT COMMANDER.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF RUSSELL GREEN.

FOREIGN SERVICE NOMINATION OF DAWN M. LIBERI.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MATTHEW KAZUAKI ASADA AND ENDING WITH ADAM ZERBINOPOULOS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2008.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN E. BILAS AND ENDING WITH ALAN R. SINGLETON II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

MARINE CORPS NOMINATIONS BEGINNING WITH JOSEPH R. CORNELL AND ENDING WITH JOHN J. SWINCINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH MARK H. PICKETT AND ENDING WITH PATRICK M. SWEENEY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2008.

IN THE NAVY

NAVY NOMINATION OF ADAM J. COGHAN, TO BE CAPTAIN.

NAVY NOMINATION OF JOHN E. PASCH III, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH RICHARD C. BOEHM AND ENDING WITH MICHAEL D. CONGER, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH JAMES R. DUNWORTH AND ENDING WITH MICHAEL A. SANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH WILLIAM K. DAVIS AND ENDING WITH KATHLEEN R. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH KATHLEEN GROMILOVITZ AND ENDING WITH JAMES M. MANCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH THOMAS E. FOLLO AND ENDING WITH SARAH M. STANDARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID J. HARACH AND ENDING WITH PATRICK R. MULCAHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH DONALD R. BURNS AND ENDING WITH WILLIAM D. MICHAEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH ROBERT J. BARTON II AND ENDING WITH CHRISTOPHER M. WAALER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH DREW G. FLAVELL AND ENDING WITH PAUL F. WECKMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH TERI J. BARBER AND ENDING WITH LORI A. YOST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH ERIC B. ANDERSON AND ENDING WITH GEORGE N. WHITBRED IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH CLAYTON R. ALLEN AND ENDING WITH ERIC F. ZANIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH TAMMY M. BAKER AND ENDING WITH LEONARD A. ZIMMERMANN I, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH CHARLES E. A. BAKER AND ENDING WITH RICHARD N. SOUCIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH RAYMOND E. CHARTIER, JR. AND ENDING WITH ROBIN D. TYNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH ROBERT C. BUZZELL AND ENDING WITH EDUARDO E. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH KEVIN G. AANDAH AND ENDING WITH DAVID E. WERNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID A. BONDURA AND ENDING WITH WILBURN T. J. STRICKLAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH JON D. ALBRIGHT AND ENDING WITH MICHAEL W. ZARKOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH JAMES E. AULL AND ENDING WITH EDWARD B. WARFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH CHRISTIAN D. BECKER AND ENDING WITH DONALD L. ZWICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH WILLIAM J. BROUGHAM AND ENDING WITH JEROME ZINNI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH VORESA E. BOOKER AND ENDING WITH PAT L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH DANIELLE M. BARRETT AND ENDING WITH BOYD T. ZBINDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER P. ANKLAM AND ENDING WITH STEVEN J. YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 28, 2008.

NAVY NOMINATIONS BEGINNING WITH JOHN L. FRANKLIN AND ENDING WITH NORMAN C. PETTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 20, 2008.

NAVY NOMINATION OF MICHAEL J. MCCORMACK, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH GREGG P. LOMBARDO AND ENDING WITH CHARLES J. NEWBURY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH DANIEL L. GARD AND ENDING WITH WILLIAM A. WILDHACK III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH MARK S. BELLIS AND ENDING WITH STEVEN R. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH FREDERICK H. BOYLES AND ENDING WITH ALLISON M. WELDON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH ESTHER E. BURLINGAME AND ENDING WITH KIMBERLY K. PELLACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH KENNETH D. LAPOLLA AND ENDING WITH JOSEPH R. WILLIE II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH BRUCE BENNETT AND ENDING WITH SCOTT K. RINEER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH DANIEL K. BEAN AND ENDING WITH TED Y. YAMADA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATIONS BEGINNING WITH GLORIA M. BAISEY AND ENDING WITH PATRICIA L. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 3, 2008.

NAVY NOMINATION OF MICHAEL J. MASELLY, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH HILLARY KING, JR. AND ENDING WITH JAMES E. WATTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ROOSEVELT H. BROWN AND ENDING WITH DALE C. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH DAVID R. BUSTAMANTE AND ENDING WITH RODNEY O. WORDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH VIDA M. ANTOLINJENKINS AND ENDING WITH JONATHAN S. THOW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ANGELICA L. C. ALMONTE AND ENDING WITH NANCY J. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH SMITH C. E. BARONE AND ENDING WITH CURTIS M. WERKING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ROLAND E. ARELLANO AND ENDING WITH MARVA L. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER BOWER AND ENDING WITH ANDREW F. WICKARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH DEBRA A. ARSENAULT AND ENDING WITH CLIFTON WOODFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH MICHAEL L. BAKER AND ENDING WITH CHAD G. WAHLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH BRENT T. CHANNELL AND ENDING WITH MICHAEL J. SUPKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ALLEN C. BLAXTON AND ENDING WITH JOEL R. TESSIER, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH MARC E. BOYD AND ENDING WITH ELISSA J. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH TODD E. BARNHILL AND ENDING WITH DOMINICK A. VINCENT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH EDWARD F. BOSQUE AND ENDING WITH KIM C. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH JOHN D. BANDY AND ENDING WITH JEFFREY L. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH CLAUDE W. ARNOLD, JR. AND ENDING WITH MICHELLE G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY A. BARNEY AND ENDING WITH VINCENT C. WATSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH ALBERT ANGEL AND ENDING WITH THOMAS P. WYPYSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH JONATHAN Q. ADAMS AND ENDING WITH MARK T. ZWOLSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2008.

NAVY NOMINATIONS BEGINNING WITH MICHAEL A. BEMIS AND ENDING WITH MICHAEL J. UYBOCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2008.

NAVY NOMINATION OF PAUL E. LEVY, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF ROBERT N. LADD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RAMON J. BERROCAL AND ENDING WITH BRIAN A. MERRITT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2008.