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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Gracious God, our hiding place, how often we take refuge in Your forgiveness. Thank You for Your unlimited mercy. Today, we are aware of how we do not always measure up to what we know to be right; forgive us. Also, we know of the times we have done wrong because of our failure to act; forgive us. Help us, Lord, to lean on Your grace, trusting You to save us from ourselves.

Today, bless the Members of this great body. Give them the strength and commitment to lead our Nation to new levels of greatness. Empower them to use their talents, abilities, and energies to make a better world. As they walk in the path of truth and honor, give them Your peace. We pray in Your saving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER, a Senator from the State of Montana, 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 28, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER 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. This morning the Senate will immediately resume consideration of S. 1639, the immigration legislation. There will be an hour of debate only prior to the cloture vote on the legislation. The time is divided between Senators KENNEDY and SPECTER or their designees.

Following the hour, the leaders will each receive 10 minutes if they choose to utilize the time, with the majority leader controlling the final 10 minutes. If all time is used, the cloture vote would occur about 10:50 this morning.

Members are reminded that there is a 10 a.m. filing deadline for any germane second-degree amendments.

RESERVATION OF LEADER TIME

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

COMPREHENSIVE IMMIGRATION REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1639, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1639) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (for Kennedy/Specter) modified amendment No. 1934, of a perfecting nature.

Division VII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division VIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division IX of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division X of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XIV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XVI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XVII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XVIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XIX of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XX of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXIII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXIV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXV of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXVI of Reid (for Kennedy/Specter) modified amendment No. 1934.

Division XXVII of Reid (for Kennedy/Specter) modified amendment No. 1934.

Kennedy Amendment No. 1978 (to Division VII of Reid (for Kennedy/Specter) modified amendment No. 1934), to change the enactment date.

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

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

Mr. KENNEDY. Mr. President, I understand that at the hour of 10:30 we will be having the cloture vote on the immigration legislation. Am I correct?

The ACTING PRESIDENT pro tempore. The vote may actually be at 10:50.

Mr. KENNEDY. Fine. I yield myself 5 minutes.

Mr. President, this has been a long journey to try and bring our broken immigration system and our broken borders to the place where this Senate can take action. Today's action is going to be absolutely key to whether we will be able to continue and finalize this legislation at the end of the week. So today's vote is a critical vote, key vote, perhaps the most important vote we have had here on this issue over the period of the last 3 years.

Our Judiciary Committee has been working on this legislation. Senator SPECTER has been a key part of this whole effort. It has been a bipartisan effort. Our quest has been a bipartisan effort here on the floor of the Senate.

Those of us who are committed to this issue believe we have an important responsibility to try to achieve something. We believe the reason for us being here, whether it is from Massachusetts or Pennsylvania or from other States, is to deal with the public's business, the Nation's business. This is the Nation's business. I think outside of the issue of the war in Iraq, this is front and center for our country.

People in my State are concerned and affected by it, and they are in other parts of the country as well. We have 900,000 nonnative-born individuals in my State of Massachusetts. Of those 900,000, 200,000 are undocumented. We have more than 3,000—in the city of Boston—more than 3,000 small businesses directly responsible for 34,000 jobs, more than half a billion dollars in pay and sales taxes in my State by those who are born in other countries. They represent probably less than 10 percent of the State's population, and 17 percent of the job market. The workers in our State, 17 percent are nonnative born, a demonstration that those individuals who have come here to the United States want to work. They want to work. They also are men and women of faith. They are men and women who care about their families, by the fact that more than $48 billion is returned every single year to the countries in Central and South America.

They care about their families. They want to work. More likely than not, they are all men and women of deep faith and religious belief. That is reflected in many of our communities in my State and in travels around the country. You see that day in and day out.

Also they want to be a part of the American dream. We have seen that reflected in the total numbers of individuals who have served in the Armed Forces of our country. Some 70,000 have served in Iraq and Afghanistan, and many have lost their lives. But in a number of instances, individuals, the undocumented, have crossed the line in terms of immigration, drawn here by the great economic magnet, the economic magnet that is on this side of the border that says: Look, we need you over here to make the American economy work. We want to pay you over here when you are unemployed over here. We will provide you the resources so you can look after your family. People have been attracted to that magnet. We have them here.

For those toward the end of this discussion and debate, as we have heard on the floor, we know what they are against. We do not know what they are for. Time and time again they tell us: We do not like this provision; we do not like that provision; we do not want that part of it. They ought to be able to explain to the American people what they are for. What are they going to do with the 12½ million who are undocumented here? Send them back? Send them back to countries around the world, more than $250 billion; buses that would go from Los Angeles to New York and back again? Try and find them? Develop a type of Gestapo here to seek out these people who are in the shadows? That is their alternative? That is their alternative?

This country and this Senate is better. We have a process that said: Look, okay, you are here and undocumented. You are going to have to pay a price. We are going to take people who are in the line who have said they want to play by the rules. They go and they wait, and you wait and you wait and you wait. You pay and pay, and you pay and you pay. You pay your fees, you pay your processing fees, your adjustment fees. You pay not only for yourself but the other members of the family. You demonstrate you are going to learn English, you demonstrate you worked here, that you are a good citizen, that you have not had any run-in with crime, and then maybe you get on that pathway with a green card, and, perhaps, in 15, 18 years you will be able to raise your hand and be a citizen here in the United States. This is the issue. Are we going to have a constructive and positive resolution of this issue, or are we going to be naysayers, bumper sticker sloganeers who say: We are against amnesty, or, we are against this bill?

America deserves better. The issue is too important. Now is the time, this is the place. The Senate is the forum where we have to take this action.

I am hopeful that America is watching this and will understand what is at stake here. This is an issue and this is a vote of enormous importance. We talk of votes here. Some are more important than others. A few are of enormous significance and consequence. A few of them are going to have a defining impact about what kind of society we are going to be in, how we are going to treat each other, whether we have a respect for our fellow human beings and our fellow individuals who are here in this country, and whether we believe that our greatest days are yet to come.

Are we going to respond to the voices of fear? And that is the issue. Are we going to have a positive resolution, a constructive resolution, that is going to continue to be shaped as it goes to the House of Representatives, shaped there as well by different responsible figures? It may have somewhat of a different view. Or are we going to say no, no, we have listened to those voices of fear who say: Absolutely not. We are going to take the status quo. Every person who votes ''no'' is going to know that this situation is going to get worse and worse and worse.

We are going to say that: Oh, yes, sure, we will do something down on the border. But you are never going to have the kind of workforce enforcement, you are never going to have the kind of absolutely essential identification system that any responsible immigration system is absolutely required to have.

This is a vital vote about the future of our country or the past. That is going to be the issue in question when the time comes to vote.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield myself 5 minutes.

The legislation now pending is the very best that can be done by very extensive work on the immigration problems in the United States.

Last year in the 109th Congress, the Judiciary Committee, which I chaired, produced a bill. This year we went to a little different procedure and we have structured a bill which is the best that can be done as of this moment. It may yet be improved in the balance of the amendments yet to be voted upon, if cloture is invoked on this vote this morning, a 60-vote tally, obviously very difficult to get to.

Had I written the bill, it would have been substantially different. I would have agreed with Senator MENENDEZ that there ought to be more consideration to families. I would have agreed with Senator DODD that we ought to have more parents coming into this country. I would have agreed with those who oppose the touchback, which I think is punitive and formalistic and not related to anything, necessarily.

But this is an accommodation. The art of politics is to compromise and to accommodate. We have constantly said to the opponents: If you have something better, tell us what it is.

Not only have the opponents not told us what they have in mind for something better, but they have refused to come forward and offer any amendments and have used Senate procedure to stop others from offering amendments. So for hours I sat here as manager of the bill doing nothing. That is why we have utilized the unusual procedure we have today. Some are complaining that they have not had an opportunity to offer amendments but,

candidly, it is their own fault. When they had a chance to do so, they didn't. Beyond that, they stopped others from offering amendments.

We have the advocates for the immigrants. They have a very strong case. What this bill started out to do was to deal with the 12 million people who are so-called ''living in the shadows'' in fear. This bill does deal with that issue.

Those who say it doesn't go far enough have a point, but I think they lose sight of the core reason the bill is structured, as it is for the 12 million. It accommodates them in a realistic way and puts them on the path to citizenship. That has led many to cry ''amnesty.'' I don't think it is amnesty for the reasons that have been enumerated many times. But amnesty, like beauty, is in the eye of the beholder. These 12 million are going to be here whether we legislate or not. So if it is amnesty, to do nothing is to have silent amnesty. They are going to stay here. To do nothing is to perpetuate anarchy.

Those who have argued strenuously and cogently to have border protection and employer verification to eliminate the magnet and to reimpose the rule of law are right. But they are not going to get the core of what they want if no bill is passed. So we ought to come to grips with the basic reality that the fundamentals on both sides have been realized, not the periphery and not the fringes, but the fundamentals.

We have had some votes which really defy the tradition of the Senate. We had the Dorgan amendment early on where many voted against their preferences, their policy judgments, to kill the bill. They had a position as to what they thought was right. They had expressed it. We knew what their policy position was. They voted the other way to kill the bill.

Yesterday, on the Baucus amendment, it was really extraordinary. I have been here a while. Twenty-three Senators changed their votes. You can tell on the cards, there is a check one way and a cross-off and a check the other way. Twenty-three Senators changed their votes. We talk about profiles in courage, this is a profile in cynicism. Votes were changed in order to defeat the bill, not because they expressed the preferences of the Senators. There were colleagues who said how they would vote, and then they didn't vote the way they said they were going to. I am not going to call them commitments which were breached, but that term might be used. It is a little strong to say that a Senator broke his word and breached a commitment. Let me simply say that some said how they would vote and then didn't. That is an unusual occurrence in the Senate.

It has been a common practice for Senators to vote in favor of cloture and then to vote against the bill. That expresses a middle ground that the Senator doesn't think there ought to have to be a supermajority that is, 60 votes—to carry the bill. But the Senator doesn't want to vote for the bill and so expresses himself or herself by voting for cloture so the bill can go forward but then votes against the bill on the merits. Those who vote against cloture will be responsible for killing the bill. They can then vote against the bill so that they won't be responsible for passing the bill. Around here, we like to avoid being responsible for one thing or another, but if we do not have cloture on this bill, the bill is dead. If we have cloture, then Senators are not responsible for its passage when they vote against it.

I urge my colleagues to bear that in mind. We pride ourselves in the Senate on being courageous. President Kennedy's book as a Senator was titled ''Profiles in Courage.'' We have one illustration of that in the senior Senator from Arizona, Mr. MCCAIN, who is on the front page of the Washington Post today with the reports about his courageous stand on immigration costing him votes, perhaps costing him the Republican nomination. No one knows for sure, but it isn't helping him any.

It would be my hope that the Senate would rise to the occasion and would not kill this bill because if it is done, it is finished for the year. Next year is a Presidential/congressional election. We are off to 2009 and beyond. Then it will only be worse.

I leave my colleagues with the essential point that a responsible position would be to let the bill go forward. There is another 60-vote margin coming on the issue of a budget point of order. Don't be responsible for killing the bill by voting against cloture. Then you don't have to be responsible for the bill when voting no, and let the majority rule but not call for a supermajority on this very critical issue.

I reserve the remainder of my time.

Mr. KENNEDY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. CASEY). The Senator from California.

Mrs. FEINSTEIN. Mr. President, this is really a very difficult time because probably in the 14 years I have been here, there is no more important bill than this one. There is no more difficult bill. There is no bill that calls upon the courage of every single Senator more than this bill. I know what has been happening out there. I know the calls that have been made. I know some of the threats that have been made. Yet we have a chance in this bill to do the right thing.

Many people don't understand the bill. They don't understand the large amount of the bill that is dedicated to enforcing our borders. They don't understand the money that the fees and fines put into the process to be able to do what we need to do with respect to immigration. They don't understand the reforms that are made in employment verification. They also don't understand the threat to our national security—that having so many people in this country and not knowing who they are, having more people coming into this country every day and not knowing who they are—the threat this presents to the security of every man, woman, and child.

This bill is aimed to fix what is broken in our system. I have had individual Senators say to me: Well, if the bill was just this part, I would vote for it; if the bill was just that part, I would vote for it. The point is, this part or that part won't get 60 votes. Only a combination of parts to accomplish a broad fix of broken borders, broken identification, a totally broken system will get enough votes.

We are very close to the votes required. I don't know what to say to Members who are not yet decided to bring them on board. I agree with what Senator KENNEDY and Senator SPECTER have said: If we miss this opportunity, there is not likely to be another one in the next few years to fix the system. What will that mean? That will mean every year 700,000 to 800,000 more people will come across our borders unobserved, unknown. They will disappear into the shadows. If there is period of ''do nothing'' for the next 10 years, that will be 7 to 8 million more people illegally in the country. If we don't fix our visa overstay system, which is in this bill—40 percent of the illegal population are visas overstay; many of them don't go home—that will remain unfixed. If we don't come up with fraud-proof identification cards, employers will never really be able to know whom they employ and whether that individual is a legal person. This is an opportunity to fix all of that.

The fixes may not be to everyone's liking, but they are positive. It is the most positive immigration bill we have considered yet.

Additionally, never before in the history of the country is more being done to fix our broken borders, to fix interior enforcement, to fix employer sanctions. One thing is happening that has turned this bill by talk show hosts into something it is not, and that is for those people who are opposed, this is an amnesty bill. I don't know how we could say more strongly that it is not. I don't know how we could say more strongly that what is out there now is a silent amnesty. People are here 15, 20, 25 years. They are working, owning property. They now have a state of amnesty. This bill reconciles that. This bill changes that. This bill prevents it from happening in the future. It is hard for me to understand why that doesn't measure big-time with many of our colleagues. Apparently, it does not.

I can only come to the floor to plead: Let us finish this bill. If you are concerned about enforcement, Senator GRAHAM's amendment coming down the pike next has many very interesting improvements. Give him a chance to offer that amendment, then vote no. But I think to cut this bill off now is a huge mistake. We are so close. There are still a series of amendments to be passed. Please, give them an opportunity postcloture. Please vote for cloture.

I yield the floor.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in my last election my constituents sent me a couple of clear messages, one of which was do something about illegal immigration. In my State, we have a majority of people who are entering the country illegally coming across the border from Mexico, creating huge environmental problems, law enforcement problems, people victimized on both sides, costs to the State, lawlessness literally on street corners. The people of my State are saying: What is happening to our country when we can't enforce the laws at the border? Are we not a sovereign country? They have a point.

We understand politically that in order for us to enforce the law, we have to have an enforceable law. As a result, this bill we have put together for the first time creates a strong bipartisan consensus for all of the things that are needed to control our border. But it does more in two key ways. The reason these other two things are important is because a lot of my constituents have said: Why should we believe that a new law is going to be enforced when the existing law isn't enforced? That is a very good question. Presidents, both this administration and the previous administration, and Congresses have not done an adequate job of enforcing the law. But it is also true that we have two laws that are not very enforceable. We know that 40 percent of the people who are here illegally have overstayed visas. They didn't cross the border illegally. It is very hard to enforce the visa overstay laws because they are not adequate. We don't have adequate resources, either.

Secondly, the employee verification system in place today is a joke. Everyone knows that. One can use counterfeit driver's licenses and Social Security cards, and we all know there are millions of people working here illegally though they presented documents to an employer. The 1986 bill wrote a very bad provision for employment verification. It doesn't work.

So for those who say, ''Well, let's enforce the law, and then there will be the attrition of illegal immigrants and we will get back to a good situation,'' the answer is, of course, if you do not have a good law to enforce, you cannot work that strategy. The law has to be changed. It is very clear that in order to change the law so it can be enforceable—both with respect to visa overstayers and at places of employment—we are going to have to have a group of people get together, Democrats and Republicans, willing to support some things that each other wants in order to pass such a law. That is the genesis of the bill that is before us.

I hope my colleagues will recognize that doing nothing is not acceptable. It is pretty clear, when we come down to this cloture vote, that is going to be very close, that 40 Senators might be able to stop the Senate dead in its tracks here, thwarting the will of the majority. Those 40 Senators would be people on one side who want it all their way and on the other side who want it all their way, thwarting the will of the majority, which recognizes that neither side can have it all their way but that doing nothing is not acceptable. That will be the result if cloture is not invoked.

The final point I would like to make is there are several amendments we should be voting on to improve this legislation. Only by moving forward with the cloture vote will we be able to vote on those amendments. One of those is an important amendment, a very large amendment, which was put together by Senator GRAHAM and myself and Senator MARTINEZ and several others which really tries to fill in all of the gaps in enforcement, some of which have been pointed out to us by our constituents, by critics of the bill, by folks on the talk shows, by people who oppose the bill. We have taken a lot of those suggestions—many of them are great ideas—and put them into this enforcement amendment. It will, for example, make it very difficult for a visa overstayer to be able to be here illegally in the future. We are going to know when they overstay their visa. We are going to detain them until they can be removed from the country. That is just one example. So in order to be able to vote on those strong and strengthening amendments, we have to invoke cloture, we have to be able to proceed.

There are still two more opportunities for those who want to express their opposition to the bill to do so. There will be a budget point of order, and there will be the vote on final passage. But surely our colleagues would, I hope, respect the will of the majority, which is to keep moving to make this bill as good as we possibly can, and then everybody has the ability to vote however they want to at the end of the day. I hope my colleagues will agree that doing nothing is not an option and that we can continue to move the bill forward by supporting cloture.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have 5 allotted minutes for Senator SESSIONS, and I see he is on the floor.

I ask the Senator, would you like to take that time now, Senator SESSIONS?

Mr. SESSIONS. Mr. President, I understood it was 10 minutes.

Mr. SPECTER. Mr. President, I say to the Senator, you have 5 minutes from each side. You have 5 from me and 5 from Senator KENNEDY.

I say to the Senator, I was going to yield you 5 minutes now.

Mr. SESSIONS. Mr. President, I would be pleased to use 5 minutes now. I believe some of the other Members I wanted to share time with are available and can speak.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will be pleased to yield 2 minutes to the Senator from North Carolina, Mrs. DOLE.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, first of all, I thank Senator SESSIONS, Senator DEMINT, and Senator VITTER for their hard work on this matter, and other Senators as well.

Certainly, there is one area in which we have much agreement; that is, securing our borders. Clearly, the American people do not have any confidence at all in the promises this will be done when there is track record of total failure. In 1986, there were 3 million illegal aliens, and today, of course, there are 12 million or more. The Government does not seem to know how many.

I have an op-ed piece from the Charlotte Observer. Just quoting from 1986: This bill will help us provide the immediate relief on the border that we need. In my view, it is a good bill. We should all support it, be glad that this long controversy has finally been put to rest.

Well, CHUCK GRASSLEY made it very clear in strong points that he was wrong in the 1986 vote, that this did not provide the security at the border we have been promised again today.

In 2006, we had the Secure Fence Act, 700 miles of fencing to be built. Only 2 miles have been built.

So my view, my strong view, is it is not just promises, it is proof people want. The American people want to see results, control of our borders. We need to establish standards or metrics and then show they have been achieved—for example, having a significant decrease in the number of illegal aliens who cross our border, having a significant decrease in those who overstay their visas, a high rate of deporting those where courts have said a person needs to be removed from this country and deal with contentious provisions at a later date. But these are the key issues people are concerned about.

The first order of business must be that we ensure that the mess we are faced with now never, ever occurs again. We should be laser-focused on our resources, our energy, and ensuring our borders are secure.

My staff and I have been meeting with sheriffs across our State. Section 287(g), which is law now, provides that these local officials can be deputized to enhance the ICE agents. This is very important.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. DOLE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator DOLE and yield 2 minutes to the Senator from Tennessee, Mr. CORKER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Senator from Alabama for yielding me time.

I just wish to say I appreciate the efforts of all involved in what has happened over the last month. I really do. I have voted three times against cloture and will vote for a fourth time today against cloture. But at the same time, I really have tried to play a constructive role in voting on each amendment based on the merits of that amendment.

This bill is about a lot of things. Certainly, people have put a lot of effort into it—based on compassion, based on trying to solve a problem. It also, no doubt, has some more sinister components. I hate to say it: cheap labor, party politics, who is going to gain the majority. So there are a lot of different things at play here. I think we all understand that. But I really do appreciate the efforts of all involved.

Today, this is going to get down to four or five Senators. I encourage them to vote against cloture, for this reason: I think this bill is not good for America because I believe America has lost faith in our Government's ability to do the things it says it will do. We have had intelligence gaffs. We have had evolving reasons as to why we are involved in military conflicts. We have seen what has happened at the local, State, and Federal level on things such as Katrina. We have ministers who want to go on mission trips today but who cannot get passports renewed. This is about competence. It is about credibility. I think Americans feel they are losing their country. They are not losing it to people who speak differently or talk differently or are from different backgrounds; they are losing it to a government that has seemed to not have the competence or the ability to carry out what it says it will do.

I believe this bill is going to fail. What I would urge people to do is not what they have said today—and that is, to let it pass—but to move, meaning to pass into another time, but approaching it on a more modest basis, where we do the things we say we will do and build a foundation that will cause the American people to actually have faith in this Government.

The PRESIDING OFFICER (Mr. OBAMA). The Senator's time has expired.

Mr. CORKER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Tennessee and would recognize the Senator from South Carolina, thanking him for his leadership. As the Senator from Pennsylvania, Mr. SPECTER, said, this has been a tough battle. I thank Senator DEMINT for his courage. I yield him 1 minute, I believe.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator for his leadership.

Mr. President, this immigration bill has become a war between the American people and their Government. The issue now transcends anything related to immigration. It is a crisis of confidence between what the American people believe our Government is and should be, what it is to them now, and what they perceive it to be.

This vote today is really not about immigration. It is about whether we are going to listen to the American people and realize we need to proceed more carefully, in a more sensitive manner, and appear to be listening to the concerns of the American people.

The allocation of time, as we approach this vote, is very symbolic of where we stand. The supporters of this bill, out of an hour's time, have allocated 10 minutes to the opinion of the American people. I think we should listen to the American people. I hope all of my colleagues will decide not to move ahead with this bill and vote against cloture today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DEMINT. I thank the Chair.

Mr. SESSIONS. Mr. President, I reserve my 5 minutes remaining.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask Senator SPECTER, may I be recognized?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank the Chair.

To my colleagues who have participated in this debate, I think it has been a once-in-a-lifetime experience, I hope for all of us, because if we did this every week, the Senate would fall apart because this is tough politics, there is no question about it.

I do not pretend to know that I am on the wrong side or the right side of the American people. I can tell you what polls say—that once you tell people what is in this bill, about border enforcement, employer verification, merit-based immigration, the temporary worker program, it is 2 to 1 in about every poll I have seen. I guess you can get the poll to respond to the way you ask the question.

What I am trying to do is provide a solution to a problem that affects the American people. Here is the formula for this problem to be solved: bipartisanship.

To my friends on this side, if you think you can ignore Democrats, good luck. They exist. There are a bunch of them over there. Yes, raise your hand if you are a Democrat. Why don't you all leave? Well, they are not going away. Now, there are a bunch of us over here. Good luck ignoring us.

I would like to secure the border. How many Democrats would? Everybody raises their hand, right? Wouldn't you like to have an employer verification system where an employer would know the difference between somebody who is illegal and legal?

Enforce the current law. To my friends who call me endlessly and say, ''Just enforce the current law, LINDSEY,'' well, here is LINDSEY's response: I have looked at it. It is unenforceable. You can get a job in America based on a driver's license and a Social Security card being presented. What did all the hijackers on 9/11 have in common? They all had fake ID cards. They all had fake driver's licenses. I can get you a Social Security card. To my good friend from South Carolina, JIM DEMINT, we can go to the Jockey Lot in Anderson, and I can get both of us a Social Security card by midnight with whatever name you want, whatever number you want.

Until we address that problem, we are never going to solve illegal immigration because it is about jobs. Current law is a failure. The public should be cynical. Are we helping them when we fail? We are at 20 percent approval, and we deserve it. We do not deserve our pay raise. But who are the 20 percent? What do you like about this Congress? I cannot believe there are 20 percent of the American people who like what we are doing up here because we are doing nothing but talking about what we will not do, and we are playing a game that the American people do not understand, like the other side does not exist.

You are never going to deal with this issue until you embrace the 12 million. No Democrat is going to let you build a fence and do all the things we want to do without addressing the 12 million. That is never going to happen.

I want to address the 12 million. The reason I want to address the 12 million, it bothers me there are 12 million people here that we do not know who they are and what they are up to. I wish they would go away, but they are not. It is a problem America has to deal with, and we want someone else to do it because we are afraid if we do a plea bargain it is amnesty. We are afraid that the people who don't want to deal with the 12 million will come and take our jobs away. This is about our jobs.

Well, this is bigger than my job. The 12 million will be dealt with. They are not going to be ignored. They will be dealt with firmly and fairly eventually. They are not going to be deported. They are not going to jail. They can't be wished away. So we need to come together in a bipartisan manner and have principled compromise where we deal with the 12 million, we deal with broken borders, we get a temporary worker program.

To my Republican friends, remember this day if you vote no. You will never, ever have this deal again. There will never be a merit-based immigration system such as we have negotiated because President Bush has helped us. To my friends on this side who say President Bush would sign anything, you don't understand what is going on here. President Bush has given us as Republicans things we will never get without

him being President. We have lost the majority, but we have a good deal because we have hung together. A temporary worker program and a merit-based immigration system is a good deal for this country. If we say no today, good luck of ever getting it again.

The 12 million stay here on our terms. They have to learn English. They have to pay fines. They can't be citizens unless they go back and start over. This is as good as it is going to get.

Now, if we lived in a perfect world where the Republicans could write this bill, it would be different, and I can assure you, my Democratic friends would have written a different bill. All I can tell you is, the American people have a low opinion of us because we can't seem to do the things we need to do——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Because we are too worried about us and not them.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand we have 11½ minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 4 minutes to the Senator from Colorado and the remaining time between the Senator from Illinois and myself.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I come to the floor this morning to urge my colleagues to vote yes on cloture as we bring this debate to a very pivotal point.

As I come to the floor this morning, I am reminded of the millions of phone calls and letters that everybody has received in this Chamber. Many of those phone calls and those letters, those demonstrations have been filled with hate and with venom. They have been filled with hate and with venom.

We are the United States of America because we are able to bring our Government together to function on behalf of the people of this country. So for all of those who have sent arrows in the direction of the profiles in courage who have been working on this issue for the last 2 years, I say to them: Remember the prayer of Cesar Chaves of the United Farm Workers in which he said: Help us love even those who hate us. Help us love even those who hate us so that we can change the world—so that we can change the world.

Much of the venom we have seen around this issue has to do with the fact that people are afraid. People are afraid. I ask my colleagues to join us in looking forward and not being afraid because what makes people afraid today is that we have a system of chaos, a system of broken borders, a system of victimization.

So how do we move forward to create a system of law and order of which we in the United States of America can be proud? How do we do that? Well, we have done our best. We have put forward a proposal that says the porous borders we have in America are not good for America. The national security of the United States of America demands—demands—that we move forward and secure those borders. So we have done it in this legislation, and we have included the funding to be able to secure those borders.

Second of all, for more than the last 20, 25 years, what has happened is that the United States of America has looked the other way as our immigration laws have been broken time after time. So for the first time, what we have done with this legislation is we have said we are going to enforce the laws. We are going to have tough employer sanctions against employers who hire those who are unauthorized to work in our country. We are even going to criminalize their conduct. So we will enforce the laws of our Nation.

Thirdly, we take the 12 million undocumented workers who are here in America, and we say: You are going to pay a fine. You are going to be punished. You are going to learn English. You are going to have to go to the back of the line, and then after some time on the average of 11, 12 years, between 8 and 13 years, if you do all the things we require of you, including paying these very high fines and paying all of the processing fees required, then at that point in time, you will have an opportunity to become a citizen if you so choose.

To me, that is a commonsense solution to the national security issue which is at stake in this debate. It also is a commonsense solution for a nation that prides itself in enforcing our laws. We are not like other countries around the world that don't enforce our laws, but we will be.

So I say this to my colleagues on the other side: I respect you. I respect you for what you do here and for how you bring a civil debate to the issues that we deal with every day. But at the end of the day, if we don't get this done today with this cloture vote, it is going to mean the national security of the United States of America will continue to be compromised into the future for who knows how long. It will mean we will continue to be a nation that does not enforce our laws on immigration within this country, and it will mean we will have failed to develop a realistic and honest solution to the 12 million undocumented workers who labor in America every day.

So I urge my colleagues to vote ''yes'' on this cloture motion that we have coming up.

I yield the floor.

Mr. SESSIONS. Mr. President, I believe there is 5 minutes on this side.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I know good people have worked on this bill, and they are promoting it as a good step forward on immigration. But our own Congressional Budget Office has answered that question. They have said if this bill becomes law, we will see only a 13-percent reduction in illegal immigration into America, and in the next 20 years we will have another 8.7 million illegals in our country. How can that be reformed? I submit this would be a disaster.

The American people, I do not believe, desire to double illegal immigration. That is what this bill—legal immigration. That is what this bill does.

Mr. President, I ask that I be notified after I have spoken for 2 minutes.

The PRESIDING OFFICER. The Senator will be notified.

Mr. SESSIONS. The bill is promoted as providing security, but the Border Patrol Association, the former Border Patrol Officers Association, two former chairmen, chiefs of Border Patrol of the United States, former Assistant Attorney General in charge of immigration and security say it will not work, and they are scathing in their criticism and steadfastly reject this bill. I believe it will further diminish, therefore, the rule of law.

The procedure used to get us to this point is unprecedented in the history of the Senate. It allows the leadership to approve every single amendment that gets voted on and gives us only 10 minutes in opposition this morning, while the masters of the universe get over 40 minutes, 50 minutes to promote their side. It is typical of the way this debate has gone, and it will breed more cynicism by the public.

I have just seen a notice this morning from the Sergeant at Arms to tell us that the telephone systems here have shut down because of the mass phone calls Congress is receiving. A decent respect for the views of the American people says let's stop here now. Let's go back to the drawing board and come up with a bill that will work.

The PRESIDING OFFICER. The Senator has used 2 minutes. He has 3 minutes remaining.

Mr. SESSIONS. I thank the Chair. I yield 2 minutes to the Senator from Louisiana who has been effective and courageous in his advocacy on this issue.

Mr. VITTER. Mr. President, if the Chair could inform me when I have used 2 minutes.

Mr. President, we all stand here on the floor of the Senate and regularly acknowledge and even praise the common sense and the wisdom of the American people. Well, this vote this morning for each of us is about whether you really believe that or whether it is just a cheap political line to use.

The American people get it, and they do have common sense and wisdom on this issue. They know repeating the fundamental mistakes of the 1986 bill, joining a big amnesty with inadequate enforcement, will cause the problem to grow and not diminish. They know promising enforcement after 30 years of broken promises isn't good enough. They know the so-called trigger is a

joke because if the trigger is never pulled, the Z visas, the amnesty happens forever. They know groups like the Congressional Budget Office have estimated that this bill, so big on enforcement, will only decrease illegal immigration 13 percent and will have another 8.7 million illegal aliens coming into the country. They know that. They do have wisdom and common sense.

The question is: Do we or do we decide that Washington knows best? This isn't just a vote about immigration. This is a vote about whether this body is out of touch, whether this body is arrogant, or whether it will respect the true wisdom and common sense of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama has 1 minute remaining.

Mr. SESSIONS. I yield to the Senator from South Carolina, Mr. DEMINT.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, one of the most encouraging parts about this debate—there is a silver lining—is it has reengaged the American people and shown us that we are truly a government of the people. They have spoken and they have spoken loudly. Our phones have been ringing off the hooks. We have received e-mails and letters. People are trying to get in touch with us. Even now, they are calling in such numbers that it has crashed the telephone system in the Senate.

My question to the Senate today is: What part of ''no'' don't we understand? We need to vote no against cloture and stop this process that is alienating the American people from what we do, and then enforce the laws that are on the books and prove we are a nation of laws and that we will enforce the laws that have been passed by this Congress.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator has 10 seconds remaining.

Mr. SESSIONS. Mr. President, I wish we had been given more than 10 minutes, while the other side has been given 40 or 50. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I understand we have 7½ minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 3½ minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, in our Nation's history, this Nation of immigrants, we have always struggled with this issue. As soon as people arrive on this shore, there is a question about how many more can we take? What does it mean for our Nation if more people come from strange lands who don't speak our language? Yet this diversity has made America what it is today. We have sustained this great Nation because we are different and because we are accepting and because the people who struggle to come to these shores—my mother and her family, the families of all of us—brought with them a special quality: a determination for a better life and a willingness to take a risk to come to America. They brought a willingness to take the hardest, toughest jobs to prove the American dream and hope that their children will have better. Multiply that by millions and you have the story of this great Nation.

Throughout our history, we have always debated how many more we can take. That debate comes to a head this morning in just a few minutes. We will have a chance on the Senate floor to decide whether we step forward.

I have heard the voices against this saying: Not this bill. We can surely do better. We have worked hard on this bill. We have made compromises. There are parts of it which I detest and parts which I embrace, and that is the nature of compromise and cooperation. I thank all of those who have crafted it and put it together.

But I want to tell my colleagues what is at stake is very basic and fundamental as to who we are as a nation. Outside this Chamber, outside this congressional debate, you have heard the voices. Some of them are dark and ugly. They are not the voices of America, a hopeful nation that understands we can be a nation of laws, and with diversity we can grow in this world in the 21st century. No, these are voices of exclusion, people who want to keep those people out, people who want those people to go away. That is not America. That isn't what we are about as a nation. That isn't what distinguished us in the world. What distinguished us is we can stand up—Black, White, and brown, from all across this world—and make a nation. We have done it for over 200 years. We can do it again. Those who argue this diversity will destroy us don't understand the core values of this country.

I beg my colleagues this morning, even if you disagree with this bill, don't end this debate. Give us a chance to continue this debate and bring this to a conclusion and a vote. Give us this procedural vote that is coming up so we can continue this debate. If at the end of the day we step back and say we are surrendering to these negative voices across America, the Senate can't rise to the occasion with an important bill, it won't speak well of the Senate. There are those of us entrusted with the responsibility to serve in this place.

Let us say to people across America that we are going to have strong borders, we are going to enforce the law in the workplace, we are going to have rules that say to those who are here illegally you can only stay if you meet the strictest requirements. I think that is a reasonable standard, a reasonable compromise in the greatest tradition of America.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask to be notified when I have 30 seconds remaining.

We are called today by the ancients, the Founders of this Republic. Are we going to form a more perfect union? It was in this Chamber a number of years ago that we knocked down the great walls of discrimination on the basis of race, that we knocked down the walls of discrimination on the basis of religion. We knocked them down regarding national origin, we knocked them down with regard to gender, we knocked them down with regard to disability. Here in this Senate we were part of the march for progress.

Today, we are called on again in that exact same way. This issue is of the historical and momentous importance that those judgments and those decisions were. When the Senate was called upon, it brought out its best instincts, values, and its best traditions. We saw this Nation move forward. Who among us would retreat on any of those commitments? Who among us would say no to that great march for progress that we had in this Nation?

The question is: Is it alive? Is it continuing? Is it ongoing? Those who vote ''aye'' say it is ongoing, that we are continuing that march toward progress.

Year after year, we have had broken borders. Year after year, we have the exploitation of workers. Year after year, we see people who live in fear within our own borders of the United States of America. This is the opportunity to change it. Now is the time. Now is the time to secure our borders. Now is the time to deal with the national security issue. Now is the time to resume our commitment to family values, to people who want to work hard, men and women of faith, people who care about this country and want to be part of the American dream, who have seen their sons and daughters, in many instances, fight and lose their lives in Iraq and Afghanistan. That is the challenge.

Now is the time. This is the place. This bill is strong. It is fair and practical. Today, my friends, we have the choice: Are we going to vote for our hopes, or are we going to vote for our fears? Are we going to vote for our future, or are we going to vote for our past?

This is the place. Now is the time. This is the vote. Vote ''aye'' for America's future.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, let me first compliment the distinguished Senator from Massachusetts.

I yield 2 minutes to the Senator from Florida.

Mr. MARTINEZ. Mr. President, I have been involved deeply in this debate that we have had over a couple of

years. It comes to a close in the next day or so in the Senate. We have an opportunity to move forward, to move the debate on, and to have an opportunity for the House of Representatives to then add their measure of influence upon what this bill should be about. We should not simply say the bill isn't good enough so we are going to do nothing.

For those who find criticism with the bill, it is much easier to tear down than it is to build. We have crafted a bill over months of discussions and negotiations, which does a tremendous amount to end the illegality, secure the border, to ensure that we have the mechanisms to enforce an employment verification system so we don't have any more illegal workers. We do a measure of justice to those who have been here and worked and made this country their home for, in many instances, two decades.

The fact is, for those who simply say do nothing, they have a measure of responsibility to what comes next. What comes next is a continuation of the illegal system. To say simply ''enforce the law,'' well, the current laws aren't good enough to be enforced. They do not have the enforcement mechanisms necessary to ensure that we do have workplace enforcement, which at the end of the day is the most important measure we can have.

A lot has been said about the cost to our society of illegal immigrants being legalized. The CBO, which we trust on these issues, has said—this is the nonpartisan congressional budget office—they find that the new Federal revenue from taxes, penalties, and fees under this bipartisan immigration bill will more than offset the cost of setting up the new immigration system and the cost of any Federal benefit temporary workers, Z visa holders, and future legal immigrants under the bill would receive.

I thank the Senator for yielding me some time. I simply say that it has been a pleasure to work with those who have committed themselves to do something about the problem, and not simply say what is imperfect about the solution but to find a solution to this difficult problem.

Mr. SPECTER. Mr. President, the Senator from Florida has such a background, being an immigrant himself, and I think our cause would be well served if he took another 3 minutes.

Mr. MARTINEZ. I thank the Senator.

Let me touch on that issue. As an immigrant to America, I understand what it means to live the American dream. I had the opportunity to come to this country as a 15-year-old child, not speaking the language or understanding this culture; yet the embrace that America gives those of us who are fortunate enough to come to these shores and make America our home made me an American.

Many out there today fear that immigrants don't want to assimilate. The fact is—and I have said this before—immigrants come to America not to change this country but to be changed by this country. That was my experience. I think it is the experience that has been repeated to the over 200-year history of this Nation as immigrants have come to these shores, and America has had the magic that it performs on those of us who come here to become Americans to then make a contribution, as I hope I am making today by serving in the Senate.

The fact is, this is a divisive issue, but I believe it will bind and heal our country if we deal with it. Unfortunately, to do nothing will continue this festering debate in our country that is so divisive and, at times, so ugly. Our country is better than that. I think our country has the resourcefulness and the strength of culture to ensure that we not fear they want to change America, but that we change them to be the Americans that we hope all of us are and can be.

I thank the Senator for the additional time. This is something in which I have invested my heart and soul because I believe it to be so right for our country. This isn't about the 12 million immigrants. This is about what that will do to ensure that America continues to be the place it has been for more than 200 years, as a beacon of liberty, the ''shining city on a hill'' that President Ronald Reagan spoke of. We have to continue that tradition and welcome more people into that tradition by allowing them to be legal citizens, legalize their status, while we make it clear that the game is up, and from now on immigration into America will only be legal and not illegal, as it has been for more than two decades.

Mr. SPECTER. Mr. President, I compliment the Senator from Florida for his statements. Had we more time, all of us could tell our own stories. Mine involves two immigrant parents. My father came here at 18, in 1911, and contributed to this country. My mother came with her family at the age of 6, in 1906, and contributed to this country. I thank the Senator from Florida, Senator MARTINEZ, who has a special story to tell because he himself is an immigrant and is a great testament to what we are trying to accomplish with this bill.

I yield 3 minutes to the Senator from Arizona, who has made such a unique contribution to this bill, coming from a border State and facing irate calls, not that they are necessarily representative of all of Arizona. He said he learned some new words.

The PRESIDING OFFICER. The Senator from Pennsylvania doesn't have 3 minutes. He has 30 seconds. The Senator from Massachusetts has 1½ minutes remaining.

Mr. KENNEDY. I yield that time to the Senator.

Mr. SPECTER. I have 10 minutes 30 seconds because I have been allotted the leader time. I yield him 3 minutes.

Mr. KYL. Mr. President, I can say this in about 90 seconds. The Senator from Pennsylvania made the point. It is a sad commentary in America today that many Americans have lost faith in their Government. The only group that has poll numbers less than the President these days is the Congress. Americans don't believe their Government is representing them and acting on their behalf. The polls show it.

On one of the most critical issues of our day, we will not restore that confidence if we fail to act again. The only way we can restore that confidence is by acting. Skepticism is not a reason for inaction. For those who say, well, let's enforce our laws, I remind them that some of our laws are unenforceable. My conservative friends are the first to point out that the 1986 law is not an effective law. It is unenforceable. Until we change it, we are not going to be able to enforce the law. That is why it is time for us to return to the rule of law in America. By returning to the rule of law, we can restore that confidence that is so critical for the American people to have in their Government.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. SPECTER. Mr. President, we have heard from the objectors what the American people think. I am not sure they have standing to represent the American people. We heard the junior Senator from South Carolina speak as to his interpretation of what the American people think. But we heard the senior Senator from South Carolina stand in firm support of this legislation—the Senator representing South Carolina, as well as the other Senator from South Carolina.

We know as a matter of practice that the callers and the e-mailers are characteristically naysayers. You hear a lot more from people who object than you do from people who are in favor. We know that the majority of America is the silent majority. From my own soundings, what I hear on the train when I come back and forth from Pennsylvania, what I hear in the restaurants, on the streets, and in the fitness club is to proceed, try to find a way to improve a very serious situation in immigration.

No one of us is able to speak for the American people. We hear different voices at different times. I know one thing with relative certainty, and that is you cannot tell what the American people think simply by those who object and those who call. We do not run America in a representative democracy, in a republic, by public opinion polls. If we did, we would take the public opinion poll and we could dispense with all of the fat salaries that Members of Congress get. We could dispense with paying 535 people and take a public opinion poll and sign it into law.

I think the most erudite statement on this particular issue was uttered by

a distinguished British philosopher politician, named Edmund Burke, in a speech to the electorate of Bristol on November 3, 1774, when he made this famous statement:

> Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

Now, that is not to say in a representative democracy we ought to not consider the opinions of our constituents, but I think Edmund Burke was right more than 200 years ago when he talked about our duty in owing our constituents our best judgment.

What is our best judgment and how have we come to it? We have been working on immigration a long time, and we saw the failures of the 1986 legislation. Because the 1986 legislation failed doesn't mean we cannot correct the problem. Things are very different today than they were in 1986. For one thing, we now have a foolproof method of determining whether an individual is legal or illegal. So now we can hold employers responsible not to hire illegal immigrants. We can take away the magnet of work in this country for those who are not here legally.

We have lost sight I think, of the very fundamental purpose as to what we are trying to accomplish through legislation to reform immigration.

We are trying to secure our borders. This bill goes a long way to securing the borders with fencing, with automobile blocks, with more Border Patrol. The entire 2,000-mile plus of the border will be more secure. It can't be perfectly secured, and that is why we have employer verification which, as I say, is now foolproof. Then when we deal with the immigrants, we are trying to deal with the 12 million undocumented immigrants. Those who would like more—I said earlier that if I had my choice, I would agree with Senator MENENDEZ, that I would have more family unification. I would agree with Senator DODD that I would have more visas for parents. But this legislation is crafted by compromise, and that is the art of politics—the compromise. So it is the best bill that we can structure and come forward with.

If we do not legislate now, we will not legislate later this year when our calendar is crowded with Iraq and appropriations bills and patent reform, et cetera. We are then into 2008 and an election year for President and Congress, and it will be pushed over to 2009. Circumstances will not be better then, they will be worse.

We have a very frequent practice, as we all know, for Senators to vote in favor of cloture, and then to vote against the bill. That is an expression of policy judgment not to hold a piece of legislation to a 60-vote supermajority level. We do not have an issue of freedom of religion. We do not have an issue of freedom of speech. We have a public policy question where in good conscience Senators can say: I am opposed to the legislation, but I do not think it ought to be held to a 60-vote supermajority.

If we do not invoke cloture, this bill is dead. A vote against cloture is a vote to kill the bill. A Senator may vote for cloture and then express himself in opposition to the bill by voting against the bill.

For those who did not hear an earlier statement I made, I repeat, we had the unusual situation on the Dorgan amendment where Senators did not vote their judgment on public policy but voted against their own judgment to kill the legislation.

We have a tally sheet, those of us who work in the Senate, showing how Senators voted. And on the Baucus amendment yesterday, we had the extraordinary situation of 23 vote changes. You can tell the vote change because there is a mark on one side, it is crossed off, and the mark then appears on the other side.

I suggest to my colleagues that we had more cynical maneuvering on the Baucus vote, which is characteristic of the maneuvering throughout the text of this legislation, and that what this body ought to do is take the famous words of President John F. Kennedy when he served in this body, to exercise a little courage, a profile in courage as opposed to what appears to be a profile in cynicism.

The essence of it is, Senators can vote for cloture not to kill the bill, and then vote against the bill and exercise their right to do that and still allow this bill to go forward where it may yet be improved.

Mr. President, I see my time is just about to expire. How much time remains?

The PRESIDING OFFICER. There is 20 seconds remaining.

Mr. SPECTER. I yield back the remainder of my time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, is immigration a problem? Of course, it is. But is immigration a problem that is limited to Texas, Arizona, California, the border States? No. Is immigration a problem only for big cities, such as San Antonio, New York, Chicago, L.A.? No. Immigration is a problem all over America.

As people know, I am from Searchlight, NV, a little town I was born in and the town where I lived. It is 60 miles southeast of Las Vegas in the southern tip of the State. Is immigration something people talk about in Searchlight? Of course, it is.

Take yesterday. I got back to my office, and there was a call from Tommy. I am not going to give his last name for fear somebody will look him up. Tommy called me—and I do have his last name—and he said: I have a friend here who is from Mexico, has been here quite a long time. What is this immigration bill you are working on going to do for him? Should I be in favor of it?

Yes, Tommy, you should be because your friend will no longer have to be afraid of being arrested and deported. This bill will allow him to come out of the shadows.

The same day, yesterday, I received my mail from Searchlight. Somebody sends me my mail that comes addressed to me in Searchlight. A letter was addressed to me and said, among other things: You probably should go under the witness protection program because of your work on this immigration issue.

That is from Searchlight, NV. This doesn't take into consideration the letters and the calls my offices in Reno, Las Vegas, and here in Washington get filled with hate. I have, of course, turned the letter that I got from Searchlight over to the Capitol Police.

This situation is a problem not just in the border States and big cities, it is a problem all over America.

We are said to be the greatest deliberative body in the world. Shouldn't we do something positive regarding an issue that affects everybody in America, immigration? Some say it is the country's biggest problem. While that may be debatable, it is a significant problem, one of the top two or three problems facing us, and the problem is not going to go away. Is it right to wait until there is a new President? Should we wait until we get a new Congress? Of course not. Talk radio has had a field day, these generators of simplicity.

I want everyone to know, and I want the record spread, I do not believe anyone who is a Senator who votes against this motion to proceed is filled with prejudice, with hatred, with venom, as we get in our phone calls and our mail. I don't believe that. But I do believe we have an issue before us that we must resolve.

My family has been enriched by immigration. My father-in-law, Earl Gould, came to America from Russia when he was a little boy. When he came here his name was Israel Goldfarb. He assumed the name Earl Gould. When I met my wife, her name was Landra Gould.

I had the opportunity to talk with my father-in-law many times. Every one of his siblings who came to America had a different name. They all changed their name in this great melting pot.

My father-in-law died as a young man—he was 52 years old—from leukemia. I think of him often. My wife is an only child. I think of him often for the kindness that he showed me. This ring I wear he gave to me on his death bed. This watch that I wear he gave to me. When he was sick and knew he was going to die, he and my mother-in-law took a trip to the Middle East and brought me back this watch. They didn't have money to buy watches for me, but they bought a watch for me. I still wear the watch.

In this great melting pot we have called America, of which I am a part, my five children are eligible for Israeli citizenship because, with the Jewish

tradition, lineage is with the mother, not the father. My children proudly know this.

My family has been enriched as a result of immigration. I knew my grandmother. I talked with her lots of times. As a boy, I listened to her stories. I talked with her. I can still hear her voice—oh, we had a grand time. That is how she talked. She was born in Katherine's Cross, England, and came over here as a girl, married my grandfather, had eight children, all of them raised in Searchlight, NV.

Those are two examples of what immigration is all about, two examples of what it has done to HARRY REID.

My skin is real white. We have African Americans. The Presiding Officer is of African-American ancestry. In the back of the room—we don't even have to look at the back of the room—we have Hispanics. But my skin is American skin, just as the Presiding Officer, just as Senator SALAZAR.

What is immigration all about? A number of years ago, one of America's great journalists, James Fallows, wrote a book called ''More Like Us.'' The thesis in this book was that everyone was saying we should be more like Japan.

Japan was at the zenith of its height and power, and we were in the doldrums economically. Everyone said we should be more like Japan.

James Fallows wrote this book, ''More Like Us,'' and he said: No, we should be more like us, like America, and the No. 1 issue he talked about being different from Japan, our strength, is immigration. I testify that is true; that is the strength of this great country.

Today in America we have a problem with immigration. We have porous borders that need to be fixed. We are Senators, I repeat, Members of the greatest deliberative body in the history of the world. With the honor of our office comes enormous responsibility. We must resist the ever-present temptation to do what is expedient at the expense of what is right. When short-term gain diverges from long-term good, we must choose the good. This is our challenge today.

I ask every one of my colleagues, Democrats and Republicans, not to shrink from this issue, to support us moving forward on this legislation for the good of our country, the greatness of our country.

There are 100 of us. If each one of us were given a few days to draft an immigration bill. We probably could do a better job than what has been done with this bill, in our own minds. But some of the greatest legislative minds in this body have worked long and hard to come up with this bill. Perfect? No. Good? Yes.

I hope we can do the right thing and move this legislation forward. I am not here to tell my colleagues this legislation is the greatest thing that ever came along, but it is something that is badly needed, and we need to continue this process.

Mr. President, there is $4.4 billion for border security. Is it going to help? Oh, it will help a lot. There are 370 miles of fencing, which we authorized and, of course, have done nothing about; 300 miles of vehicle barriers; 20,000 new Border Patrol agents; more than 100 ground-based radar and camera towers; and 31,500 detention beds.

Mr. SESSIONS. Mr. President, under the UC, I think we are well passed the time the leader had, and this side only received 10 minutes.

The PRESIDING OFFICER. The leader has the floor. The majority leader has the floor.

Mr. REID. Mr. President, I would say this, 31,500 detention beds. One of the problems we have——

Mr. SESSIONS. Mr. President, point of order. The unanimous consent gave the leader 12 minutes. It is now about 12 or 15. Does that override the leader's time?

Mr. REID. It is my understanding in the order——

The PRESIDING OFFICER. The Chair always allows some latitude to the two leaders. He is currently 1 minute over time.

Mr. REID. Mr. President, it is my understanding of the order of the presenters that Senator MCCONNELL and I had 10 minutes.

The PRESIDING OFFICER. That is true.

Mr. REID. Ten minutes was given to the distinguished Republican manager of the bill, and I now am using my leader's time that was not in the order.

I would also say to my friend from Alabama that I would never rudely interrupt him whenever he is giving a speech. I would never do that, and I wish he hadn't done that, but I will continue.

Mr. President, 31,500 new detention beds. In Las Vegas, when someone is picked up on an immigration violation, there is no place to put them. That is what this legislation does, actual money—not authorizing money but actual money. That is important.

It creates a mandatory employer verification system, which is so important, and a pathway to legalization for 12 million people, like my friend Tommy from Searchlight, NV. What do they do? They work, they pay taxes, they learn English, they stay out of trouble, and they pay fines and penalties. That is important.

AgJOBS. The DREAM Act. This legislation is important. It has come about as a result of a lot of hard work. For example, we have had 36 hearings, 6 days of committee action, 59 committee amendments, 21 days of Senate debate, and 92 Senate floor amendments.

I know the vote for everyone here today is a difficult vote. For some of us, it may be the most difficult of our careers. There is no perfect answer to this problem of immigration, but there are two paths. One path is diversion and negativity, while the other embraces hope. One path embraces exclusion, the other embraces the American dream. One path embraces the status quo, the other pragmatism. Democrats and Republicans alike, let us keep hope alive, let us keep the American dream alive, let us keep pragmatism alive and well here in the Senate.

I ask you to join on the path of hope, a courageous path, a path that President Bush, Leader MCCONNELL, and I have chosen, a bipartisan path to legislative hope. That is what this vote of cloture is all about. Voting for cloture on this imperfect bill will make our union a little more perfect.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 208, S. 1639, Immigration.

Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank L. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B.A. Mikulski, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 1639, the bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—46

Akaka	Gregg	McCain
Bennett	Hagel	Menendez
Biden	Inouye	Mikulski
Boxer	Kennedy	Murray
Cantwell	Kerry	Nelson (FL)
Cardin	Klobuchar	Obama
Carper	Kohl	Reed
Casey	Kyl	Reid
Clinton	Lautenberg	Salazar
Conrad	Leahy	Schumer
Craig	Levin	Snowe
Dodd	Lieberman	Specter
Durbin	Lincoln	Whitehouse
Feingold	Lott	Wyden
Feinstein	Lugar	
Graham	Martinez	

NAYS—53

Alexander	Baucus	Bond
Allard	Bayh	Brown
Barrasso	Bingaman	Brownback

Bunning	Ensign	Rockefeller
Burr	Enzi	Sanders
Byrd	Grassley	Sessions
Chambliss	Harkin	Shelby
Coburn	Hatch	Smith
Cochran	Hutchison	Stabenow
Coleman	Inhofe	Stevens
Collins	Isakson	Sununu
Corker	Landrieu	Tester
Cornyn	McCaskill	Thune
Crapo	McConnell	Vitter
DeMint	Murkowski	Voinovich
Dole	Nelson (NE)	Warner
Domenici	Pryor	Webb
Dorgan	Roberts	

NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, the vote has been cast. As I told a number of my Republican friends, even though the vote is disheartening to me in many ways, I think as a result of this legislative work we have done in the last several months on this legislation, there have been friendships developed that were not there before, trust initiated that did not exist before. I say to my friends, Democrats and Republicans, this is a legislative issue. It will come back; it is only a question of when. We are only 6 months into this Congress. We have so much to do.

Hopefully, this lesson we have all learned will be one where we recognize we have to work more closely together. I hope we can do that. I say to all of you, thank you very much for your patience—the phone calls I have made; if I twisted arms, it was not very often. I so appreciate—I think I speak for all of us—being able to be part of this great Senate where we are able to participate in decisions such as this.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we go to a period of morning business with Senators permitted to speak for up to 10 minutes each, and Senator ROBERT C. BYRD be recognized to speak for double what everyone else is allowed to speak, 20 minutes.

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

The President pro tempore is recognized for 20 minutes.

The PRESIDING OFFICER. The President pro tempore is recognized for 20 minutes.

GROWING OLDER

Mr. BYRD. Mr. President, I feel compelled to address head on, I mean head on, the news stories in recent weeks that have pointed out the shocking discovery, yes, shocking discovery, that I am growing older. Did you get that? Shocking discovery that I am growing older.

I find it no surprise, but then I have had some time to become accustomed to the increasing distance between the year of my birth and the current date. I may not like it, but as Maurice Chevalier put it:

> Old age is not so bad when you consider the alternative.

A recent Associated Press story ran in West Virginia's Charleston Daily Mail. The headline read: Dramatic change in signatures shows that age is catching up with Senator BYRD. The newspaper offered as proof the signatures on my Senate financial disclosure forms from last year and this year. It is true that this year's signature looks like I signed it in a moving car. Some days, the benign essential tremor that I have had for years now is worse than on other days, just as it is for the approximately 5 million other people in the United States who suffer from similar tremors. It is annoying, but it is hardly evidence that I am at death's door.

Nor should it come as a surprise that I use canes to help me get around or that I am not always as fast as I once was. I am not aware of any requirement for physical dexterity in order to hold the office of U.S. Senator. The often grueling hours working in the Senate requires are tough on far junior Senators, and I am no longer one of the younger Senators.

But to worry in print that I have missed one vote this year? Really. Out of more than 18,000 votes in my career, to miss one vote or two votes every now and then is surely excusable. Even old people can be allowed a sick day or two now and then, can't they?

That is really the crux of the matter. In this Internet-savvy, media-infused culture, we have forgotten that people do get older, even, dare I say it, old, old. Television is full of pretty young people. The few white-haired heads that one sees on television are made up and glamorous. Off camera, though, most bear little resemblance to their TV persona.

In a culture of Botox, wrinkle cream, and hair dye, we cannot imagine that becoming older is a good thing, an experience to look forward to, a state worthy of respect. If I were 50 years old and used canes due to some injury or had a disease-related tremor, the newsletter stories would be about my carrying on despite my adversities. But my only adversity is age. Age.

In real life, the lucky ones among us do get old. We move down the steep slope, to the far right of the bell curve of age. The really lucky ones, and I almost count myself among them, get to be aged, into their nineties or even older, a distinction that I think is naturally paired with the wisdom borne of experience. We do get white hair, yes. And we do get wrinkles. And we move more slowly. We worry about falling down because we do not bounce up the way we used to.

Our brains are still sharp, but our tongues are slower. We have learned, sometimes the hard way, to think before we speak. I hope, however, that what we have to say is worth the wait.

Many good things are worth the wait. Grandma Moses did not take up painting until the age of 75. She painted some 1,600 paintings, 250 of which she painted after her 100th birthday. Michelangelo was still working on frescos and sculptures when he died at the age of 89.

Age is no barrier to accomplishment. When the spirit and the mind are willing, the creative juices continue to flow. I like to think that I still have a few things left on my to-do list. I also like to think that someday our rapidly aging society will get over its fear and its denial of aging. We had better get over it quickly because the demographics tell us our senior population is rapidly growing.

If my colleagues still show deference to me, as the news article reported, I hope it is due to my experience, my position as chairman of the Appropriations Committee, and my ability as a Senator. If they are patient with me as I turn the page, I hope that is an example of the Golden Rule; that they show patience with my minor adversities of age as they hope that someday others will show to them.

After all, the Senate is not exactly full of spring chickens. You better believe it. It is not supposed to be. The Senate was designed to give age and experience a chance to flourish, and the rules give slower speakers—the rules give slower speakers a chance to be heard.

Five percent of Senators date from the roaring 1920s. All of them served in World War II. The Senate will truly lose a great generation when they decide, if ever, if ever, to retire.

Almost a quarter of Senators date from the 1930s, including many seasoned committee chairmen and ranking members. I am sure my younger colleagues on the Appropriations Committee appreciate the opportunity to play a larger role as appropriations bills move through the Senate, as the recent articles reported.

As I have gotten older, I have learned to have great trust and great respect for my colleagues, many of whom I have worked with for many years. Why is that decried as a bad thing? Why should not these fine Senators, now in their fifties through their eighties, get to spread their wings while the old wise BYRD watches?

Abraham Lincoln once rightly observed:

> In the end, it's not the years of your life that count. It's the life in your years.

My only adversity—my only adversity is age. It is not a bar to my usefulness as a Senator. I still look out for West Virginia. I still zealously guard the welfare of this Nation and its Constitution. I still work every day to move the business of this Nation forward, to end this reckless adventure in Iraq, and to protect, to preserve, and defend the Constitution of the United States against all those who would reshape it to suit partisan agenda. I will continue to do this work until this old

body just gives out and drops. Do not expect that to be anytime soon.

I believe all ages and all occupations should be part of a truly representative body. I also believe society works best when the energy and idealism of youth, youth, youth, pairs with the experience and wisdom of age.

America is the land of opportunities. I don't think our some 36 million citizens over the age of 65 are disqualified from participating in the life of the country that we—we—helped to build. Our country rejected those kinds of arbitrary barriers long ago, and this Senator loudly and proudly rejects them now.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

BRIGADIER GENERAL KEN TAYLOR

Mr. STEVENS. Mr. President, today I pay tribute to BG Ken Taylor, who will be buried at Arlington National Cemetery later this afternoon.

From his service as a pilot during World War II to his tenure as Commander of the Alaska Air National Guard, General Taylor was always a hero—in every sense of the word, and to all who knew and loved him.

As a young boy in Oklahoma, Ken set his sights on becoming a pilot. After completing high school and 2 years of college, Ken fulfilled his dream by joining the Army Air Corps.

In April 1941, newly commissioned as a second lieutenant, Ken received his first assignment. He was stationed at Wheeler Field, on the Hawaiian island of Oahu, as a member of the 47th Pursuit Squadron. And it was there, during one of the darkest days in our Nation's history, that Ken's bravery shined brightest.

Early in the morning on December 7, 1941, after a long night of poker, dancing, and a little drinking at the officer's club, Ken awoke to the sound of low flying Japanese aircraft fighters and bombers on course to attack the Navy's Pacific Fleet at Pearl Harbor.

Ken and fellow pilot George Welch, who was staying in a neighboring apartment, took immediate action. They called ahead to their air crew with instructions to load their P–40s with fuel and ammunition.

Both pilots hurriedly pulled their evening wear back on, and sped off in Ken's new Buick toward Haleiwa Field. Dodging Japanese strafing runs and driving at speeds in excess of 100 miles per hour, they soon arrived at the airfield. The pair quickly strapped into their P–40 Tomahawks, which were fully fueled but only partially armed.

Outnumbered, outgunned, and without orders, the two pilots taxied to the runway intent on engaging the over 300 unchallenged Japanese aircraft.

Once airborne, Ken and George immediately came under fire. Ken later described the ensuing combat as ''shooting fish in a barrel''—a definite understatement, as the Japanese shot back at their pursuers. At least one round hit Ken's cockpit, embedding shrapnel in his arm and leg.

Determined to stay in the air as long as possible, Ken and George attacked a group of bombers until they ran out of ammunition. The pair then landed at Wheeler Field to resupply and refuel.

While an air crew rearmed their planes, the duo received a dressing down from a superior officer for taking off without orders. The officer also insisted they stay on the ground, but when another attack forced airfield personnel to scatter, Ken and George took the chance to get back into the fight.

With a fresh supply of .50 caliber ammunition, Ken positioned himself on the runway to take off just as a group of dive bombers flew overhead. He described his second takeoff to Army Times as follows:

> I took off right toward them, which gave me the ability to shoot at them before I even left the ground. I got behind one of them and started shooting again. The only thing I didn't know at that time was that I got in the middle of the line rather than the end. There was somebody on my tail. They put a bullet right behind my head through the canopy and into the trim tab inside. So I got a little bit of shrapnel in my leg and through the arm. It was of no consequence; it just scared the hell out of me for a minute.

Before the last fires were extinguished from the remains of the Pacific Fleet in Pearl Harbor, Ken Taylor and George Welch had shot down at least eight Japanese fighters. Many believe their decision to take to the air prevented a full assault on Haleiwa, saving the field from sure destruction. By the end of the day, the two lieutenants had become America's first heroes of World War II—all while wearing tuxedo pants and a Hawaiian flower-print shirt.

For his tremendous courage under fire, Ken received the Distinguished Service Cross and a Purple Heart. But his service to this Nation was far from finished. Ken went on to fight at Guadalcanal, where he was credited with destroying another Japanese plane. After a broken leg ended his combat career, Ken returned stateside and served for 27 more years. He served in the Alaska Air National Guard.

In 1967, Ken became the Assistant Adjutant General for the Alaska Air National Guard. Before retiring in 1971, he was promoted to Brigadier General and served as the full Commander of the Air Guard.

In this capacity, Ken quickly distinguished himself as an able and respected leader. He worked closely with MG C. F. Necrason, then the Adjutant General of the Alaska National Guard, to save the Air Guard component in our State. Under Ken's direction, the reinvigorated Air Guard units provided rural Alaskans with access to health care, medivacs, and disaster relief services.

As a Senator for Alaska, it was my privilege to work with Ken on many occasions during this period. My wife Catherine's father, Bill Bittner, Sr., was a close friend of Ken's and his fishing partner. Bill and I often spent long summer days fishing with Ken and talking about World War II.

To this day, Ken's family has strong ties to Alaska. Ken's son, Ken Jr., followed in his father's footsteps and also became commander of the Alaska Air National Guard. They remain the only father and son in our Nation's history to have achieved such an honor. Also, Ken Sr.'s grandson, Eric Taylor, now serves in the Alaska Air National Guard with distinction.

The remarkable story of Ken Taylor reminds me of a statement once made by General George Marshall. Asked if America had a secret weapon to help win World War II, General Marshall replied in the affirmative. He said we had ''the best darn kids in the world.''

One can't help but wonder if these words were partly inspired by Ken Taylor, who, at age 21, exemplified great courage and bravery during the battle that drew America into World War II. For those who remember, his was one of the two planes that took off in the movie entitled ''Pearl Harbor.''

It gives me great pride to have known this man. On this solemn day when we put him to rest, let us all take a moment to reflect on the life—and honor the memory—of this great American hero.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

HOMAGE TO SENATOR BYRD

Mrs. MCCASKILL. Mr. President, first, let me pay homage to the senior Senator from West Virginia who, in a typically eloquent way, spoke to the Senate about his long service to his State. Let me tell the people of West Virginia, they don't need to worry; they have a very strong Senator in this body. Any comments about his age are misplaced, because his passion and his intellectual heft and his knowledge of history and the Constitution far outweigh any considerations one would have about his age.

(The remarks of Mrs. MCCASKILL pertaining to the introduction of S. 1723 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

PROGRESS ON S. 1

Mrs. MCCASKILL. Mr. President, there are times since I have been here that I have been surprised and shocked. This week was one of them, when I saw the leader of my party rise to ask the body to send S. 1 to conference. Keep in mind what S. 1 is. S. 1 was the first piece of legislation we passed in the Senate this year. That is why it is called S. 1. Keep in mind what the vote was. It was 96 to 2. There are not going to be very many times that we do anything 96 to 2. That was months ago.

Now, all this time we have been waiting to send this bill to conference so we can move ahead and make it law. This is ethics reform. This is the essence of what we should be about. We are here to do the people's business, not big money's business. We are here to protect average people in these United States, not the lobbyists in the hallway.

Ethics reform should be at the top of our list. What happened when our leader asked for this bill to go to conference? The Republican leader objected. What in the world is going on that we would pass a bill 96 to 2 and then the Republican leader would say, ''I object to it going to conference''?

The American people have been very engaged on the immigration issue for weeks. That bill has come to its conclusion. I urge every American out there to use those same fingers and those same phones, to use those same e-mails and those same letters, to immediately begin calling their Senator and say to them: Why in the world would you be blocking ethics reform in the Senate? There is no good excuse—except politics. If we cannot get beyond politics to reform ethics, then I think the people have a right to give us an approval rating in the cellar.

So I call on the Republican leader, I call on our Republican colleagues: Stop playing games with ethics reform. Let's move forward. Let's make this happen on behalf of the people we came here to represent. If we cannot do this, we ought to put our tail between our legs, be ashamed, and go home.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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.

IMMIGRATION

Mr. SESSIONS. Mr. President, I thank the Presiding Officer for his insight into the legislation we considered. I guess the Presiding Officer understands, when you have completed a tough campaign and you have talked to voters, you learn some things. Hopefully, our Senate has learned some things: That the heart of the American people is good, that they are not mean spirited, but they are concerned about a lawful system of immigration.

I was on an Alabama-based radio show ''Rick and Bubba.'' They are expanding out around the country and do an excellent job and are very fair about immigration. One told me the other morning: Senator, let me tell you my philosophy. My philosophy is that if you have a broken pipe in your attic, and there is water on your floor, you don't go spend all your time mopping up the floor, you fix the leaking pipe.

So I guess I would say the failure of the legislation today, despite the good efforts of my esteemed colleagues who met together and wrote this bill—and they did not want anybody to change a jot or tittle of it—despite all of that, despite their good efforts, it did not do the job. It did not shut off the water. According to the Congressional Budget Office, it would only have reduced illegality by 13 percent, and in the next 20 years we would have another 8.7 million people here illegally.

I think our Senators—after hearing that and having it pounded in and seeing this is not an exaggeration but an objective report by the Congressional Budget Office, and then we heard the promises: The only way to get a lawful system in America is to vote for this bill—they were not persuaded, especially because the American people saw through it.

Rightly, the American people have grown to be cynical about the words of Congress on immigration. They have grown to be cynical about that. For 40 years, Presidents and Congresses have promised we are going to make a lawful system: We are going to do this. Don't worry, I voted for that bill last year. It was going to do this and do that, double Border Patrol—but nothing ever happens.

We arrested a million people trying to enter our country illegally last year—a million people. Why do we have that many people arrested? One reason is because the border is known, worldwide, to be insecure and that you have a very good chance of being able to enter the country illegally.

If we can change that and we create a clear message around the world that our border is secure and if you come you are going to be apprehended and you will be prosecuted if you come across the border illegally, we could see a dramatic dropoff in that and a dramatic increase of people applying, waiting in line to come legally. That is what it is all about, and this bill did not do it.

Now, somebody was saying to me and asking me recently about President Bush and his legacy. I have to tell you, I like President Bush. He is a friend of mine. I believe his heart is good. I believe he wanted to do something good about immigration. I have the highest regard for him.

What I would ask President Bush to do with regard to his legacy on immigration would be to carry on at a much more effective and aggressive rate than he has with a movement toward enforcement. He has done things in the last several years to improve immigration enforcement more than the previous four or five Presidents, but it has not been enough.

So I would suggest to the President: Make it your legacy to leave a secure border for America. Enforce our current laws. Utilize every effective and appropriate tool we now have, which would make a huge difference. Ask the Congress for what additional tools you need. Let's begin to create a lawful system at the border.

As the American people see that and gain confidence in us as a government, then we begin to talk about some of the more difficult problems: What do we do about 12 million people who are here illegally?

One of the things that very much concerned me in this bill—and it shows the mindset that seemed to be driving the legislation and was an indication there was no real commitment to enforcement—was moving the date of the people who would be allowed to go on a path to legality and even citizenship to even if you came into our country last year.

Now, last year's bill, which I vigorously criticized, said you could take advantage of the amnesty or legalization process if you came into America before January 1, 2004. This bill said you could take advantage of the amnesty—you would not be asked to leave—and you could become an American citizen if you broke into our country before January 1, 2007, this year.

So after the President has called out the National Guard, after we have said the border is closed—and it has not been closed; we made some improvement, but it has not at all closed the illegality at the border—but if you could get past the National Guard last December 31 and get into this country, this bill would have put you onto a citizenship path.

But that is not what our colleagues told us who supported the legislation. They said it was going to help those people who have deep roots in America who have children here and ones we cannot ask to leave. I am sympathetic to that. I am prepared to work on something like that. But the idea that some single person who broke across the border last December, past the National Guard, is being given all the benefits of citizenship, all the benefits we would give to somebody who waits in line to come legally makes no sense to me and indicates the mindset we have here.

The mindset is confused is all I am saying. The President, the executive branch, and the Congress have not yet gotten the message. The message is: We don't want talk. We don't want promises. We want you to get busy and create a lawful system of immigration, and then we can begin to talk about how to deal with people who are here illegally and what our future flow of immigration would be. They had some good ideas in the bill about how to improve the future process by which we select for admission immigrants who desire to come. We know we can't accept everybody. Eleven million people applied for the 50,000 lottery slots we had in the year 2000. It just indicates that the number of people who would like to come here vastly exceeds our ability to admit them all, so we must select some way for those who come. I believe that a touch, a bit, in this bill that tended toward a Canadian-type

system was a great first step and should give us a model for future flow.

So to my colleagues and particularly to my friend, the President of the United States, whom I respect so much, I would say let's make it a legacy of this Congress and this President to do everything possible, beginning today, to have a secure border in our country. I believe it would be widely approved by the American people. I believe it would be good for our country. It would be a true contribution to American society and put us on the road toward a step to adopting new and better policies for immigration.

It is great to see my colleague, Senator HUTCHISON from Texas. I thank her for her insight and commitment to creating a good system. Being from Texas and having lived with this issue for years and years, she is sympathetic and compassionate to those who want to come to America, but she also understands the need to create a system of laws we can be proud of.

Mr. President, I thank the Chair and yield the floor.

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

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alabama for his remarks.

This is a hard time. This has been a very difficult issue. There is no question that so many people put hours and hours in to try to produce a piece of legislation that could get a majority or 60 votes to proceed. I think it is important for us to take a moment and say, yes, it was a disappointment, but we must go forward. This should not be the end of efforts to deal with one of the most important, if not the most important, domestic problem in our country today; that is, we are a sovereign nation which must have secure borders.

We know there are terrorists who are trying to enter our country to harm Americans. We would be naive to look the other way. We know there are drug cartels trying to enter our country with illegal drugs. We know there are human traffickers who are bringing people into our country illegally and robbing these people of huge amounts of extorted money. We know we must stop that.

We also know there is a need in this country for work and jobs that are not being filled by Americans, and we must provide a legal way for people to fill those jobs. We must not equate the people who have come here for jobs, trying to feed their families—because they have little hope from their country of origin of being able to do that—with terrorists and drug dealers. They are two separate kinds of problems and separate kinds of people. We need to provide an avenue for those who are trying to do better for themselves and their families to work in our country and to be in our country and, within the laws we have, to go into permanent residency and citizenship.

We do have a crisis, and it is our responsibility to meet it. Just because this effort failed does not mean we didn't make progress. I think we did make progress. It was not enough to get the majority even of this Senate to agree that this not only took care of the problems of today but would provide a standard for tomorrow and 10 years from now so that everyone would know what the laws are and that the laws would be enforced. So we have made progress.

I look at so many of our colleagues who worked so hard on this, along with members of the President's Cabinet and the President himself, and I know how deeply disappointed they are that this was not successful. Nevertheless, I believe we were in a much better place this year than we were last year, and I believe, if we start fresh, we can come up with a better approach to this problem.

What would a better approach be?

First, I think it is clear the American people do not believe there is a commitment to border security. I believe there is much more progress in this area than is known. We know the catch-and-release program is virtually shut down. It used to be that an alien coming into our country illegally who was not from Mexico but was from farther down in Central or South America would not be able to be apprehended and deported because there were no detention facilities that could hold them, so they were caught and released. Today, that program has been virtually shut off.

So we have made progress. Is it enough? Absolutely not. But we must have a renewed commitment to border security, and I think it is clear the American people believe we must show there is a commitment as a prerequisite to addressing the other problems.

Today, I suggest we might look at a fresh approach which has the commitment that was made by the President 2 weeks ago to border security, the money commitment for the barriers, and the commitment to following through on those border security measures. That would be one step we could take that I believe would have universal agreement. There is no one who has called me about this bill who has not said the absolute first requirement is border security.

The second thing I think we should do as we are continuing this commitment to border security is a guest worker program—a guest worker program going forward that is a workable way for people to come into this country and have the ability to work out in the open, legally, to be able to go back and forth from their home country without being afraid they could not get back in, and a tamperproof identification for employers to easily be able to see that a person is legally in this country.

I met with my good friend Massey Villarreal yesterday, and he said: Where is the help for the small businesses that may not even be computerized?

I said: I know the Department of Homeland Security, when the regulations are made, will have a provision for a business that has one employee or two to be able to have a clear, easy way to verify with this tamperproof ID. There would be a picture on it and a biometric indication.

So I think we need to work on the guest worker program immediately, along with the border security program, so that the economy of this country and the people who are seeking to work in our country to provide for their families wherever they may live would be able to be matched. I think we should do those two things first. That would be my suggestion of a new approach.

The problem we ran into with this bill and the bill we tried to pass last year was that tough issue of, what you do with the people who are already here illegally, because the enforcement was not done. A blind eye was turned. Through many years, since 1986, there has not been that workable guest worker program which would accommodate the economic needs of our country and the economic needs of workers who cannot find jobs in their own home countries. Dealing with that was the hangup on this bill, make no mistake about it. It was the perception that people would be able to come here, stay in our country illegally, and never have to go home in order to become legally processed in our country. The American people rose up and said no. My amendment which tried to fix that came very close—53 to 45.

I think that is a concept we should revisit but not until we have addressed border security and made a commitment and significant improvements and a guest worker program established for people coming in legally. In my opinion, that would probably also cause some of the people who are here illegally to see a clear path, a workable path, a dependable path to come into our country and begin to work legally if we act now to set up that guest worker program. Then start the long and arduous process of trying to handle responsibly the people who are here illegally, some of whom have homes, have American-born children, which we must realistically address but maybe not all at once. That would be my suggestion for those who are willing to say: Let's take a week, and let's determine what the next course should be.

Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mrs. HUTCHISON. Let me end by saying I do believe we need to take some time. We need to look at the consequences of doing nothing, which I do not think people focus on enough, and try to have a fresh approach, perhaps a more graduated approach, that would

secure our borders and would have a guest worker program going forward and then follow up by dealing with the illegals who are in our country now. Perhaps there would even be a safe harbor—no commitments about what would happen but not to cause people to lose jobs that are not being filled.

Perhaps, there could be something along that line as we decide how to deal with those people who are here. I do believe there will be more acceptance of a responsible, legalization process of people who are here illegally if the American people see border security and a guest worker program that puts the people in the front of the line who have come legally into our country to work.

Mr. President, it is so important that we not give up. It is so important that we not turn another blind eye to the problem facing this country of more and more illegal aliens coming in. We must secure our borders from terrorists, drug dealers, and human traffickers. But it is not the same as people who are coming to our country for economic help for themselves and their families. We must provide a way to attract those people to jobs that are not being filled by Americans. So, yes, it is disappointing today.

I applaud the people who have worked so hard. I want to say that they did make progress, and it is something from which we can all learn and do better as we move forward. But, mostly, we cannot shirk the responsibility of our United States Senate and our United States Congress, working with the President, to do the right thing for our country.

I yield the floor.

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

IMMIGRATION

Mr. KENNEDY. Mr. President, it is now clear that we are not going to complete our work on immigration reform. That is enormously disappointing for Congress and for the country. But we will be back and we will prevail. The American people sent us here to act on our most urgent problems, and they will not accept inaction.

I have seen this happen time and time again. America always finds a way to solve its problems, expand its frontiers, and move closer to its ideals. It is not always easy, but it is the American way.

I learned this first as a child at my grandfather's knee. He taught me that in America progress is always possible. His generation moved past the cruel signs in the windows in Boston saying ''Irish Need Not Apply'' and elected that son of an Irish immigrant as mayor of Boston.

I learned that lesson firsthand when I came to the Senate in 1962. Our Nation was finally recognizing that the work of civil rights had not ended with the Emancipation Proclamation, nor with the Supreme Court's decision in Brown v. Board of Education. It was up to Congress to take action.

The path forward has never been an easy one. There were filibusters of the Civil Rights Act of 1964 and of the Voting Rights Act of 1965. But we didn't give up and we ultimately prevailed.

The same was true in our battles for fair housing and for an end to discrimination against persons with disabilities. On immense issues such as these, a minority in the Senate was often able to create stalemate and delay for a time. But they had never been able to stop the march of progress.

Throughout all of those battles, we faced critics who loudly warned that we were changing America forever. In the end, they were right. Our history of civil rights legislation did change America forever. It made America stronger, fairer, and a better nation.

Immigration is another issue like that. We know the high price of continuing inaction. Raids and other enforcement actions will escalate, terrorizing our communities and businesses.

The 12 million undocumented immigrants will soon be millions more. Sweatshops will grow and undermine American workers and wages. State and local governments will take matters into their own hands and pass a maze of conflicting laws that hurt our country. We will have the kind of open border that is unacceptable in our post-9/11 world.

Immigration reform is an opportunity to be true to our ideals as a nation. Our Declaration of Independence announces that all of us are created equal. Today, we failed to live up to that declaration for millions of men and women who live, work, and worship beside us. But our ideals are too strong to be held back for long.

Martin Luther King had a dream that children would be judged solely by ''the content of their character.'' Today, we failed to make that dream come true for the children of immigrants. But that dream will never die. It has the power to overcome the most bitter opposition.

I believe we will soon succeed where we failed today, and that we will enact the kind of comprehensive reform that our ideals and national security demand. Soon, word will echo across the country about the consequences of today's vote. The American people will know that a minority of the Senate blocked a record investment in border security.

H.L. Mencken said that for every complex problem, there is a simple solution—and it is wrong. A minority in the Senate has employed a simple label against this bill—amnesty—and they were wrong, too.

A minority in the Senate rejected a stronger economy that is fairer to our taxpayers and our workers. A minority of the Senate rejected America's own extraordinary immigrant history and ignored our Nation's most urgent needs.

But we are in this struggle for the long haul. Today's defeat will not stand. As we continue the battle, we will have ample inspiration in the lives of the immigrants all around us.

From Jamestown, to the Pilgrims, to the Irish, to today's workers, people have come to this country in search of opportunity. They have sought nothing more than a chance to work hard and bring a better life to themselves and their families. They come to our country with their hearts and minds full of hope.

We will endure today's loss and begin anew to build the kinds of tough, fair, and practical reform worthy of our shared history as immigrants and as Americans.

Immigration reforms are always controversial. But Congress was created to muster political will to answer such challenges. Today we didn't, but tomorrow we will.

I yield the floor.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. CORNYN. Madam President, I wanted to come to the floor to offer a few thoughts and observations on the important vote we had earlier today on the immigration bill. I know many people are puzzled when they watch us debate big and important issues such as this. What usually happens is our views are reduced to a bumper sticker. Particularly on complex topics such as immigration, a bumper sticker doesn't tell the whole story. So I wish to offer a few thoughts on the way forward on this important issue.

I have not found an issue in my short time in the Senate, now about 4½ years, which has been more closely followed and on which there has been more passion than the subject we have been debating this week and which we voted on this morning.

Sometimes, as we all know, passion can produce more heat than light, but what we need is some light and some clear thinking and some better solutions to our broken borders and our broken immigration system than we have had so far.

I don't say that with the intent to criticize the hard work that people have put into this effort. I am proud of the fact that since I have been in the Senate, I have tried to constructively contribute to a solution to this problem. As a member of the Senate Judiciary Committee and as a former chairman of the Immigration and Border Security Subcommittee of that Judiciary Committee, now as the ranking member, I have tried my best to contribute

to a solution. But I think the one message I would take away from what we saw happen earlier today is the American people, my constituents in Texas, are profoundly skeptical of big Government solutions with a lot of moving parts based on big, grandiose promises, when our history has been one of not delivering consistent with what we promised. Let me mention what I mean by that.

In 1986, we had a big immigration bill, supposedly one to fix all the problems. President Ronald Reagan signed that bill. I remember Ed Meese, his Attorney General, wrote a piece in I believe the New York Times explaining what was going through President Reagan's mind as he signed that amnesty for 3 million people. Ed Meese explained that President Reagan was told in 1986 that if you do this amnesty one time, that will be the end of it; you will never have to do another one, as long as we have enforcement of our laws that go hand in hand with that grant of amnesty for 3 million people.

Part of the skepticism that I think the American people and certainly my constituents in Texas have had about this bill is that they saw coupled with a path to legalization and ultimately American citizenship for roughly 12 million people that we mean it this time, we are going to get serious about border security, we are going to get serious about eliminating the document fraud and identity theft that makes our current worker verification system virtually unworkable, and they saw a repetition of 1986.

There were components of this bill that I thought were actually pretty good, that represented an improvement over the status quo. But I think some of the debate got a little bit hard to believe such as when people said the only way you are going to get border security is if you agree to a path to citizenship for 12 million people. The American people are pretty smart. They can see through that, and they know there is no obvious linkage between border security and a path to citizenship for 12 million people. They know if we were serious about border security, we would have already done it.

So I think, at least the lesson I have learned from this vote this morning is not that we can give up because the problem is not going to go away. It may get caught up in Presidential election politics and maybe part of what we need to do is continue this grand national conversation about how do we solve this problem because I don't believe there is any problem that is too big for the American people to solve. Certainly, they are not waiting for some pronouncement from Mount Olympus in Washington, DC, about here is the answer and you have to swallow it. We work for the American people. We work for the constituents who sent us here. The power we get to act on their behalf comes from the bottom up; it doesn't come from the top down. I think part of the rejection that we saw of this particular bill was the sense that Washington was trying to dictate a solution about which the American people had a lot of questions and a lot of reservations.

I think we need to go back to basics. We need to go back and listen to our constituents. We need to talk to them and explain to them what the problem is. We need to have a transparent process that is an interactive process where we can listen to them and we can tell them what we have learned about this issue and about some of the problems and try to come up with a solution.

One of the lessons may be that big, multifaceted, complex programs such as this bill offered, particularly on something where the Federal Government doesn't have a whole lot of credibility when it comes to actually enforcing the law or securing the border, the American people are not going to accept it, and I think that was reflected in the vote we had today.

That is not the same thing as saying give up, because we can't give up. This problem is not going away. As somebody who represents a border State with about 1,600 miles of common border with Mexico, I say we have to find a rational solution to this problem.

I know that passions have run high, but I, for one, am very pleased with the level of the debate in the Senate because, as we all know, sometimes this topic is susceptible to some pretty irresponsible language and dialog.

This was not a rejection of our heritage as a nation of immigrants. We are a nation of immigrants, but we are also a nation of laws. And I think what the American people saw—certainly my constituents in Texas saw—is the status quo of a kind of lawlessness and a lack of commitment to simple law and order which they wanted to see restored. I think if we demonstrate that we have heard the message they have sent us—if we demonstrate that, yes, we are serious about border security; yes, we are serious about enforcing the law—then I think we can continue that conversation and talk about the other aspects of this legislation that we need to continue to work on.

What are the legitimate needs of American employers for legal workers? Certainly, we would prefer that they get legal workers rather than workers who are not respecting our laws. Certainly, we would all want, I would think, to have a system whereby someone can show up at a workplace and present a tamper-proof, secure identification card and virtually guarantee that they are legally eligible to work in the United States as opposed to the kind of document fraud and identity theft that now runs rampant and which makes it impossible even for good employers trying to honor the law to know that the person standing before them can actually legally work in the United States.

We recently had an example of a company, a Swift meatpacking plant, which was the subject of a raid by the Immigration and Customs Enforcement Service in multiple States, including my State of Texas. What they found was this company was using the only Government program—the only Government program—known as Basic Pilot, to try to match up the identity of people who came to work there with a Social Security number. Basic Pilot confirmed that, yes, that is JOHN CORNYN, and that is JOHN CORNYN's Social Security number, but that is about all Basic Pilot could tell them. What they wouldn't tell them is if it was somebody else masquerading as JOHN CORNYN and claiming his Social Security number.

That company sustained a huge business loss because the Federal Government failed it by not providing it with a reliable means to determine whether people who claim to be American citizens and eligible to work were, in fact, eligible. So we have a lot of credibility we need to restore at the Federal Government level when it comes to enforcing the law and securing our borders.

I think if we perhaps break down this big problem into smaller solutions, step by step, and work our way through this, we can continue to find an opportunity to solve this problem bit by bit and piece by piece. What I saw rejected this morning were big, grandiose government solutions where our credibility was seriously lacking because of a lack of followthrough on earlier promises, particularly when it comes to enforcing our laws and securing our borders.

I would just like to say to all my colleagues who have worked so hard on this issue that you have my commitment that I will continue to work with you in good faith to try to solve the problems. That is what I thought my constituents wanted me to do. That is what I know they want me to do. They do not want us pointing the finger of blame. They do not want us calling each other names. And they do not want the sort of ''hyperpartisanship'' that unfortunately too often characterizes our activities in Washington. But they also don't want to be sold a bill of goods. They do not want to be promised a lot when they know we are going to deliver little.

So this is a big issue, one that is worthy of the greatest deliberative body in the world—the U.S. Senate—and it is an issue on which I assure each of my colleagues that I intend to do my part to try to solve.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

NOMINATION OF LESLIE SOUTHWICK

Mr. HATCH. Mr. President, as the discussion over immigration reform demonstrates, this body confronts tough issues and can find itself embroiled in some contentious debates.

Over the years, it has not been uncommon to see judicial appointment debates at the top of the list of contentious debates. And during those debates, we have seen a lot of tactics and methods used.

But some tactics are simply wrong.

Some methods are simply inappropriate.

There are some means which no ends can justify. Some of these wrong tactics, inappropriate methods, and illegitimate means have been used to attack the nomination of Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit.

If we care about the integrity of this body and the good of the judicial branch, if we really believe that there is something more important than raw ideological politics, we should reject this attack on this good man and confirm his nomination.

Judge Southwick, who served for a dozen years on the Mississippi Court of Appeals, has received a unanimous well qualified rating from the American Bar Association.

He has the strong support of his home State Senators, both of whom are Senior Members.

He would fill a judicial emergency vacancy.

And though it has been obscured by all the hyperbolic, vitriolic, and over-the-top rhetoric now thrown about, the Judiciary Committee just months ago approved without objection Judge Southwick's nomination. Now, for whatever reason, the nomination is in limbo—first it is on the committee agenda without action and now not on the committee agenda at all.

The committee looked at the same qualifications, the same record, the same man with the same character, and found no objection whatsoever.

The only difference—which is really a distinction without a difference—is that Judge Southwick was then nominated to the U.S. District Court but now has been nominated to the U.S. Court of Appeals.

The disturbing tactics being used against this nominee are certainly not new, and they are no more legitimate or persuasive now than when they have been used against other nominees in the past.

Frankly, I am amazed that anyone finds them credible, let alone persuasive.

Judge Southwick served on the Mississippi Court of Appeals for 12 years.

It is not credible to focus only on a few cases among the 7,000 in which he participated and the nearly 1,000 opinions he wrote.

It is not credible to focus only on the results of those few cases, ignoring the facts and the law.

It is not credible to demand that judges render decisions that serve certain political interests, whether or not the law actually requires that result.

It is not credible to attack Judge Southwick for phrases or language in opinions he did not write.

It is not credible to ignore the limitations imposed on appeals court judges by the standard of review they must follow.

It is not credible to say that a judicial ruling against a particular party amounts to a judge's personal hostility against a group to which that party might belong.

These are some of the misleading tactics that we have seen used against judicial nominees in the past and are being used against Judge Southwick now.

These tactics are simply not credible, and I am amazed that my Democratic colleagues seem to be going along with them.

One of the sure signs that such illegitimate tactics are in play is that they result in a distorted, twisted caricature of a nominee that those who have long known and worked with him simply do not recognize.

Richard Roberts, former president of the Mississippi bar, for example, says that no other lawyer in the State is as qualified as Judge Southwick to serve on the Fifth Circuit.

According to Phillip McIntosh, associate dean at the Mississippi College School of Law where Judge Southwick now teaches, a politically and racially diverse faculty unanimously approved Judge Southwick for a faculty position with no question about his integrity, fairness, or impartiality.

A. La'Verne Edney, an African-American partner at Judge Southwick's former law firm, clerked for him on the Mississippi Court of Appeals.

He says that Judge Southwick applied the law fairly without regard to the parties' affiliation, color, or stature.

These and other colleagues and partners of Judge Southwick know him best.

I can only imagine their shock and confusion over the wildly derogatory and extreme descriptions offered by Judge Southwick's Washington-based critics.

I can only imagine the reaction by those who know Judge Southwick when those who do not know him make such claims without knowing what they are talking about.

I think my colleagues would agree that the American Bar Association has never been accused of a conservative bias.

And I think we would all agree that the ABA conducts perhaps the most exhaustive and thorough evaluation of judicial nominees.

The ABA looks at the whole record; the ABA interviews dozens of people in each case.

Let me remind everyone that the previous nominee to this very same Fifth Circuit position ran into trouble when the ABA rated him not qualified.

My Democratic colleagues thought that was the most insightful, thorough, accurate, and definitive evaluation ever done on any nominee to any position anywhere.

The same ABA has unanimously given Judge Southwick its highest well qualified rating.

That means, according to the ABA's own description of its rating criteria, that Judge Southwick gets the highest marks for such things as compassion, open-mindedness, freedom from bias and commitment to equal justice.

So here is the choice we face.

On the one side, critics who do not know and have not worked with Judge Southwick look only at the results of just a few cases and claim Judge Southwick has hostile views on issues such as race, when there is no indication by anybody in Mississippi or otherwise that he has any such hostility.

On the other side, the ABA and those who do know and have worked with Judge Southwick look at his entire record and gave him the highest marks for compassion, open-mindedness, freedom from bias and commitment to equal justice under the law.

These two radically different pictures of this nominee cannot both be true.

I think the tactics and standards used by Judge Southwick's critics are wrong and illegitimate, and the conclusions about him based on those tactics are simply not credible. I think they know that.

And they certainly do not justify doing an about-face and voting against a nominee who, just months ago, received the Judiciary Committee's unanimous support.

Illegitimate tactics leading to less than credible conclusions do not justify disregarding the judgment of our colleagues, the Senators from Mississippi, who are this nominee's home State Senators.

Let me close with one more point.

In their opposition letter, the Congressional Black Caucus says that we ''should be impressed by the frequency with which Southwick's opinions and concurrences have been overruled.'' That is pure, unadulterated hogwash.

Judge Southwick authored 927 opinions and concurrences while on the Mississippi Court of Appeals and only 21 of them have been either reversed or even criticized by the Mississippi Supreme Court in 12 years. I don't know of many judges who have such an unblemished record.

I must say that I am indeed impressed by the frequency with which Judge Southwick's opinions and concurrences have been overruled.

I am very impressed with such a low reversal rate over such a long period of distinguished judicial service.

And I note that Kay Cobb, former presiding justice of the Mississippi Supreme Court, the court that reviewed Judge Southwick's decisions, has written with enthusiastic support of his nomination.

Justice Cobb, unlike Judge Southwick's critics, has known him for many years and highlights his attention to promoting fairness and equality.

Judge Southwick has served his community, volunteering with Habitat for Humanity since 1993.

He volunteered to serve his country in the Mississippi National Guard and by joining a line combat unit that served in Iraq.

Only months ago, the Judiciary Committee found Judge Southwick's qualifications and character sufficient to report his district court nomination without a single objection.

Judge Southwick today is the same man with the same qualifications, the same ability, the same character, and the same commitment to the rule of law.

He has the strong support of his home State Senators—both of whom are highly respected—and should be given the opportunity to serve on the Fifth Circuit.

The Judiciary Committee should report his nomination, and the Senate should confirm him, without delay, or a manifest injustice will have occurred and will led to even more antagonism between the two sides of this body.

We have been used to some of these tactics in the last 2 months of a President's tenure, maybe even the last 6 months, but hardly ever against a person of this man's qualifications, and then we have usually knocked that type of criticism down, as decent, honorable Senators should knock them down. Frankly, this President will serve for another year and a half. He has appointed a sterling, good man who deserves to be brought before the Senate and confirmed. I hope my colleagues will stop this tragedy and put this man on the court. He deserves it. He will be great on the court. He will be a person who will be fair and decent for everybody. I have every confidence in him.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

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

LAW OFFICES OF
RICHARD C. ROBERTS III,
Ridgeland, MS, June 5, 2007.

Re Leslie Southwick.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: The issue of diversity seems to be the current focal point in the nomination process for the vacancy existing on the Fifth Circuit Court of Appeals. As a former President of the Mississippi Bar, I understand and appreciate the desire and need to have females and African-Americans serving in our federal judiciary, particularly when the candidates are from Mississippi. I venture to say, however, that no other lawyer in the State of Mississippi is as qualified for the Fifth Circuit position by virtue of education, experience, intellect, integrity and temperament as the Honorable Leslie H. Southwick.

I have known Judge Southwick personally since 1977. I am sure you are well aware of Judge Southwick's outstanding legal career, and his exemplary service to our country in The Department of Justice and as Staff Judge Advocate for the 155th Brigade Combat Team in Iraq. I would venture to guess that his fellow judges have also expressed their written support of his untiring efforts and abilities as a judge on our Mississippi Court of Appeals.

The purpose of my letter, however, is to emphasize Judge Southwick's personal virtues. He is simply one of the finest, most decent, kind, humble, and fair-minded persons I have ever known regardless of race or gender.

Judge Southwick reminds me in so many ways of Judge Charles Clark, who served for many years as Chief Judge for the Fifth Circuit Court of Appeals, and for whom Judge Southwick clerked before entering the private practice of law. When Judge Clark served on the Court of Appeals, he had it all—intellectual ability, superb personal and organizational skills, work ethic, commitment, integrity, and a wonderful sense of humor. I am sure you remember Judge Clark. Judge Leslie Southwick is cut from the exact same cloth.

Seldom will the Judiciary Committee have the opportunity to make an appointment which will have such a lasting effect on the integrity of our federal judicial system in Mississippi and the other states within the Fifth Circuit, and to solidify the reputation it justifiably enjoys as the protector of our rule of law, the civil rights of all citizens. Please do not miss this opportunity to confirm the nomination of Judge Leslie Southwick.

With highest regards, I am
Respectfully yours,
RICHARD C. ROBERTS, III.

MISSISSIPPI COLLEGE,
June 4, 2007.

Re The Honorable Leslie Southwick.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: I am writing to you to express my strong support for the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals. I have known Judge Southwick for several years while he has been an adjunct professor and vising professor at Mississippi College School of Law. As Associate Dean, hiring of adjuncts comes under my responsibilities for the law school. We have been honored to have him on our faculty and look forward to a long and beneficial relationship with him. Our students likewise hold Judge Southwick in highest regard.

Judge Southwick is a man of highest integrity, honor and intellect. As a judge on the Mississippi Court of Appeals he scrupulously did his judicial duty in following the law in his judicial opinions. I am greatly disappointed that some have taken the opportunity to try to score political points by characterizing Judge Southwick as intolerant or having ''very fixed, right-wing world view,'' seeking to imply that he would not be fair and impartial in applying the law. In my personal and professional dealings with him, I can attest to his fine character. I have not the slightest doubt regarding his impartiality and commitment to fairness.

Judge Southwick would make an outstanding judge for the Fifth Circuit. I know that he will uphold the law and apply it regardless of his personal view on a particular subject. He is a very thoughtful man, a true scholar. I also know that he is not racist and does not hold racist views. Such an allegation is ludicrous, insulting, and without foundation.

As an example of the regard with which Judge Southwick is held by the law faculty at Mississippi College, he was offered a position as a visiting faculty member following his resignation as a judge for the Mississippi Court of Appeals and pending the approval of his nomination to the Fifth Circuit. The suggestion to make this offer was made by one of our faculty members, and the recommendation was unanimously approved by our faculty. We have a politically and racially diverse faculty, but not one note of concern about Judge Southwick's integrity, fairness, or impartiality was sounded. His appointment to our faculty was strongly supported by all of our faculty members. I might even mention that his teaching partner for Trial Practice this past semester is an African American attorney and former Mississippi Circuit Court judge, and whom Judge Southwick personally recruited to partner with him for the course.

I hope that you will support the nomination of this outstanding man to the Fifth Circuit. He is an exceptional candidate and deserving of confirmation.

Sincerely,
PHILLIP L. MCINTOSH,
Associate Dean and Professor of Law.

BRUNINI, ATTORNEYS AT LAW
TRUSTMARK BUILDING,
Jackson, MS, June 5, 2007.

Re Judge Leslie Southwick Nomination.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am an African-American partner at the law firm of Brunini, Grantham, Grower & Hewes, PLLC, where Judge Southwick was once a member. I believe in fairness for all people and salute our leaders for giving their lives to assure that fairness. While I share the sentiments of other African-Americans that the federal judiciary needs to be more diverse, I believe that Judge Southwick is imminently qualified for the United States Fifth Circuit Court of Appeals and write in support of his nomination.

I met Judge Southwick during my third year of law school when I interned with the Court of Appeals of Mississippi. That internship allowed me an opportunity to work with most of the Judges on the bench at that time. I was most impressed with Judge Southwick because of his work ethic and his serene personality. When I finished law school in 1996, I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals (which was fairly new) who had ever hired African-American law clerks. In spite of the odds, I applied for a clerkship. Judge Southwick granted me an interview and hired me that same day. While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

During my tenure as clerk with the Court, Judge Southwick thought through every issue and took every case seriously. He earned a reputation for his well thought out opinions and his ability to produce the highest number of opinions in a term. It did not matter the parties' affiliation, color, or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for decision. Having worked closely with Judge Southwick, I have no doubt that he is fair, impartial, and has all of the other qualities necessary to be an

excellent addition to the United States Court of Appeals for the Fifth Circuit.

In addition to serving our State, Judge Southwick has also honorably served our country. During his mission to Iraq in 2005, Southwick found the time to write me often to let me know about his experiences there. Upon his return to the United States, Judge Southwick shared with others his humbling experience serving our country. It is clear from his writings and speaking that he served with pride and dignity.

Other the years, Judge Southwick has earned the reputation of being a person of high morals, dignity, and fairness. It is unfortunate that there are some who have made him the chosen sacrifice to promote agendas and have set out to taint all that Judge Southwick has worked so hard to accomplish. I am prayerful that those efforts will not preclude Judge Southwick from serving as our next Judge on the United States Court of Appeals for the Fifth Circuit.

If additional information is needed, please feel free to contact me.

Yours truly,

A. LA'VERNE EDNEY.

SUPREME COURT OF MISSISSIPPI,
Jackson, MS, June 5, 2007.

Re Judge Leslie H. Southwick.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: This letter is enthusiastically written to urge you and the Committee to confirm Leslie H. Southwick to serve on the Fifth Circuit Court of Appeals. I've known him for many years and I'm honored to give him my highest recommendation, without reservation. In every way he is worthy to serve.

Judge Southwick's scholarship and character are stellar. The opinions he wrote during his ten years on the Mississippi Court of Appeals reflect his thoroughness and fairness, as well as the depth of his knowledge and the quality and clarity of his reasoning and writing.

In every aspect of his legal career and life in general, Leslie Southwick has excelled. He has a long and consistent record as a devoted family man, a courageous military leader, an accomplished author, and an excellent appellate judge. His awareness and attention to promoting fairness and equality with regard to race and gender are exemplary.

Our country needs conscientious and independent judges of impeccable integrity and I cannot think of anyone who better qualifies for this appointment!

Sincerely,

KAY B. COBB (1999–2007)

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. I ask unanimous consent that the order for the quorum call be rescinded.

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

IMMIGRATION

Mr. MENENDEZ. Mr. President, from my State of New Jersey and that part of the State in which I live, we can almost touch Lady Liberty. She is that close to us from a State park called Liberty State Park, an area I had the unique privilege of representing in the House of Representatives for 13 years and an area I still represent as the junior Senator from New Jersey, an area I have fond memories of because of the power of what it means. From that same park we can cross a bridge and go to Ellis Island, a place to which millions came to America to start a journey, a journey that contributed enormously to its great promise, enormously to the great country that it is today.

I rise to discuss the recent cloture vote on immigration with that context in mind. The Senate had a historic opportunity to move forward today with comprehensive immigration reform that truly secured our borders, that realized the economic realities of our time and allowed people the opportunity to come out of the shadows into the light to earn their legalization.

Unfortunately, the Senate decided to maintain the status quo, a status quo of broken borders, that does not meet our economic challenges, and that permits human exploitation and trafficking to take place.

As someone who was part of the early negotiations back in March of this year on the question of immigration reform, I maintained then that the administration had leaped away from the largely bipartisan bill of last year that received 23 Republican votes and 39 Democratic votes to a much more conservative, much more impractical, and a much more partisan proposal this year. I was unable to join several of my colleagues in what has become known as the grand bargain. I acknowledge and appreciate several of those who advocated, because we were only on the floor on immigration reform, truly a critical issue for this country, as a result of their leadership, colleagues such as Senators KENNEDY and SALAZAR and GRAHAM, to name a few, who truly believed in that opportunity; at the same time, because of the leadership of the majority leader, who was willing to take on one of the most contentious issues, an issue that has been contentious throughout our country's history. I have often remarked on the floor how on the question of immigration, it is interesting to have heard the language of those debates at different times in our history.

Ben Franklin referred to no longer being able to accept those who were coming to our shores in negative terms. He was talking then about the Germans. The former Governor of Massachusetts, in the early 1900s, said that, in fact, they are sending the most illiterate of their people to our shores. He was talking then about the Irish. In 1925, in an official report of the Los Angeles Chamber of Commerce, they said: We need the Mexicans because of their bending and crouching habits which the whites cannot attain themselves to in order to pick our produce. We had the Chinese exclusionary provisions.

So while this has always been a welcoming country, the debate has not been as welcoming. On that day when the ''Grand Bargain'' was announced, I came to this Chamber to express my opposition to the deal that was announced because I believed it was deficient in some regard and to say that I would work to improve it. Looking back at what I said then, in light of today's vote, it was strikingly clairvoyant to me, to say the least.

I said on that day we must come together not as Democrats and Republicans or liberals and conservatives but as statesmen and, in doing so, honor the traditions of the Senate as a body that values reasoning, honest debate, and compromise over sound bites and talking points but especially over the politics of fear.

Unfortunately, today, the voices that appealed to that fear and the lowest common denominator won out. Only 12 of our Republican colleagues were willing to stand up and vote to invoke cloture, almost half of those who voted for last year's bipartisan immigration bill.

Only 12 Republican colleagues were willing to move forward, at least for the final essence of debates and amendments, and to a final vote, which is about half of those who voted last year for immigration reform.

Now, personally, I still had serious concerns about the direction of the bill, but I voted to keep it alive because I wanted to work to make it better and because I believe in comprehensive immigration reform as something that is in the national interest and national security of the United States and because America's promise and its security should not have been snuffed out by one single vote.

I said back on that day in May that I could not sign on to the agreement because it tore families apart, and it says to many they are only good enough to work here and give their human capital and slave but never good enough to stay here. But instead of responding to those erstwhile concerns from those of us willing to be supportive of comprehensive immigration reform, the appeal was constantly made to the right of the spectrum, to those who actually achieved some of the things they wanted in the bill but, obviously, never even intended to vote for comprehensive immigration reform—not even to vote to allow it to move forward. As it moved to the right, it got less and less support from the right.

Unfortunately, instead of working with those of us who were willing to not only work to improve this bill but also put our votes where our mouths were, they kept giving in to demand after demand from conservative Republicans, and in turn this bill moved further and further to the right.

In fact, at least two Members who were at the press conference on May 17 and got things included in the bill voted against keeping this process moving forward by voting against cloture today.

Ultimately, in my mind, this came down to a President and a party who was, once again, there for the photo

ops and the press conferences but was not willing to roll up their sleeves and do the hard work to improve this bill and help it move forward for our Nation: a Republican Party that was not about progress but about partisanship; a Republican Party that was not about solving our Nation's problems but seeking political gain by stopping progress of any sort in this Senate; the same President who used large amounts of political capital misleading our country into a disastrous war in Iraq, with little political capital on truly improving our Nation's security through tough yet practical and comprehensive immigration reform; a President who used political capital on tax cuts for the wealthiest in our country but not on truly meeting our Nation's economic needs through fair and comprehensive immigration reform; and it is either a President who has no political capital or one who was not willing to use it.

Finally, throughout my life, and most recently on the Senate floor, I have heard the phrase ''those people''—''those people.'' Those who use that phrase are the voices of division and discrimination. They are the xenophobes who exist today and have existed at different times in our Nation's history but whose voices have ultimately been overcome to give way to the greatest successful experiment in the history of mankind—the United States of America that we know today.

But the last phrase of Emma Lazarus's poem emblazed on the inner wall of the pedestal of the Statue of Liberty says:

I lift my lamp beside the golden door!

Maybe today that lamp is somewhat dimmer, but it will shine again. The course of history is unalterable, the human spirit cannot be shackled forever, the drumbeat for security, economic vitality and, most importantly, justice will only grow stronger.

Finally, to those who have often referred to ''those people'' in this debate, let me say on behalf of ''those people,'' we have seen the light, and we simply will not be thrust back into the darkness.

Mr. DOMENICI. Mr. President, I rise today to discuss my vote against cloture on S. 1639, the border security and immigration reform bill debated by the Senate this week.

I support some of the proposals behind S. 1639 because we must address our border and immigration crisis. However, I was forced to vote no on the motion to invoke cloture on S. 1639 for several reasons.

The bill before us is neither workable nor realistic. Additionally, many Senators do not even know what is in the latest version of the bill.

It is also pretty clear to this Senator that anything similar to S. 1639 is dead on arrival in the House of Representatives. I question the rationale of passing a bill that has so many flaws when several Members of the House have said this bill will not even be considered by the House. Would it not be better for all of us to have a more open and fair debate on border security and immigration that is not subjected to unnecessary deadlines and closed-door decisionmaking?

In addition, as a border State Senator, I know first-hand the need to secure our borders because every day my constituents tell me about the problems they face because of illegal entries into our country. We have a crisis on our borders that must be resolved.

However, instead of pursuing immediate emergency funding to help secure our border, S. 1639 cobbles border security improvements and funding with some concerning immigration reforms. While the bill also provided $4.4 billion to fund these border security initiatives, that money was contingent upon final passage of the bill by Congress, something that appears to be less than a sure thing.

What is clear to me is that the American people want the measures in the bill—like providing 20,000 Border Patrol agents, constructing 370 miles of border fencing and 300 miles of border vehicle barriers, putting 105 radar and camera towers on the border, and using four unmanned aerial vehicles for border security—in place before we address the millions of unauthorized aliens living and working in the United States. Therefore, I believe it would be more appropriate to provide $4.4 billion in border security funding in a separate emergency spending bill to fund these border security initiatives.

Additionally, I remain concerned about the amendment process associated with this bill. More than 300 amendments were filed to this bill's predecessor, S. 1348, and almost 150 amendments have been filed to S. 1639. However, we were only allowed to consider 26 amendments to S. 1639. Border security and immigration reform are the most important domestic issues facing the United States today. Clearly the Senate, the most deliberative body in the world, should be allowed to consider additional amendments that could improve upon this bill. While one of my amendments is part of the package of amendments that was allowed to be considered to this bill, I had other good ideas to make this bill better for New Mexico, the southwest border, and the United States. Many of my colleagues on both sides of the aisle did too, and we deserve an opportunity to consider those amendments.

Also, some of the provisions that I initially supported in this bill have been amended to the point that the bill no longer has its initial purposes. For example, the temporary worker program that is critical to so many industries in my State does not meet those industries' needs.

Further, I am concerned by statements by members of the bipartisan border and immigration working group that some issues of concern in S. 1639 will be resolved in conference. The Senate should debate the issues of concern in this bill; we should not rely on a small group of our colleagues to resolve those issues in an unamendable conference report.

Lastly, I have been told that this bill would have an interesting and unintended effect in my home State of New Mexico. As I understand it, New Mexico State law would allow all Z visa holders under this bill to qualify for Medicaid. That matter needs to be reviewed and its impacts fully considered so that the Congress can avoid unintended effects of this bill.

For all of these reasons, I decided to vote no on the motion to invoke cloture on S. 1639. We need improved border security and immigration reform.

Mr. KERRY. Mr. President, last night there was a vote on a critical amendment to the immigration bill, Senator BAUCUS' proposal to strip any reference to REAL ID in the underlying bill. This, truly, is a case of addition by subtraction.

REAL ID—astronomically expensive, personally intrusive, controversial, and unrealistic, passed by the last Congress without real scrutiny—is precisely the kind of impractical trigger that could derail comprehensive immigration reform.

Unless we amend this bill, real reform will have to wait for REAL ID. Consider the groups lined up against it: not just the ACLU, but also the National Conference of State Legislatures, and the National Governors Association. Since REAL ID passed in the last Congress, 16 States have enacted anti-Real ID bills or resolutions. Another 22 States, including my own, have anti-Real ID bills and resolutions pending in their State legislatures.

Why are they so opposed to REAL ID? They are opposed because it sets an unreachable standard and offers States almost no financial help in meeting it. Conservative estimates State that it would cost $23 billion to fully implement REAL ID. This legislation only authorizes $1.5 billion for States and the President didn't ask for a single dollar for REAL ID in his budget request. That means that States would have to shoulder a $21 billion burden. That is an enormous unfunded mandate.

This crushing financial burden on States is bad enough—but REAL ID poses a security risk as well. Its requirements expose people's personal data to theft by creating a massive pool of highly sensitive personal information such as Social Security numbers, birth certificates and driving information.

Even if States could pay for this new program it would require a tremendous amount of personnel and work to get this done. The Massachusetts DMV has estimated it would take 10 years to re-enroll current citizens with licenses alone, which would place them beyond the 2013 deadline in the bill.

REAL ID is profoundly flawed—That is why six States have passed laws that prohibit it from being implemented at

all. These States will never be REAL ID compliant and that is why its inclusion in the immigration bill is so dangerous.

Immigration reform is difficult enough without conditioning it on an unfeasible, unfunded mandate that States are not only unwilling but in some cases legally bound not to meet. Squaring that circle should not be a precondition for a much larger need: providing real immigration reform for the American people.

I am proud to have supported the Baucus-Tester amendment to remove this dangerous and nonsensical provision from the underlying bill. I hope that we will be able to move forward and create a fair, reasonable and comprehensive immigration bill that this country so desperately needs.

Mr. LEVIN. Mr. President, our immigration system is broken and needs reform. Undocumented immigrants flow through our porous borders. Employers hire them with near impunity. Our Government lacks the ability to adequately detect unauthorized employment, while employers in sectors such as agriculture, Michigan's second largest industry, fear that their crops will go unpicked for lack of legal, authorized workers. The bipartisan compromise bill before the Senate was an opportunity to make progress on a very difficult problem.

The first step in immigration reform must be stronger border security. Although there were some provisions in the bill before the Senate that I did not support, this legislation had strong border security measures, even stronger than the ones we debated a few weeks ago. In fact, it contained the funding for the enhanced border security.

We need a more secure, more sensible, and fairer system of immigration. Because of filibusters in the Senate we have been unable to fully consider and amend the bill. We do not know what the final language might have been, and we were unable to vote on amendments which we favored. We should have finished the consideration of those amendments to determine whether or not the final product was an improvement on the status quo. To do that, cloture was required to end the filibuster. I am disappointed that the Senate was thwarted in that endeavor.

Mr. ENZI. Mr. President, I opposed S. 1639, the immigration reform bill, and the motion to invoke cloture on this flawed piece of legislation.

Our immigration system is complicated. Our borders remain open. We cannot have immigration reform without strengthening the security of our borders. This unsound bill circumvented our Senate process and attempted to buy off support by throwing in carrots for Senators in exchange for their support.

The American people understand what is going on here in the Senate debate and they understand what cloture means. They are flooding our offices in Washington, DC, and our offices in our home States with calls and e-mails so much so that our phone system cannot keep up. The people of Wyoming have made it clear to me that they do not support this legislation. They want something to be done to address our borders, but do not support the blanket amnesty of this bill.

The current situation of an open border and an overly complex hiring process encourages illegal immigration and the hiring of illegal workers. Once we improve these situations, we can determine what steps may be necessary for addressing the illegal immigrant population.

We should not, however, even be considering amnesty. Amnesty encourages illegal immigration. In 1986, 7 million immigrants were granted amnesty. Today we are facing an illegal population of over 12 million. The 1986 amnesty did not stop illegal immigration. We should not repeat this policy without ensuring that we are not making the same mistake.

This is a complicated issue that will directly impact businesses across the United States. Improvements are needed in employer verification processes, but those improvements cannot be made in legislation forced through the Senate by vote trading. People who break laws should be held accountable for their actions. This means better enforcement of our current laws, both on the border and by employers. Employers must be given the tools to verify legal workers and be held accountable when they knowingly hire illegal immigrants.

We in the U.S. Senate still have the opportunity to do some good. We can go back to our committee process and draft legislation that could help our Border Patrol do their jobs. We can put together an employee verification system that actually works and does not run small businesses out of business through fines. There could be a lot of solutions for securing our border and making sure that people who are hired are legal immigrants. We can improve the way that temporary seasonal worker visas and agricultural worker visas are processed.

Rewarding bad behavior only encourages more bad behavior. We will not encourage more bad legislative behavior by going forward with this legislation.

Mr. HATCH. Mr. President, I rise today to speak of my vote against cloture on the motion to proceed to S. 1639, the comprehensive immigration reform bill. This issue continues to be a divisive one, both in the halls of Congress and throughout our Nation. Indeed, many people throughout the country have strongly held views when it comes to our Nation's immigration policy. In fact, over the past month, I have heard from countless Utahns who have contacted me with their views on immigration reform. I expect that every Senator's office has been overwhelmed with calls, emails, and faxes from constituents expressing their concerns with various provisions of the bill.

While I commend the bipartisan panel of Senators that has worked tirelessly to negotiate this legislation, I must express my disappointment in the manner in which the bill's proponents have sought to move this bill through the Senate.

I, for one, am supportive of comprehensive immigration reform and for many of the approaches outlined in this bill. We simply cannot be asked to live with the status quo. However, once again, there are several huge problems with this bill, and I believe that a more thorough vetting of this legislation through debate and amendment could have fixed those problems and ensured that it contained policy changes the American people would support.

As many have observed throughout this debate, there are currently millions of illegal immigrants residing within our Nation's borders. No one knows exactly how many, only that they are here, they are working, and, in large part, they contribute to our economy.

We also have many businesses and industries that must have access to foreign labor, especially during this time when, while are seeing record lows in unemployment, we still have a shortage of workers.

Under the status quo, employers are too often forced to make a decision between hiring illegal workers and wondering whether our inefficient and often arbitrary enforcement efforts will catch up with them or abiding by the law and closing the doors of their businesses.

We need to find a fair, compassionate and lawful way to deal with the illegal immigrants already this country. We need to create a guest worker program for those businesses in need of foreign workers. And, we need to improve the system by which we legally distribute visas and green cards to make it more fair and efficient.

The authors of this legislation have tried to address these issues in the current bill, and I applaud them for their efforts. However, they addressed them in various ways that, in the minds of many, make this bill completely unworkable and ineffective. The policies proposed by legislation are almost impossible to implement and even if they could be implemented, there are so many loopholes and exclusions that almost every solution in the bill can and will be bypassed by those who want to continue to exploit the system. I am convinced that many of my colleagues understand these concerns and even agree with my assessment, but they are so anxious to end this debate and reach a successful conclusion they compromised several core values that Americans hold dear and made damaging concessions.

The provisions of this bill were negotiated and vetted in secret. It was then brought to the floor where the apparently shaky coalition that drafted the

legislation have, throughout this process, voted as a block to prevent the passage of any so-called ''deal-breaking'' amendments. At several points during the debate, members of this coalition have admitted that the amendments in question would, in their opinion, improve the overall bill. Yet, in an effort to preserve the coalition, they have worked together to prevent the passage of even some of the most reasonable, commonsense amendments.

Then, after an initial attempt to end the debate failed, the majority leader agreed to let the debate go forward and to have votes on a number of amendments. Initially, this sounded good. However, it soon became clear that, in another effort preserve this shaky, flawed compromise, the only amendments that would be voted on were those of the majority leader's own choosing.

I don't believe that anyone should be criticized for their willingness to compromise. Clearly, compromise is a vital part of what we do in the Senate. However, we simply cannot value compromise for compromise's own sake. Indeed, we should not push through such fatally flawed legislation simply because it is the product of compromise. Compromise—the means by which the Senate passes legislation that will benefit our Nation—is not an end unto itself.

Yet, too many of my colleagues seem all too willing to simply push this legislation through simply to preserve this great compromise. In fact, it almost appears as if some would consider our efforts successful if we were simply able to bring this bill to passage, regardless of what the bill looked like and regardless of what its effect would be on our immigration system. However, I believe that if we were to follow this course, we would be wasting an opportunity to provide real reforms to our Nation's immigration policy and to provide real solutions for our Nation's many immigration problems.

It is not a novel idea to suggest that there was a better way to approach this problem. That way, Mr. President, was the process by which we approach all issues of this magnitude. This bill was brought to the floor without having gone through the committee process. This is never a good sign for any piece of legislation. Whenever you bypass the regular order of the Senate, there will undoubtedly be a significant portion of our constituents who feel as if their views don't count. The Senate has used and maintained the committee structure for over 200 years, and it has served the American people well. In this case, refusing to use the time-tested committee structure has been a recipe for disaster.

The decision to bring this bill directly the floor robbed many Senators of an opportunity to examine the bill thoroughly and publicly express their concerns. In addition, it made certain that the bill would come before the entire Senate without the benefit of Committee hearings, expert testimony, and a public markup.

Strangely enough, this is the precise criticism meted out by the Democrats when they were in the minority last Congress. Now that control of the Senate has changed hands, it seems the Democrat requirement for regular order is not necessary anymore.

Mr. President, we have been told that this is our last chance to pass immigration reform for several years. I disagree. Once again, there were other approaches that could have been taken to pass this legislation, and these options remain available. In addition, there are many areas of agreement when it comes to immigration. Therefore, I believe that we can find a way to address our immigration problems that will satisfy the American people.

But, to do that, we need a process that is fair and open. The process we have followed in this case has been too limiting and, as a result, we have a bill that the vast majority of Americans will not support. That being the case, I oppose this effort to end debate and to push this bill through.

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

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The 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.

EXECUTIVE SESSION

NOMINATION OF LIEUTENANT GENERAL DOUGLAS E. LUTE TO BE ASSISTANT TO THE PRESIDENT AND DEPUTY NATIONAL SECURITY ADVISER FOR IRAQ AND AFGHANISTAN

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Calendar No. 165, the nomination of LTG Douglas Lute; that the time until 3 o'clock be for debate on the nomination, equally divided between myself and Senator WARNER or his designee; that at the conclusion or yielding back of time, the nomination be laid aside and the Senate return to legislative session in morning business; and that at 4 p.m., the Senate return to executive session and the vote on confirmation of the nomination of Lieutenant General Lute.

I also am hopeful that there will be some votes on judicial nominees as well today, but that has not yet been cleared.

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

The clerk will report.

The assistant legislative clerk read the nomination of Douglas E. Lute, Department of Defense, Army, to be Lieutenant General.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 8 minutes.

I support the nomination of LTG Doug Lute to be Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan.

Lieutenant General Lute is an accomplished senior officer with a distinguished record and great experience in both military tactics and national security strategy and policy. Lieutenant General Lute has been serving as the Director of Operations, J–3, on the Joint Staff since September of 2006. Immediately prior to this assignment, he served for more than 2 years as the Director of Operations, J–3, at U.S. Central Command, overseeing combat operations in Iraq and Afghanistan and other operations in the CENTCOM area of responsibility.

While I know of no concerns as to General Lute's qualifications for the position to which he has been nominated by the President, there have been some other concerns expressed about this nomination. The first concern questions the need for the position itself as well as the potential for confusion as to who is responsible for Iraq and Afghanistan policy. On the one hand, the position implies a direct and independent relationship with the President as Assistant to the President, and on the other hand, as Deputy National Security Adviser for Iraq and Afghanistan, the position implies subordination to the National Security Adviser.

One can argue that the responsibility for Iraq and Afghanistan policy clearly belongs to the National Security Adviser, as well as the responsibility for directly advising the President on those issues. Creating a position with ambiguous subordination to the National Security Adviser could needlessly complicate and confuse an already confused policy process. I, too, have some concerns in this regard but not to the extent that I will oppose the President's decision to create such a position.

The other concern which has been expressed is that appointing an Active-Duty military officer to such a political position is a practice which should be avoided in that for the officer in question, it needlessly blurs the distinction between recommendations he might make based on unbiased professional military judgment and those based upon or colored by political considerations. In a larger sense, it is counter to the traditional American approach to civil-military relations. For the individual officer, it may also create difficulties in subsequently returning from a political position to a uniformed, apolitical, military position. I emphasize that General Lute will remain on active duty during this period.

However, this would not be the first time that uniformed military officers, remaining on active duty, have served

in such positions, one of the most notable examples being Colin Powell's own service as, first, the deputy National Security Adviser, and then as the National Security Adviser, and subsequent outstanding service as Chairman of the Joint Chiefs of Staff. While I don't believe it should be the norm for a military officer to serve in these kinds of positions, I do not believe this should be a disqualifying concern in rare circumstances such as this, and therefore should not disqualify General Lute from his nominated position.

I do believe, however, that General Lute has been nominated for an unenviable position. He will be responsible for bringing coherence to an incoherent policy—a policy that is still floundering after more than 4 years of war in Iraq.

General Lute told the Armed Services Committee that ''the position is an advisor and coordinator, without directive authority beyond a small staff.'' He further said that the ability to move policy forward had to do more with such factors as ''Presidential direction and support, acceptance by other policy principals, broad commitment to a common cause, cultivated interpersonal relationships, personal integrity, and meaningful results.''

Secretary Rice, described as a close personal friend of the President—indeed almost a family member—was either not able to get that Presidential direction and support or not able to employ it to bring coherence to the President's policy. One must wonder how General Lute can be expected to be more successful.

It is no secret that several retired four-star general officers were offered the position and turned it down. According to media reports, one reason given by one of the generals was that the administration remains fundamentally divided on how to carry out the conflicts in Iraq and Afghanistan. Retired Marine GEN Jack Sheehan, who declined to be considered for the position, said:

> The very fundamental issue is, they [the administration] don't know where the hell they're going.

General Sheehan reportedly expressed concern that the hawks within the administration, including Vice President CHENEY, remain more powerful than the pragmatists looking for an exit strategy in Iraq. This does not bode well for General Lute.

It is no secret that General Lute himself questioned the so-called surge strategy for Iraq before its announcement by President Bush last January. Indeed, General Lute confirmed that doubt at his hearing.

The surge is now complete, and the results are not very promising. American casualties are at some of the highest levels of the war, sectarian violence is rising again after a short reduction, and the insurgency is as active as ever, especially in the use of mass casualty-producing car bombs against Iraqi citizens and improvised explosive devices against United States and Iraqi forces.

The stated principal purpose of the surge was to give space and time for the Iraqi politicians to make progress on the critically important political reconciliation benchmarks, such as implementing legislation for the equitable distribution of revenues from oil sales, de-Baathification, and constitutional amendments, that would lead to reconciliation among the three main Iraqi groups. Progress is not apparent in those critically important political reconciliation areas—again, the stated purpose of the surge.

I believe the only chance to get Iraqi politicians to stand up is when they know we are going to begin to stand down. Our soldiers risk their lives while Iraqi politicians refuse to take political risks and make the necessary compromises to promote reconciliation. Those are the compromises which everybody agrees must be made if there is going to be any hope to end the violence in Iraq. We cannot continue to have the lives of American servicemembers held hostage to Iraqi political intrigue and intransigence.

I hope once General Lute is confirmed, he will be willing and able to redirect Iraq policy to exert maximum pressure on Iraqi leaders to achieve political reconciliation. The beginning of that is a phased redeployment of United States troops from Iraq. That is the only leverage on those leaders with any hope of success, with them finally understanding that their future is in their hands and we cannot save them from themselves.

But as for today's nomination, I support the confirmation of LTG Douglas Lute to be the special assistant to the President and the Deputy National Security Adviser for Iraq and Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I note with great respect and approval the Senator's comments to support his nomination. The Senator and I have discussed this nomination, and I strongly endorse the President's nomination of General Lute and welcome the support of our distinguished chairman of the committee.

The Senator made reference to General Sheehan and others who apparently had some contact with the White House personnel, and others, regarding possibly taking on this assignment. In no way can I believe their comments should be held against the distinguished nomination of General Lute. They are part of the public records, but I think sometimes when the President speaks with individuals about the possibility of serving him, those matters are best left confidential—for any President. I certainly treat them that way. I was somewhat taken aback by the judgments of General Sheehan and others. No disrespect to the chairman, but they are of no significance here.

This is a highly distinguished officer. He fought in the second armored cavalry regiment in Operation Desert Storm. He later commanded the second armored cavalry regiment in 1998 to 2000, and the multinational brigade east in Kosovo in 2002. In 2003, he was assigned as deputy director of operations in headquarters European command and, in that capacity, played an important role in responding to the impending humanitarian crisis in Liberia. It was in that context that I first met this distinguished officer.

General Jones was, at that time, NATO commander. I talked with him about the problems we were experiencing over the African coast at that time. As you may recall, elements of the Marine Corps and other Naval units were sent down there to try to—and indeed they did—succeed in contributing to a cessation of a lot of the tensions which could have erupted into a civil war.

At that time, General Lute was director of operations for the U.S. Central Command, where he served over 2 years. I was privileged to join him off the coast aboard those naval vessels, and he accompanied me when I went in and worked with the Ambassador in the incipient days of that potential conflict.

As a key member of the joint staff, I visited him many times in the Department of Defense and received excellent briefings from him about the worldwide situation. I have witnessed firsthand the extraordinary, professional capabilities of this fine officer.

In the estimation of GEN David Petraeus:

> Doug Lute knows Iraq. Doug Lute knows Iraq, the region, and in Washington will be a great addition to the team that is striving to achieve success in Iraq. He is also a doer.

Ambassador Crocker added:

> General Lute's knowledge and experience will make him a valuable partner to our efforts in Iraq. I look forward to working closely with General Lute in the coming months.

There has also been some indication that people are concerned about the precedents connected with this assignment. I will put into the RECORD a list of individuals who have served Presidents in this capacity over the past years. Notably among them were General Haig, military assistant to the President for national security affairs; Lieutenant General Scowcroft; Admiral Poindexter; GEN Colin Powell; General Kerrick; GEN Michael Hayden, Director of Central Intelligence at the present time and on active duty.

I ask unanimous consent that this list be printed in the RECORD.

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

Rank/Name	Position	From	To
GEN Alexander Haig	Military Assistant to the Presidential Assistant for National Security Affairs	1969	1970.
GEN Alexander Haig	Deputy National Security Advisor	1970	1973.
GEN Alexander Haig	White House Chief of Staff (Nixon)	1973	1974.
LTG Brent Scowcroft	Deputy National Security Advisor	1973	1975.
ADM John Poindexter	Deputy National Security Advisor	1983	1985.
ADM John Poindexter	National Security Advisor	1985	1986.
LTG Colin Powell, USA	Deputy National Security Advisor	1987	1987.
LTG Colin Powell, USA	National Security Advisor	1987	1989.
LtGen Donald Kerrick, USAF	Deputy Assistant to the President for National Security Affairs	1997	1999.
LtGen Donald Kerrick, USAF	Deputy National Security Advisor	2000	2000.
Gen Michael Hayden, USAF	Director of Central Intelligence	2006	Present.

Mr. WARNER. I would also put this into the RECORD at this point. I solicited the White House's views regarding any legalities of this nomination. I have the letter of Mr. Fielding, counsel to the President. I ask unanimous consent that it be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, DC, June 26, 2007.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: This is in response to your inquiry as to the constitutionality of the President of the United States appointing an active duty military officer to serve in the White House Office as Deputy National Security Advisor to the President and Assistant to the President.

There is no constitutional issue arising by virtue of such service. All military officers are part of the Executive Branch of our government, and there is no break in their chain of command, as the President's constitutional duties include his role as Commander-in-Chief of the United States Armed Forces. Likewise, such an appointment is consistent with U.S. law. See 10 U.S.C. §601.

As you are aware, in the past our Nation has been served by active duty military officers holding the same position; to wit: General Brent Scrowcroft, Admiral John Poindexter, General Colin Powell, General Donald Kerrick.

Thank you for your inquiry. I am pleased to be able to respond.

With best regards,

Sincerely,

FRED F. FIELDING,
Counsel to the President.

Mr. WARNER. Mr. President, I feel that this gentleman, General Lute, is eminently qualified, as the President has indicated. It is the personal prerogative of the President to select those who wish to advise him in a confidential vein. General Lute will undertake that with great distinction.

The PRESIDING OFFICER. The Senators from Virginia and Michigan control the time.

Mr. SESSIONS. Will somebody yield me some time?

Mr. WARNER. Mr. President, I yield such time as the Senator from Alabama wishes to take.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. LEVIN. Will the Senator yield briefly?

Mr. SESSIONS. Yes.

Mr. LEVIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Michigan has 7½ minutes. The Senator from Virginia has 10 minutes.

Mr. SESSIONS. Mr. President, I ask to be notified after 5 minutes.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Mr. President, I think Senator LEVIN and Senator WARNER have pointed out the fact that this is not an unprecedented appointment and that it is consistent with what has been done before. People have their own ideas about how the chain of command should work, but that is fundamentally the question to be answered.

Let me join with Senator WARNER in saying how much I admire the record of General Lute. He is a three-star general. He was a director of operations at the operational section of Central Command for 2 years. He is intimately familiar with the Middle East. He has demonstrated in his positions with the Department of Defense in recent years with the joint staff his willingness to question ideas that many consider popular. In fact, it is reported that he asked a lot of tough questions about the surge, and how that would go, and how it should be handled if done. I think, if anything, we know for sure that he will do what he believes is in America's interests.

Let me tell you why I truly believe we need a position such as this and a man like General Lute. We have about 170,000-plus soldiers in Iraq and Afghanistan. They are serving us in a dangerous area of the world. We know and have had so many colleagues say—and Senator LEVIN is most articulate in saying this—it is more than just the military; there is a political settlement, there is reconstruction, there are economic issues involved, oil and gas, water, electricity, which are all key components of having a government effective in Iraq that serves the people of Iraq and Afghanistan.

This is important. The problem is we have all our agencies involved in Iraq, not just the military. We have the State Department involved in Iraq. The State Department is the one responsible for trying to move the Government along in an effective way. They also have responsibility over the economy, trying to help Iraq have a good economy. They are responsible for trying to negotiate safety agreements with its neighbors. They are responsible for infrastructure, actually. They are not responsible for law and order, the court system, and the prison system, which has not gone well at all. I have been a major critic of that situation. That is under the responsibility, not of the Department of Defense but the Department of Justice. If your court system is not working, if you don't have an adequate jail system, if you can't get the water turned on or the electricity turned on, our soldiers are at an increased risk to their safety.

So it is absolutely critical that all our agencies of Government work together, agree, work out differences, and create the greatest possible opportunity for those fabulous soldiers we have sent to be successful in helping to create a stable and decent government in Iraq. It is not at the level of cooperation we need. We have not gotten to that level.

I am telling my colleagues, I have seen it. The Department of Defense is here, the Department of Justice is here, the Department of State is here. The Department of Defense—probably in frustration, I will say it this way. I said we probably would have been better off just giving everything to the Department of Defense. They are pretty doggone competent in what they do. But the State Department has huge responsibilities in Iraq. Therefore, the Defense Department steps back and they interface, but State has responsibilities, Justice has responsibilities, and Interior has responsibilities in Iraq. Virtually every department and agency does. They are not at the highest level of effectiveness, in my view.

It is not as important, I have to say, for Justice to get a court system up and running as it is for the Defense Department because it is their soldiers at risk if we don't create a good justice system in Iraq.

I thought we needed somebody such as General Lute to go into Iraq, go into Afghanistan, and find out what is going on and be able to tell the President where the problems are. When there is a dispute between agencies, one person can fix it, and that is the President of the United States. He can say: I want it done this way or your resignation tomorrow, Mr. Secretary. Or you and I have had a long friendship over the years. I want this done, you don't want it done. I will get somebody who will get it done.

But how can he know all these different problems that are occurring? How can he personally be on top of it? Likewise for the Secretary of State. She is expected to be in China, to go to Brazil, Chile, Indonesia, Europe, Kosovo, South Korea, or Japan. The National Security Adviser has the whole world under his responsibility. He has to be managing all these issues

and personally advising the President. The Secretary of State has to manage all the bureaucracy contained in the State Department.

I guess what I would say to my colleagues, it is obvious to me the National Security Adviser cannot drop all of his or her responsibilities and spend his or her time negotiating problems in Iraq. The President is going to have to designate somebody to do that. He has chosen General Lute who is a man, by all accounts, of extraordinary ability, proven experience in the region, a person who knows the difficulties so he can carefully and with good judgment analyze the different disputes and try to get them settled so we can get on with producing more oil and gas, having water for the citizens, having the sewage system working, having the electricity on, and helping to make sure we have a legal system with sufficient bed spaces to detain criminals.

I discovered that we have one-ninth as many bed spaces in Iraq as we do in my State of Alabama. I saw a similar story for New York. There are not enough places to put the criminals, and we have to increase those places. The bureaucracy is sitting around and not getting that done.

If we catch and release terrorists, they are going to go out and kill again. There have been several articles that have picked up on this situation. I have to say, it has been a theme of mine for 3 years now, and we still haven't gotten the justice system up like we would like it.

I see the Presiding Officer, a former attorney general in his State, Senator SALAZAR. We were together in Iraq and talked about these issues. I know he shares a genuine concern that things are not being accomplished as fast as possible. So I think that operating in the name of the President to try and find out what difficulties are occurring in Iraq, where the bottlenecks are, and being able to get the parties together in the name of the President—he has no direct authority to order the Department of Justice or the Department of Defense to do anything. But he has the authority given by the President. If they can't agree, he can appeal to the President. He can say: Mr. President, the Department of State wants to do this, the Department of Justice wants to do this, the Department of Defense wants to do this. My recommendation is to do this, but you need to make this decision. Then the President can help eliminate these problems.

The truth is, when somebody such as General Lute says we have a disagreement between State and Justice and I am inclined to say this is the way it ought to be settled, but the President told me, when I call him tomorrow, to let me know if there are any difficulties, I am going to tell him that you two children cannot agree, usually they get together and settle it. They don't want to have the President come in and settle these disputes and get involved. They know he has a lot of issues on his plate.

That is the concept that I think can be helpful in making us more effective in creating the infrastructure, the civil justice system in Iraq and Afghanistan, thereby enhancing the ability of those governments in those countries to be successful, therefore enhancing their ability to be effective against terrorists and violence, therefore reducing the threat to our soldiers—that is the bottom line—and increasing their ability to be successful.

I am pleased to support this nomination. I think all the serious questions that have been raised have been answered.

I see my friend and colleague from Virginia. He raises a good point about this matter of a uniformed person being in the executive branch, the political branch, I guess one can call it. We have done it before and, in this case, in my view, that concern, while a legitimate one, I believe is outweighed by the fact that we need help right now and General Lute is the guy who can do it.

I yield the floor.

The PRESIDING OFFICER. Who yields time to the Senator from Virginia?

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 6½ minutes remaining.

Mr. LEVIN. Mr. President, I yield the 6½ minutes to the Senator from Virginia. If he needs additional time, I ask unanimous consent that he be given additional time, after the 6½ minutes. We will wait and see if that is the case.

Mr. WEBB. Mr. President, I will do my best to finish within 6 minutes. I appreciate the chairman asking me to come to the floor.

This issue came up fairly quickly because of the vote this morning. I was not able to be here when my friend and colleague, the senior Senator from Virginia, made his comments, but he did give me the letter that had been provided to him by the counsel to the President which addresses the issue of the constitutionality of a uniformed officer serving as a direct policy adviser inside the administration.

Counsel Fielding points out in the letter that there is no constitutional issue. He mentions Generals Scowcroft, Powell, Kerrick, and Admiral Poindexter as recent examples of active-duty military officers holding this type of position.

I would have risen in opposition to all of these other individuals under the circumstances that exist today, and I am going to try to clarify that.

I don't expect the opposition I have to General Lute's nomination is going to preclude him from being confirmed. I don't want the record to indicate that I have any question with respect to his competence, the way he has served the country over the past 30 years or so, but I do believe this is a very important issue, and it goes beyond the opinion that was in Counsel Fielding's letter.

He addresses the direct constitutionality because the military is a part of the executive branch. My difficulty is that the military must in this country remain separate from politics. That doesn't mean the President cannot bring an active-duty military person on to his staff. As Senator WARNER said in another meeting, the President has the authority to bring anyone of value to his administration he wants. The question becomes: Should that individual remain in uniform? And should that individual be able to return to the active-duty military once his service is done?

I asked General Lute during his confirmation hearings if he believed that the advice he would be giving in this position would be political in nature, and it unavoidably is.

So we have a situation that is recent history. This type of situation does not go back long in American history where we have brought active-duty military people inside the political circle of an administration and then allowed them to return as active-duty members back to the military. This has not happened with any frequency, other than in the past 20 years or so.

That individual returning to the military in a uniform unavoidably causes questions inside the military about political alignments and tends to politicize the military. That is my problem. There is no way General Lute can go to the morning meetings and give advice that is not simply operational, but that is political in nature with respect to how an administration puts a policy into place, and then can return to the active-duty military and be viewed as politically neutral. I say that again with respect to the other individuals who were named in Fred Fielding's letter.

It is my intention, during the time I am in the Senate, to ask any military officer who is being put into a position of political sensitivity whether that individual intends to take the uniform off and keep it off. Any individual who otherwise is qualified who intends to return to the active-duty military service, in my opinion, is violating this very sensitive line with respect to the politicization of the military, and I intend to oppose those nominations.

I thank the chairman for this time.

I yield the floor.

Mr. FEINGOLD. Mr. President, in keeping with my practice of deferring to Presidents when it comes to executive branch nominations, I voted to confirm LTG Douglas Lute to serve as Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan. He is a competent officer with a history of service to this Nation. However, I am deeply concerned that rather than changing course in Iraq, the President is merely rearranging the bureaucracy in the White House.

The administration needs to better coordinate the U.S. Government's operations in Iraq and Afghanistan. I am

pleased that Lieutenant General Lute has acknowledged that the U.S. military alone cannot stabilize Iraq and that enhanced efforts by other agencies of the Federal Government are needed.

However, I am skeptical that this new position will have a significant impact given that the President still refuses to admit that there is no military solution to the situation in Iraq. Until the President recognizes the need to redeploy our troops from Iraq and seek international assistance in promoting a political resolution, I am afraid that Lieutenant General Lute's efforts will simply contribute to more of the same failed policy. I will continue working to redeploy our troops from Iraq so that we can devote greater resources to our top national security priority—going after the terrorists who attacked us on 9/11 and their allies.

Mrs. BOXER. Mr. President, I am voting present on the nomination of Douglas E. Lute to be Special Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan.

Although I respect General Lute's distinguished 30-plus year career in the U.S. Army, I view this position as rearranging the bureaucracy at the White House. The creation of a ''war czar'' will not hide the President's failed policies and is another way for him to duck responsibility for the war in Iraq.

Mr. BYRD. Mr. President, on May 15, 2007, President Bush nominated LTG Douglas Lute as Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan. In that position, Lieutenant General Lute is to be charged with coordinating the efforts of the executive branch to support our commanders and senior diplomats on the ground in Iraq and Afghanistan.

I am voting against the nomination of LTG Douglas Lute, not because he is unqualified for the position but because the White House refuses to permit him to testify before those Members of Congress responsible for the oversight and funding of these conflicts. Article 2, section II of the Constitution makes it clear that the power to appoint certain officers involves the advice and consent of the Senate. I can imagine no circumstance where the President may require policy advice and guidance from an Active Duty military officer regarding ongoing conflicts and issues relevant to Congress's oversight responsibilities to which Congress should not be equally capable of hearing in either public or closed forums as appropriate. To do otherwise may raise popular suspicion that all is not on the ''up and up'' with the way the President is conducting this war.

I am also concerned that putting a general in this position will leave the military open to inferences by the administration that it is the military, rather than George W. Bush, who is responsible for the failed policies in Iraq. After 5 years of conflict in Afghanistan and Iraq, the President, his Cabinet, and his existing staff should have long ago figured out how to coordinate executive branch support to our commanders and senior diplomats in the field, without needing to put a military officer in charge of coordinating the civilian arms of government.

Repeatedly, the President has appointed a new military officer to a leadership position and Congress has allowed the nomination to proceed without objection. The White House then turns the cooperation of Congress into yet another sound bite to prolong the prosecution of the President's failed policy. How many times have we heard that General Petraeus was confirmed unanimously and that we ''just need to give him time''? The President has had 4½ years to show progress. Instead, the situation continues to worsen in Iraq.

I, for one, will not vote to give the President another military officer to blame or another unanimous vote to exploit to delay bringing home our troops. I will not accept the President's claim that a military officer advising the President on two ongoing conflicts should not be required to testify before Congress on the progress of this long and disastrous war.

I will, therefore, vote against the confirmation of Lieutenant General Lute to this position.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There is no time remaining to Senator WARNER.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, apparently I have a minute and a half remaining. I will be happy to yield to the Senator from Alabama, if he would like the time.

Mr. SESSIONS. Mr. President, if we are waiting for the vote, I was going to quote a few items from General Lute's statement, but otherwise I don't need to do that.

Mr. LEVIN. The vote will begin at 4. Under the order, there is another speaker scheduled at 3 o'clock.

The PRESIDING OFFICER. At 3 o'clock the Senate will return to morning business.

Mr. SESSIONS. Mr. President, if Senator LEVIN is comfortable with this, I ask for 3 minutes. If someone comes to the Chamber at 3 and needs to take the floor, I will yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Alabama be yielded 3 minutes, and then morning business start at 3:03 p.m.

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

The Senator from Alabama.

Mr. SESSIONS. Mr. President, we had a hearing with General Lute. Senator LEVIN presided in his able way, as always. He gave us a short written statement of some of his principles. I thought the American people might appreciate how he approaches this issue.

He spoke to people. He said this about this position:

> To a person, those with whom I have spoken conveyed two clear messages: first, a message of concern for the well-being and safety of our men and women in harm's way; and second, that we would all like to see us pursue a course of action that makes our country safer while safeguarding our national interests in the region. Surely, this is our common ground.

He went on to say:

> But the stakes for the United States are also high. This region—where America has vital national interests—will not succeed if Iraq and Afghanistan do not succeed, and the U.S. plays a vital role in this cause.

He went on to say this:

> No one is satisfied with the status quo: not the Iraqis, not key regional partners, not the U.S. Government, and not the American public. To change this, we are in the midst of executing a shift in course as announced by the President in January. Early results are mixed. Conditions on the ground are deeply complex and are likely to continue to evolve—meaning that we must constantly adapt. Often, measures that fix one problem in as complex an environment as this reveal challenges elsewhere.

That is certainly true. General Lute continued:

> But one factor remains constant—the dedication and sacrifice of our men and women, military and civilian, serving in these combat zones. They are a continuing source of inspiration to me and to my family.
>
> The position for which I have been nominated is designed for one fundamental purpose: to advise the President on how to provide our troops and civilians in the field with increased focused, full-time, real time, support here in Washington.

He goes on to say:

> The aim is to bring additional energy, discipline, and sense of urgency to the process. Our troops deserve this support.

I think that is a good statement, a sense of urgency for all our agencies and departments of Government, not just the military. He concludes this way:

> Mr. Chairman, I am a soldier; and our country is at war. It is my privilege to serve. This position represents a major personal challenge and I am humbled by the responsibility it entails. If confirmed, I will give the President my straightforward, candid, professional advice.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period of morning business, with Senators permitted to speak up to 10 minutes each.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that following the vote on the Lute nomination, there be 10 minutes equally divided between Senators LEAHY and SPECTER, or their designees, for debate on judicial nominations; that at the conclusion or yielding back of that time, the Senate vote on confirmation of Executive Calendar Nos. 85, 105, and 106, in that order; that the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. REID. Madam President, Senator WARNER asked earlier today what would happen with the next judge, which is a Virginia judge. It would be my intent—I have to talk to Senator LEAHY, and I have a meeting with him this afternoon—that we do that on Monday, the day we get back. We will do the Virginia judge and the remaining district judges. So there will be four votes on the Monday we get back on the district court judges.

Mr. LEVIN. Madam President, if the leader will yield for a question, those three additional judges you made reference to are the three Michigan district court judges?

Mr. REID. That is right. That is what we had left on the calendar.

UNANIMOUS-CONSENT REQUEST—H.R. 2316

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 182, H.R. 2316, Lobbying Disclosure; that all after the enacting clause be stricken, and the text of S. 1, as passed by the Senate on January 18, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, the motion to reconsider be laid on the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3, with the above occurring without intervening action or debate.

I would say to my distinguished colleague—my counterpart, Senator MCCONNELL—that it is my intent not to appoint the conferees until we get back.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Reserving right to object, and I will not object, I was not on the floor Tuesday when the majority leader first brought this issue to the Senate floor. I was down at the White House. I am pleased he is ready to go to conference on lobby reform, the first bill introduced in this Congress, S. 1, and passed with a vote of 96 to 2 almost 6 months ago, on January 18.

I am also encouraged the Democratic House finally decided to pass a bill after many months of stalling and excuses. However, before we agree to this unanimous consent request, I would like to engage my colleague in a brief colloquy to ensure minority rights are not trampled, as they were in the supplemental.

As the Senate will recall, the majority drafted that bill and included matters not related to troop funding and not part of either bill. This was designed, obviously, to get around 41 Republican Senators here in the Senate. Obviously, putting those items in a troop funding bill made it very difficult to oppose the bill and we know how that story ended.

In that vein, I ask my good friend, the majority leader, to commit that, consistent with the provisions of S. 1—to commit not to drop extraneous provisions into this conference report not dealt with by either body. I think it is important that this very significant issue, on which we have had extraordinary bipartisan cooperation, continue to deal with the subject matter related to this bill.

Mr. REID. Madam President, I don't wish to relegislate the supplemental. I think it was one of the best things that has happened to the country in a long time. We were able to get some things in that bill, such as minimum wage, for the first time in 10 years; disaster relief for farmers, first time in 3 years; the first time we got money over and above what the President wanted for homeland security; we were able to get $6.5 billion for Katrina.

Having said that, the distinguished Republican leader has my assurance this bill will deal with the subject matter that came out of the Senate and out of the House. It will deal with ethics and lobbying reform.

I further say to my friend, and he and I have had long discussions on this bill and I am sure we will continue to have some, this will be a real conference, as we have had for many years—not recently, but this will be a conference where there will be public debate on what we should do and what we should not do.

We will schedule that the week we get back, schedule the conference as soon as we can when we appoint conferees. There has been a request we not appoint them today. I accept that. We will do it when we get back. The minority need not worry. This legislation, when it comes back, will be perfect for the President to sign if, in fact, that is necessary. In some instances, it is not necessary. But it will deal with ethics and lobbying and nothing else.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, I have one phone call to my cloakroom I have to deal with. I respectfully request that we have a very short quorum call, so I can consult with one of my Members. If the majority leader will not object, I would like to have a very brief quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader is recognized.

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

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

Mr. REID. It is my understanding there is a unanimous consent pending.

The PRESIDING OFFICER. The Senator is correct. Is there objection to the request?

Mr. DEMINT. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, earlier this year, the Senate took a major step in being more transparent with the earmarking process. We worked together. We passed within the lobbying/ethics reform bill transparency and rules that would keep us from adding secret earmarks when we go to conference. I have asked repeatedly on the Senate floor that we accept that as a rule. I had asked the majority leader to amend his unanimous consent request to go to conference to include Senate acceptance of the rules we have already passed. That way we would have the comprehensive work we have all planned to have. I understand from the majority leader they are not willing to accept that, and they want to go to conference where it is our belief it will be significantly changed.

In light of our inability to come up with agreement that would include earmark disclosure, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Again, we have delay, delay, delay, on an issue of vital importance. What we are asking is to go to conference. We have already acknowledged there will be nothing that will come out of conference other than what is in this bill. For us to do the conference out here on the Senate floor is a little unusual proceeding. All the conference committees I have been involved in have been ones where the conferees decide what should happen, and then they bring that matter back to the respective bodies. Then there is a vote on it.

If my friend from South Carolina doesn't like what comes back, he has every avenue within the rules at his disposal. No one is trying to take advantage of him. I appreciate the work he has done on earmarks. A number of other people have worked on earmarks. It has been a progressive step forward. But it would not say much about my leadership if we negotiated it out here

on the floor of the Senate as to what was going to be in the conference report. That is what the conferees are all about.

Again, we cannot go forward on the 47 different items that are in this ethics and lobbying reform——

Mr. DEMINT. Will the leader yield for a question?

Mr. REID. All of which are important. Earmarking is important to my friend from South Carolina. Other Senators have other things of importance in this lobbying/ethics reform. We debated this issue. We debated it at some length. We accepted a lot of amendments. A number of amendments were not in the final draft of what went to the House. They have now completed their work. It is time we go to conference and work this out. But we are not going to piecemeal this out here on the Senate floor.

Mr. DEMINT. Will the leader yield for a question?

Mr. REID. I am happy to.

Mr. DEMINT. I thank the leader, and I appreciate his perseverance. I would just like to ask why the part of this bill that applies only to the Senate—it does not need to be conferenced with the House because it is our rule about how we deal with earmarks, how we deal with the conference of out-of-scope earmarks. Why can't we just accept that part here and go to conference with all of these other provisions in which you know our Members are interested?

I have no objection to going to conference, but there is no reason to conference with the House on rules that apply only to the Senate.

Mr. REID. Madam President, the House, of course, has issues that affect them only. Sometimes they affect what we do. So we can't do this in a vacuum. I have a suggestion. I think it is a valid, constructive suggestion. I would say to my friend from South Carolina, what he should do is see what he can do to get on the conference. That is what I would suggest. I would be happy to have you on the conference. I don't select who the Republicans put on the conference, but that may be an answer to the problem. I would be happy to have you in the conference. I think it would be a good exercise for you to see what goes on inside of a real conference.

Separate and apart from that, I have to simply say, this is, again, a diversion, a distraction from doing the work of this country.

Mr. DURBIN. Will the majority leader yield?

Mr. REID. I am happy to yield.

Mr. DURBIN. I would like to ask the majority leader if I understand what has happened here. We have adopted the language of the Senator from South Carolina in S. 1, 96 to 2. We sent it over to the House for consideration. The Senator from South Carolina came to the floor while the House was deliberating and insisted that we move forward. We said we had to wait for House action, and House action has taken place, moving us to a conference. Now the Senator from South Carolina is objecting to going to a conference so that this could become the law of the land and the rules applying to the Senate. Is that where we are today? The Republican Senate is objecting to going to conference on ethics and lobbying reform?

Mr. REID. The Senator from Illinois has it down pat. We have worked within the confines of the rules that have been given us. We have passed a bill. They have passed one in the House. Now is the time to see if we can make it into law.

There will be some things that will wind up being a Senate rule. Some things will wind up being a House rule. That is part of what the conference is going to work out. No one is trying to detract from anything that the distinguished Senator from South Carolina wants. But just because you want something doesn't mean you are necessarily going to get it. I just think this is such a bad way to legislate. Here we were within seconds of being able to go to conference. A phone call came in to the cloakroom. I understand that. The Republican leader has an obligation to take care of his Members. But I think this is not a good way to go.

Mr. DURBIN. Will the Senator yield for another question?

Mr. REID. The eyes of the American public are on us.

Mr. DURBIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. DURBIN. I ask the majority leader, wasn't there a clear message from the last election that people wanted us to clean up the culture of corruption in this town, that they wanted ethics and lobbying reform? Isn't that why the Democratic majority picked it as S. 1, the first piece of legislation we considered, made it a high priority, and passed it with a strong bipartisan vote? And isn't it a fact that because of the objection from the Republican side of the aisle, we now run the risk of having nothing, no change, no reform in lobbying or ethics, and that the Senator from South Carolina has asked for you to guarantee a result from a conference committee?

Mr. REID. I appreciate——

Mr. DEMINT. Madam President, may I respond?

Mr. REID. For the first time in 131 years, someone was indicted working in the White House. That man has now been convicted and is in prison. The President's appointee to handle Government contracting was led away in handcuffs from his office. He is now in prison. The majority leader of the House of Representatives was convicted three times of ethics violations. He has now resigned in disgrace after having been indicted in Texas.

We have another Congressman, part of the whole Abramoff scandal, who is in prison. Many staff members have pled guilty to crimes, have quit. Some of them are giving State's evidence. The investigations are still ongoing. A couple of days ago, Mr. Griles, second in command at the Interior Department, was sentenced to prison.

It is time that we got real and change this culture. That is what this legislation is all about. It is time that we started doing things for the American people. One of the things we can do is tell the American people that we are distancing ourselves from this culture of corruption.

That is what this legislation is all about. To not allow us to go to conference on some petty issue that my friend has raised is really bad, not good for the American people. This is a bill loaded with good things. We want to do some good things for the American people.

On some procedural suggestion that is not within the confines of common sense and good judgment, we have an objection. That is wrong. All it does is focus more attention on the culture of corruption.

Mr. DEMINT. Will the Senator allow a response?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I thank the Chair.

I am very surprised to hear earmark reform referred to as a trivial issue. More than anything else, the things that you were just talking about, the corruption, are all earmark related, where Congressmen have sold earmarks for bribes. A big part of the corruption here is earmarks. To respond in a more detailed way, the House has passed its own rules package. It didn't relate to us. They did not send it to conference. They didn't need the Senate to advise. They adopted their own rules. We know, if I could speak through the Chair to Senator DURBIN, that if we send this to conference, nothing will be done this year. This conference will work for months. We will not have earmark reform during this year's appropriations process. That is exactly what this is intended to do.

For that reason, Madam President, I ask unanimous consent, again, that the rules be discharged from further consideration and the Senate now proceed to S. Res. 123 and S. Res. 260; that the resolution be agreed to, and the motion to reconsider be laid on the table.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I would assure my friend that I have spoken to the Speaker on more than one occasion. We have been trying to get to conference on this for quite some time now. They completed their work. It has been about 3½ weeks. I believe without any stretch of the imagination, we will finish this conference in a week. It might go 10 days. But it will only be a question of scheduling. The conference will go very quickly. It will be a public conference.

I would say to my friend—I say this respectfully—did you serve in the House before you came here?

Mr. DEMINT. Yes, sir.

Mr. REID. I thought so. So you are probably not familiar with conferences because under Republican leadership, they were eliminated. There were no conferences. I have said we will hold public conferences. So even though my friend is probably not familiar with a real conference, we will have one. It will not take all year. It will not take all conference. We will finish it very quickly.

No one suggests that earmarking is trivial. I suggested that your objection to this is trivial. I say that you shouldn't do this. It is wrong. It is only slowing up what you in your heart want. All you are doing is slowing it up. There is no intent on my behalf to eliminate earmark reform. I think most everybody in this body lives by earmark reform. I think it would be very good that rather than some vacuous thing talking about earmarks, we have something here that we can look to that is either a part of a law or a rule. My friend should not worry about this taking a long time. Once we get to conference, it will not take long.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I would like to address my comments to my friend from South Carolina. The bottom line is very simple. We have conference committees to move things along, not to slow them down. My colleague from South Carolina has concerns about earmarks. I understand them. They are heartfelt. But it is clear that if we acceded to his request, any single Senator, because of any issue on any bill, could hold up progress completely—on ethics reform, on 9/11, on anything else.

I will tell you my reading. I am from a different part of the country than my colleague, but people want us to get some things done. They don't want us to say: If I don't get it exactly my way on my provision, I am going to hold everything up. That is the consequence of what my friend from South Carolina is saying.

Mr. DEMINT. Will the Senator yield?

Mr. SCHUMER. I might feel that the worst part of what happened, the scandals we talked about, is the free trips. I might say: I don't want to trust anything to conference reports. Unless free trips are done exactly as we say here, I want to hold up the bill. One of my colleagues might say that they think the worst thing is flying and the airplanes.

Mr. DEMINT. Will the Senator yield?

Mr. SCHUMER. I will in a minute. We would be totally gridlocked. If each of us in this body of 100, each with strong opinions and great talents, were to say: I am not going to let anything move forward unless I get my thing done, period, without change, without discussion, without modification, with the other body, we would be where the public doesn't want us: gridlocked on ethics reform, gridlocked on 9/11, gridlocked on everything else.

I am happy to yield to my friend from South Carolina.

Mr. DEMINT. I thank the Senator for the comment. You are exactly right. If this was just what I wanted, I would not hold up anything. This is something you voted for. Every Senator voted for this earmark reform as a Senate rule, not as something we are going to debate with the House but as our rule. All I am asking is that we adopt the rules for the Senate that we have already passed. I do not want to hold up this conference.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we have a vote scheduled. I have just received word from the Appropriations Committee, bipartisan, they need another 10 minutes. So I ask unanimous consent that they have 10 minutes; otherwise, I will just go into a quorum call.

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

Mr. REID. So the vote will take place at 10 after the hour.

Mr. SCHUMER. Madam President, reclaiming my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I understand this passed by a whole lot of votes. That is not the point. There are lots of things that pass by a lot of votes, and then they all have to be worked out in conference committees and in other ways. If each of us insists ''it is my way or I hold things up''—maybe there are ways to improve and strengthen the provisions we pass; maybe there are things other people might add; maybe there will be the kinds of legislative tradeoffs that will make a stronger ethics bill. We all have no way of knowing. But we do know one thing: If what the Senator from South Carolina is doing, by asserting his prerogatives in the Senate, was done by everybody, or even five other Senators, we would absolutely have no ethics reform—no ethics reform—no ethics reform.

Mrs. BOXER. Madam President, will the Senator yield for a question?

Mr. SCHUMER. I am happy to yield to my colleague from California.

Mrs. BOXER. Madam President, I come from the House of Representatives, as my friend from New York and my friend from South Carolina. Over there, in that body, the Speaker decides how everything is going to go, whether the Speaker is a Republican or Democrat. Then some people come over here from the House, and they decide they are going to use the rules of the Senate to call attention to what they think is the issue of the day.

I want to thank my friend. My question to my friend is this: If you went out and asked the average person on the street what they think about the Congress and whether we need ethics reform and if we should pass ethics reform, my friend, I think, would agree—and I will ask him this—they would answer, yes.

Then, if you followed it up, I say to my friend, and said: Well, there are one or two things missing from this bill; we took care of 12 things, but it is tough because we have to work across party aisles. It is tough because everybody has his or her own idea. Do you think it is good to get started with the package we have and get it done for the American people?

What does my friend think the average person would say?

Mr. SCHUMER. Madam President, the average person would say—because the average American is practical—anyone who insists on only his way or her way is gumming up the works. To get 90 percent or 95 percent of what is a good package, most people would say, yes.

I will say another thing to my colleague.

Mr. DEMINT. Madam President, will my Senator yield for a question?

Mr. SCHUMER. Madam President, I will be happy to yield when I finish my little colloquy with my friend from California.

My guess is, if you ask the person on the street what is the most egregious abuse in terms of lobbyists and ethics, it is the trips. That is what caught the highlights. It was all the free gifts and all the emoluments and going to London and going here and going there. Most people, if you asked them about earmarks, and they knew what the earmarks were—they would say the bridge from Alaska is a bad thing, and there are a few others that are a bad thing—but my guess is that 95 percent of the people in this body—maybe 100 percent; maybe my friend from South Carolina is proud of the earmarks they have put in and they should be made public early and there should be debate on them—but they, in themselves, are not wrong as the free trips, in themselves, are wrong.

So the bottom line is, if you ask the average citizen, my colleague from California is right, they would say: Move forward because there is a lot in this bill that is important. In fact, the No. 1 abuse we read about might have been trips or emoluments or something like that more than earmarks.

Mr. DURBIN. Madam President, will the Senator from New York yield for a question?

Mr. SCHUMER. Madam President, I am happy to yield to my colleague form Illinois.

Mr. DURBIN. Madam President, is the Senator aware that the bill just objected to by the Republican Senator from South Carolina that we want to take to conference to make into law includes provisions that toughen the rules concerning gifts and travel, banning gifts from registered lobbyists, requiring the market value be paid for tickets to events, prohibiting Senators from participating in events to honor them at a national convention, extending the ban on travel paid for by lobbyists, requiring Senators and staff to receive approval from the Ethics Committee before accepting expenses for any trip paid for by private sources, requiring full disclosure of any travel on

noncommercial airlines, requiring certifications and disclosures filed by Senators and staff available to the public for inspection?

Also, it includes slowing down the revolving door between Senators and staff, so those leaving the Senate are limited in the jobs they can take; reducing and eliminating negotiations for another job by a sitting Senator in terms of where they might go when they leave the Senate; also, prohibiting staff contact with lobbyists who are family members of the Senator; also, voting to significantly expand lobbying disclosure.

It goes on for lengthy paragraphs: voting to prohibit partisan efforts like the K Street Project, that notorious project involving lobbyists and Members of the Senate; voting to deny pensions to former Members convicted of certain crimes; voting to protect the integrity of conference reports.

Does the Senator from New York not make this point, that when one Senator stands up and says: Well, I have one little section that I want to guarantee is going to be in the final conference report, that Senator is stopping us from considering all of these elements of ethics and lobbying reform, each of which points to some concern of Members of the Senate where we want to change the ethics standards, clean up the culture of corruption?

So when the Republican Senator from South Carolina objects to going to conference, he stops us from considering any and all of the things I just read.

Is that the point the Senator from New York is making?

Mr. SCHUMER. Madam President, I thank my colleague from Illinois. That is exactly the point I am making. I would say, the reason we have a Senate, and not a body of one, is because there are different views. Some of the things that my colleague from Illinois read to me are the most objectionable that are on the books now.

I would guess the public is probably closer to my view than the view of the Senator from South Carolina. I would guess what bothered them the most with Abramoff, or with anything else, was all the trips and emoluments and the way the lobbyists sort of insinuated their way into the whole process. There are hundreds of earmarks where there were no lobbyists involved. There were many more earmarks—most earmarks—where the public debate would be supported by this body.

Mr. DEMINT. Madam President, will the Senator yield for a question?

Mr. SCHUMER. So I would say to my friend from Illinois that is exactly the point. If each of us insists that our little provision must be passed on its own—no debate, no discussion, no moving forward with the general process—we would have no ethics reform.

Mr. DEMINT. Madam President, will the Senator yield for a question?

Mr. SCHUMER. So despite the good intentions of my colleague from South Carolina, the effect of what he is doing is preventing good, strong, tough ethics reform across the board on issues such as earmarks, but also on issues such as trips and the K Street Project, and everything else from moving forward.

So my colleague from Illinois makes a point that I think is——

Mr. DURBIN. Madam President, will the Senator yield for another question?

Mr. SCHUMER. Madam President, I continue to yield to my colleague.

Mr. DURBIN. Madam President, I would like to ask my colleague from New York, as to the notorious K Street Project, where lobbyists had regular meetings with Members of the Senate to discuss which legislation would come up, which amendments would be considered, which provisions in the Tax Code would be passed, and which would fail—all of these things are now prohibited under the bill that we want to send to conference. They do not relate directly to earmarks, which are appropriations measures, but everyone across America would concede there were clear abuses when it came to this K Street Project.

So when the Republican Senator from South Carolina objects to taking this bill to conference, he has gone beyond earmarks. He is not allowing us to consider the broader question about what we consider to be unethical and illegal contacts between lobbyists and Members of the Senate. He is stopping us from passing new laws to bring some ethics reform to the Senate.

I ask the Senator from New York, the issue of earmarks was voted on with an overwhelming vote in the Senate. The Appropriations Committee, on which I serve, is moving forward with real earmarks reform. So it would seem that the Senator from South Carolina is carping on a trifle here. We have a huge number of important legislative items to consider in S. 1.

I ask the Senator from New York, in the time he has served in the House and the Senate, can he recall a time when a Senator or Member of Congress could receive a guarantee that a conference committee was going to produce exact language as each Member would like going into the conference?

Mr. SCHUMER. Well, Madam President, I have served in this body now for 8 years. I had served in the House for 18 years. I cannot recall a single instance. We do have senses of the Senate; we had senses of the House, which are supposed to direct things. But we have never asked for a guarantee. I, for one, cannot recall someone saying: I am holding up everything until I get my guarantee. That is wrong.

Mr. DEMINT. Madam President, will the Senator yield for a question?

Mr. SCHUMER. Madam President, I will be happy to yield in a second.

I will tell you, I go to my State. It is a diverse State of 19 million people. It is not South Carolina. It is not Illinois. It is not Nevada. It is not California. It is not Washington State. But I will tell you, the No. 1 thing I hear is: Can't you folks each give in a little bit? Can't you folks each work with one another and get something done?

That is what I hear. Yet the path my friend from South Carolina is taking is exactly the opposite because we will get good earmark reform.

EXECUTIVE SESSION

NOMINATION OF LIEUTENANT GENERAL DOUGLAS E. LUTE, TO BE LIEUTENANT GENERAL, U.S. ARMY

The PRESIDING OFFICER. Under the previous order, the Senate resumes executive session and will proceed to a vote on Executive Calendar No. 165, which the clerk will report.

The legislative clerk read the nomination of Lt. Gen. Douglas E. Lute to be Lieutenant General.

The question is, Will the Senate advise and consent to the nomination of Lt. Gen. Douglas E. Lute, to be Lieutenant General, U.S. Army, under title 10, U.S.C., section 601?

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mrs. BOXER (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 236 Ex.]

YEAS—94

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Brown	Hagel	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Cantwell	Inhofe	Sanders
Cardin	Inouye	Schumer
Carper	Isakson	Sessions
Casey	Kennedy	Shelby
Chambliss	Kerry	Smith
Clinton	Klobuchar	Snowe
Coburn	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Thune
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Whitehouse
DeMint	Lugar	Wyden
Dodd	Martinez	
Dole	McCain	

NAYS—4

Byrd Tester
McCaskill Webb

ANSWERED ''PRESENT''—1

Boxer

NOT VOTING—1

Johnson

The nomination was confirmed.

Mr. REID. Madam President, it is my understanding that there are three votes for district court judges, is that true?

The PRESIDING OFFICER. That is true.

Mr. REID. Madam President, I ask unanimous consent that all votes be 10 minutes in duration.

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

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, there is 10 minutes of debate preceding the votes.

Who yields time?

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, we are going to have how many nominations?

The PRESIDING OFFICER. Three. The Senator has 5 minutes.

Mr. LEAHY. Madam Presient, the Senate continues to make progress today with the confirmation of three more lifetime appointments to the Federal bench, Benjamin Hale Settle to the District Court for the Western District of Washington, Richard Joseph Sullivan to the District Court for the Southern District of New York, and Joseph S. Van Bokkelen to the District Court for the Northern District of Indiana. The nominations of Mr. Settle and Mr. Sullivan are for vacancies deemed by the Administrative Office of the U.S. Courts to be judicial emergencies. All three nominees have the support of their home State Senators. I thank Senators MURRAY, CANTWELL, CLINTON, SCHUMER, LUGAR, and BAYH for working with us and with the President on the nomination.

These 3 judges will bring this year's judicial confirmations total to 21. It is before the Fourth of July recess, and we have already confirmed many more judges than were confirmed during the entire 1996 session when President Clinton's nominees were being reviewed by a Republican Senate majority. That was the session in which not a single circuit court nominee was confirmed. We have already confirmed three circuit court judges in the early months of this session. As I have previously noted, that also puts us well ahead of the pace established by the Republican majority in 1999.

As the Judiciary Committee chairman, I have always treated this President's judicial nominees more fairly than Republicans treated President Clinton's. With these confirmations, the Senate will have confirmed 121 judges while I have served as Judiciary Chairman. It is a little known and wholly unappreciated fact that during the more than 6 years of the Bush Presidency, more circuit court judges, more district court judges, and more total judges have been confirmed while I served as Judiciary chairman than during the longer tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts lists 48 judicial vacancies after these nominations are confirmed, yet the President has sent us only 26 nominations for these vacancies. Twenty two of these vacancies—almost half—have no nominee. Of the 15 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 6 of them. That means more than a third of the judicial emergency vacancies are without a nominee.

Of the 13 circuit court vacancies, more than half are without a nominee. If the President had worked with the Senators from Rhode Island, New Jersey, Maryland, California, Michigan, and the other States with the remaining circuit vacancies, we could be in position to make even more progress.

As it is, we have cut the circuit vacancies in half, from 26 to 13. Contrast that with the way the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees resulted in circuit court vacancies increasing from 17 to 26. During most of the Clinton years, the Republican-led Senate engaged in strenuous efforts to keep circuit judgeships vacant in anticipation of a Republican President. To a great extent they succeeded.

The Judiciary Committee has been working hard to make progress on those nominations the President has sent to us. Of course, when he sends us well-qualified, consensus nominees with the support of his home-state Senators like those before us today, we can have success.

Mr. Settle is a partner and cofounder of the Shelton, WA, law firm of Settle & Johnson, PLLC, where he has worked for 30 years. He also served 7 years as a prosecutor and defense counsel in the U.S. Army Judge Advocate General Corps.

Mr. Sullivan is general counsel to Marsh & McLennan Companies, Inc., where he has worked since 2005. Before that, he worked as a Federal prosecutor in the Southern District of New York and in private practice at the Wall Street law firm of Wachtell, Lipton, Rosen, & Katz.

Mr. Van Bokkelen is the U.S. attorney for the Northern District of Indiana, where he has served since 2001. He has worked in private practice for the law firms of Goodman, Ball, Van Bokkelen & Leonard and Wilson, Donnesberger, Van Bokkelen & Reid. He previously served as an assistant U.S. attorney and as an assistant attorney general in the Indiana Attorney General's office.

I congratulate the nominees and their families on their confirmation today.

Have the yeas and nays been asked for on the Benjamin Hale Settle nomination?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEAHY. I yield back my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I seek recognition to speak on the nomination of Benjamin Settle to be a U.S. District Judge for the Western District of Washington. Benjamin Hale Settle was nominated by President Bush on January 9, 2007. A hearing was held on his nomination on March 13, and he was unanimously reported out of the Judiciary Committee on April 25.

Mr. Settle has an impressive resume and a record of service. He received his B.A. from Claremont McKenna College in 1969. Upon graduating from college, he enlisted in the U.S. Army Reserve and entered law school at Willamette University College of Law where he received his J.D. degree in 1972.

After graduating from law school he worked for Don Miles Attorneys as an associate until he was called up to serve full time in the Judge Advocate General's Corps for the U.S. Army in 1973. Three years later, in 1976, Mr. Settle left full time Army service and rejoined the Don Miles where he practiced for one year, before opening a small partnership of his own. He has enjoyed a successful career as a general practitioner, working in a variety of small partnerships over the last three decades.

Mr. Settle's broad practice has encompassed both litigation and transactional matters. The nominee has also served as the general counsel to several municipal and private corporate entities. In addition to his litigation and general counsel work, Mr. Settle has served as judge pro tempore in Mason County Superior and District Courts where he has managed numerous matters for mediation and arbitration.

The ABA has unanimously rated Mr. Settle ''Qualified.'' The vacancy to which Mr. Settle is nominated has been designated a ''judicial emergency'' by the nonpartisan Administrative Office of the Courts. I hope my fellow Senators will support this nomination.

Madam President, I also seek recognition to discuss the nomination of Richard Sullivan to be a District Judge for the Southern District of New York.

Richard J. Sullivan was nominated to be a U.S. District Court Judge for the Southern District of New York on February 15, 2007. A hearing was held on his nomination on April 11, 2007, and the Judiciary Committee reported his nomination favorably on May 3, 2007.

He is a highly qualified nominee with a distinguished record both as a prosecutor and in private practice. In 1986,

he received his B.A. degree from the College of William and Mary, where he was elected to Phi Beta Kappa. In 1990, he graduated from Yale Law School. Following law school, he served as a law clerk to Judge David M. Ebel of the United States Court of Appeals for the Tenth Circuit. In 1991, he joined Wachtell Lipton Rosen & Katz as a litigation associate.

In 1994, he joined the U.S. Attorney's Office for the Southern District of New York as an assistant U.S. attorney. During his tenure in the office, he served in a variety of leadership positions. In 1999, he was put in charge of the Office's General Crimes Unit and later became chief of the Narcotics Unit. In 2002, he was named the founding chief of the newly created International Narcotics Trafficking Unit, which was dedicated to investigating and prosecuting the world's largest narcotics trafficking and money-laundering organizations. From 2002 to 2005, he also served as director of the New York/New Jersey Organized Crime Drug Enforcement Task Force.

In 2005, Mr. Sullivan joined Marsh & McLennan Companies, Inc., as deputy general counsel for litigation. He still works in that capacity, and since 2006 has also served as the general counsel of Marsh Inc., the world's largest insurance broker and risk management firm. Marsh & McLennan Companies is the parent company of Marsh Inc.

The American Bar Association has unanimously rated Mr. Sullivan ''Well Qualified.'' The seat to which he is nominated has been designated a ''judicial emergency'' by the nonpartisan Administrative Office of the Courts. I hope my fellow Senators will vote to confirm Mr. Sullivan.

And finally, Madam President, I seek recognition to discuss the nomination of Joseph S. Van Bokkelen to be a District Judge for the Northern District of Indiana.

President Bush nominated Mr. Van Bokkelen on January 9, 2007. A hearing was held on his nomination on April 11 and the Senate Judiciary Committee reported his nomination favorably on May 3. He is a highly qualified nominee with extensive experience both as a prosecutor and in private practice.

In 1966, Mr. Van Bokkelen received his B.A. degree from Indiana University. In 1969, he graduated from Indiana University School of Law. After graduating law school, Mr. Van Bokkelen joined the Office of the Indiana Attorney General, serving as deputy attorney general and subsequently as assistant attorney general. In 1972, he became an assistant U.S. attorney for the Northern District of Indiana, where he served until 1975.

Between 1975 and 2001, he worked in private practice as a partner—first at Wilson, Donnesberger, Van Bokkelen & Reid and then at Goodman, Ball, Van Bokkelen & Leonard, P.C. His practice has focused on litigation, both civil and criminal. Between 1983 and 1985, he served as a special prosecutor to investigate the murder of a prominent politician and lawyer in Lake County, IN.

Since 2001, Mr. Van Bokkelen has served as U.S. Attorney for the Northern District of Indiana. His courtroom experience is extensive. Over the course of his career, he has tried over 100 cases to verdict. The American Bar Association has unanimously rated Mr. Van Bokkelen ''Well Qualified.''

I urge my fellow Senators to support this nomination.

Madam President, I know everybody is anxious to conclude these matters. They ought not be noncontroversial. Again, we have Benjamin Hale Settle, for the Western District of Washington; Joseph S. Van Bokkelen, for the Northern District of Indiana; Richard J. Sullivan, for the Southern District of New York.

All have excellent academic records and professional records and passed through the Judiciary Committee. I recommend that my colleagues vote for them.

I yield back the remainder of my time.

NOMINATION OF BENJAMIN HALE SETTLE, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 237 Ex.]

YEAS—99

Akaka	Crapo	Lieberman
Alexander	DeMint	Lincoln
Allard	Dodd	Lott
Barrasso	Dole	Lugar
Baucus	Domenici	Martinez
Bayh	Dorgan	McCain
Bennett	Durbin	McCaskill
Biden	Ensign	McConnell
Bingaman	Enzi	Menendez
Bond	Feingold	Mikulski
Boxer	Feinstein	Murkowski
Brown	Graham	Murray
Brownback	Grassley	Nelson (FL)
Bunning	Gregg	Nelson (NE)
Burr	Hagel	Obama
Byrd	Harkin	Pryor
Cantwell	Hatch	Reed
Cardin	Hutchison	Reid
Carper	Inhofe	Roberts
Casey	Inouye	Rockefeller
Chambliss	Isakson	Salazar
Clinton	Kennedy	Sanders
Coburn	Kerry	Schumer
Cochran	Klobuchar	Sessions
Coleman	Kohl	Shelby
Collins	Kyl	Smith
Conrad	Landrieu	Snowe
Corker	Lautenberg	Specter
Cornyn	Leahy	Stabenow
Craig	Levin	Stevens
Sununu	Vitter	Webb
Tester	Voinovich	Whitehouse
Thune	Warner	Wyden

NOT VOTING—1

Johnson

The nomination was confirmed.

NOMINATION OF RICHARD SULLIVAN, TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Richard Sullivan, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, for all Members, this will be our last vote. There will be a voice vote following this vote. On Monday, July 9, starting at 5:30 p.m., maybe even 5:15 p.m., we will have a series of three or four rollcall votes.

Madam President, I ask for the yeas and nays on this nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Richard Sullivan, of New York, to be U.S. district judge for the Southern District of New York?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 238 Ex.]

YEAS—99

Akaka	Dole	McCaskill
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Barrasso	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brown	Hagel	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wyden

NOT VOTING—1

Johnson

The nomination was confirmed.

NOMINATION OF JOSEPH S. VAN BOKKELEN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. The clerk will report the next nomination.

The assistant legislative clerk read the nomination of Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the northern district of Indiana.

Mr. LUGAR. Mr. President, I appreciate this opportunity to support the President's nomination of Joseph S. Van Bokkelen to serve as a U.S. district judge for the Northern District of Indiana.

I would first like to thank Senate Judiciary chairman, PAT LEAHY; ranking member, ARLEN SPECTER; and the respective leaders for their important work to facilitate timely consideration of this nomination.

In July of last year, Judge Rudy Lozano informed me of his decision to assume senior status after a distinguished career of public service. He was a remarkable leader on the Federal bench, and I applaud his leadership to Indiana and to the legal community.

Given this upcoming vacancy and the need for strong leadership, I was pleased to commend to President Bush Joe Van Bokkelen to serve on the Federal court in the Northern District of Indiana.

I have known Joe for many years, and I have always been impressed with his high energy, resolute integrity, and remarkable dedication to public service.

Joe Van Bokkelen attended Indiana University where he received both his undergraduate and law degrees. He then served in the Indiana Attorney General's Office followed by his first experience in the United States Attorney's Office in the Northern District.

After many years of private practice, Joe assumed his current position of United States Attorney for the Northern District of Indiana on September 21, 2001. His performance in this position has been nothing short of remarkable. He has undertaken the most aggressive public corruption initiative in the history of the office. Since 2002, over 30 public officials have been indicted and convicted. Joe has also used his office to target the use and possession of illegal firearms, combat gang activity, implement drug demand reduction programs, and cultivate community partnerships.

Likewise, Joe has demonstrated leadership in the Justice Department where he serves on several of the Attorney General's advisory committees, including Violent and Organized Crime, White Collar Crime, Sentencing Guidelines, and the Regional Information Sharing Working Group.

Newspapers across northern Indiana contain articles and editorials applauding his determination to bring about effective law enforcement. The Northwest Indiana Times recently commented that Joe Van Bokkelen ''has an excellent track record for the five years he has led the U.S. Attorney's office in Northern Indiana.''

Joe has received a number of high performance ratings, including the A.V. rating from Martindale-Hubbell and the highest judicial rating from the American Bar Association.

Outside of his public service, Joe is involved with a number of community activities and civic organizations.

I would again like to thank Chairman LEAHY and Ranking Member SPECTER for their leadership in facilitating consideration of Joe Van Bokkelen's nomination to serve as a Federal judge. I believe that he will demonstrate remarkable leadership to northern Indiana and will appropriately uphold and defend our laws under the Constitution.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the Northern District of Indiana.

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, motions to reconsider these votes are laid on the table. The President shall be notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

The minority leader is recognized.

Mr. MCCONNELL. Mr. President, I ask I be allowed to proceed as in morning business.

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

IMMIGRATION

Mr. MCCONNELL. Mr. President, today is a day of victory and defeat. So many people have poured so much of themselves into this bill over the last weeks and months, and every one of them deserves our thanks and our respect.

This bill tested the will, and the goodwill, of many people. But it tested some more than others. So first I want to thank those whose position did not prevail.

Senator SPECTER's knowledge of this issue is matched only by his stamina. As the ranking member, he has our admiration and he deserves our thanks.

Senator KYL inspired all of us, flying into his State and facing a lot of angry constituents, and the cameras week after week with optimism, patience and good cheer.

Senator GRAHAM was one of the generals in this effort. He always does what he thinks is right, and Americans admire him for it.

Senator MARTINEZ was another general. He brought intelligence and tenacity to this debate, and a story that never fails to inspire us.

Senator LOTT's a great whip, and a good friend. He has been in this building more than 3 decades, but he has the energy of a freshman. He has been a leader and friend: I thank him for it.

Senator SALAZAR gave a lot of himself to this debate, a lot of time and no little criticism. Thank you.

And finally, it is a marvel of nature to see a man whose calling in life is obvious to anyone who sees him at his job. Senator KENNEDY is such a man. He loves his work, and his passion has inspired us.

Of course, behind all these Senators are a lot of terrific staff members who have worked incredibly hard on this bill. On the Judiciary Committee, there was Michelle Grossman, Lauren Petron, Gavin Young, Lauren Pastarnack, Lynn Feldman, Juria Jones, and most of all Mike O'Neill.

On Senator MCCAIN's staff, Becky Jensen. On Senator GRAHAM's staff there was Matt Rimkunas and Jen Olson. On Senator KYL's staff, Elizabeth Maier and Michael Dougherty. On Senator MARTINEZ's staff, Brian Walsh, Clay Deatherage, and Nilda Pedrosa.

Now I want to thank everyone who opposed the bill.

Senators SESSIONS, DEMINT, and VITTER got us all to sit up and listen closely to a lot of people who thought they had been shut out of this debate. They put the rules of this body to work. And I would take any one of them in a firefight.

Senator CORNYN, one of the original architects, deserves our thanks. He has been committed to finding a solution to our Nation's immigration problem for a long time. His contributions on the interior enforcement piece of this bill were a major part of the original compromise. But when he saw it was not a solution he could accept, he told us.

Senator CHAMBLISS told us what the farmers needed, and we listened. We thank him for his important contributions to the bill.

Senator ISAKSON was the author of the trigger concept, which every one now agrees is a good idea.

To everyone involved in the crafting of this bill, I want to thank you. This was a labor of uncommon intensity. It required will, energy, and patience. And while it strained a lot of bonds, it broke none of them. As the majority leader said after the final vote, ''We're all still friends here.''

As the elected leader of my conference, I stood here in January and opened this session with a pledge. I knew contentious issues always have a better chance of being solved by divided governments, that immigration reform was within our reach, and I said we should put it in our sights.

I also knew it was going to have to be bipartisan if we were going to get a bill at all. So everyone I have mentioned

rolled up their sleeves and got to work. And they put together a bill that represented the best chance we had of getting to our goal.

But it touched a nerve, and the shock of it shot right through the Senate. It lit up the switchboards here for weeks, and ignited a debate that strained our normal alliances here and at home in our States.

I heard from a lot of Kentuckians. Thousands of smart, well-informed people called my offices to talk about this bill. They did not like the idea of someone being rewarded for a crime, or the impact that this would have on a society whose first rule is the rule of law. They did not trust the Government to suddenly get serious about border control after neglecting it for 2 decades. And I do not blame them. I worried about all that too. And to every one of them, I say today: Your voice was heard.

A lot of good people came to my office. They argued for positions as diverse as the country itself. They explained their views patiently and with passion. I want to thank them too for informing my thinking and for helping to shape this extraordinary debate.

My goal from the start has been to move the conference forward, to facilitate debate, to ensure that the minority's voice was heard to the maximum extent possible. I had hoped there would be a way forward. And as the divisions between supporters and opponents widened, the only way forward, to my mind, was to ensure a fair process. This was the only way to be sure we could improve the status quo, which all of us agreed was indefensible. If every voice was heard, we could be confident our votes reflected the best this body could do.

I had hoped for a bipartisan accomplishment, and what we got was a bipartisan defeat. The American people made their voices heard, the Senate worked its will, and in the end it was clear that the bill that was crafted did not have the support of the people of Kentucky, it did not have the support of most Americans, it did not have the support of my conference, and it did not have enough support in the Democratic conference, a third of which opposed it.

This is not a day to celebrate. We do not celebrate when a pressing issue stays unresolved. But we can be confident that we will find a solution to the problems that we have tried to address here. Many people have made great personal sacrifices to work on a solution to our broken immigration system. A lot of them exposed themselves to ridicule and contempt.

And so we can say with pride that the failure of this bill was not a failure of will or hard work or good intentions. Martin Luther King once said that ''human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men.'' And we can be sure that many good people will step forward again to offer their intelligence, understanding, and their ''tireless efforts'' when the time comes to face this issue again.

That time was not now. It was not the people's will. And they were heard.

HONORING OUR ARMED FORCES

STAFF SERGEANT THOMAS W. CLEMONS

Mr. MCCONNELL. Mr. President, I rise today to honor the life of a heroic soldier and a fellow Kentuckian, SSG Thomas W. Clemons. SSG Clemons, born in Leitchfield, KY, proudly served in the Kentucky Army National Guard from August 2000 until December 11, 2006, when he tragically lost his life while on his second tour of duty near Diwaniyah, Iraq. He was 37 years old.

Staff Sergeant Clemons earned numerous awards and medals throughout his military career, including the Bronze Star Medal. A decorated soldier, he will be remembered by those who knew him as a loving son and brother, a caring husband, a devoted father, a loyal friend and an avid University of Kentucky Wildcats fan.

A true family man, Thomas cherished time with his wife, Sheila, his sons Tony and Ryan and his stepdaughters Brittany and Amber. He was known for saying that of all the blessings God had bestowed upon him, his family was the greatest.

Like most soldiers, Thomas felt that being away from that family was the hardest part of serving his country. But rather than focus on himself, he sought to alleviate the loneliness of others. As a father to two teenage boys, Staff Sergeant Clemons recognized the difficulty that long periods away from home created for the youngest soldiers in particular.

He ''tried to be a daddy to everyone over there, especially the young ones,'' says Thomas's mother, Patricia Frank. And along with the comfort and nurturing Staff Sergeant Clemons gave to his troops, he provided an equal amount of discipline and professionalism.

Clemons's company commander, CPT Ronald Ballard, said, ''Thomas was the type of leader who delivered a one-two punch. First, he gave his guidance and standards, and then he led by example.''

Captain Ballard went on to add that Thomas ''understood he would not always be here to lead his soldiers—that he had to get them ready to fill his boots.''

On one particularly tortuous day in Iraq, Staff Sergeant Clemons phoned his parents in Kentucky. One of his men had just died. Like any mother would, Patricia gently reminded her son that family was what was important, and that his family was alive and well—to which Thomas replied, ''Over here, everyone is my family.''

Thomas embraced his duties as a Guardsman without hesitation. Before his departure to Iraq, he told several friends and family members, ''a few lives for a million—that's worth it.''

Staff Sergeant Clemons was assigned to the 2nd Battalion, 123rd Armor Regiment in the Kentucky Guard. After serving his first year-long tour of duty, he volunteered for a second, and was redeployed to Iraq in March 2006.

His friend and fellow soldier SP Joshua White said that when he asked Thomas why he offered to go back to Iraq, Thomas replied sincerely, ''I cannot sit back on my couch and watch one of my soldiers' names come across that screen and live with myself.''

Thomas's unit provided force protection and ran security missions for the Army. ''He was honored to be a soldier,'' Patricia says. ''That's what he wanted, and that's what he was.''

Staff Sergeant Clemons's funeral service was held in December 2006 in the small Kentucky town of Caneyville, close to Leitchfield in Grayson County. So many people came to pay their respects to Thomas and his family that the funeral home could not hold them all. Many of Thomas's friends told Patricia after the service that ''he helped me by just talking to me.''

Staff Sergeant Clemons was a man people wanted to know, and he is mourned and missed by his beloved family and friends who had the honor to know him.

He is loved and remembered by his wife, Sheila, his mother and step-father, Patricia and Jimmie Frank, his sons, Tony and Ryan, his step-daughters, Brittany and Amber, his brothers, Tim Clemons, Chad Clemons and Shannon Frank, his sisters, Julie Johnson, Michelle Mudd and Pamela Bowling, and many others.

Staff Sergeant Clemons was the type of man who, when asked by a local volunteer group if they could send him anything while he was serving abroad, replied, ''pencils, for the little kids in Iraq.'' He was the type to volunteer his free time to serve as a youth basketball and baseball coach back home in Kentucky.

He was the family man who cherished time with his children, the friend with a shoulder to lean on and the soldier who was willing to sacrifice his life ''to save a million,'' even a million people he had never met.

And so although neither I nor my colleagues had the pleasure of meeting him, I stand here today to say this Senate honors and salutes SSG Thomas W. Clemons for his service. We will hold his family in our thoughts and prayers. And the citizens of Kentucky and this grateful nation will always remember his sacrifice.

CHANGE OF VOTE

Mr. LUGAR. Mr. President, on rollcall vote No. 231, I voted ''nay.'' It was my intention to vote ''aye.''

I ask unanimous consent that I be recorded as an ''aye.'' This would not affect the outcome of the vote.

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

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

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

IMMIGRATION

Mr. DURBIN. This was an historic day in the Senate. I was up after the vote on immigration with Senator KENNEDY. We had a little press conference to talk about what happened. We needed 60 votes to move the immigration bill forward, for more amendments, to final passage.

When the roll call was taken, there were 46 votes; it was far short of what was needed. The average person might ask: ''Why would it take 60 votes to pass something in the Senate? I thought it was by majority vote.'' Well, not in the Senate, it is not. If it is a complicated issue, and many are, it takes 60 votes. It is just the nature of this place, the reason why the Senate was created. It is the reason why a Senator from a State such as Rhode Island would represent his State, along with one other Senator, and a Senator from a State such as Illinois would have two Senators. It is the nature of the Senate.

It is a guarantee that the minority always has protection and a voice in this political process. It leads to a lot of frustrations, as you can imagine, because bringing together 51 Senators ready to act and to solve a problem is not enough; around here, it never has been. And it leads to a lot of criticism from the outside about how we spend so much time talking and so little time doing. People look at us and say: ''You know, how many years have you all been giving speeches about health care in America? When are you going to do something about it?'' Well, the honest answer is, that is good criticism. We have not come up with a plan, nor have we had the political will to move a plan, and if we did, it would face its biggest hurdle probably right here on the floor of the Senate. This is the place where things slow down. George Washington said of the Senate: ''This is the saucer that cools the tea.''

I was lucky to serve in the House for 14 years. It is a great place. I loved it. I loved all of the people I worked with. We ran every 2 years. You had to be in touch with the folks in your district on a regular, constant basis. You reacted pretty quickly as things came along. Bills passed, resolutions passed, you would sit there and shake your head and say: ''All of the things we do just seem to die in the Senate.'' Well, it is the nature of the process. It is a narrowing between the two Chambers that makes it difficult to move things through.

Well, today was a classic example. We know—everyone knows—the immigration system in America has failed. It has just plain failed. In 1986, the last time we addressed this issue, 21 years ago, President Reagan suggested an amnesty for those who were here illegally and that we do things to stop more from coming. It did not work. The amnesty was given; the enforcement did not take place. On average, about 800,000 new illegals came into the United States each year for 21 years; 600,000 stayed.

We have a rough estimate that about 12 million undocumented and illegal people are here today. What are we going to do about it? Well, first and obviously, stop illegals from coming into the United States. It won't be easy. Look at the risks people are willing to take to come to our country—walking across a desert knowing your life may be at stake, paying someone thousands of dollars to put you in the back of a truck where you might be asphyxiated, jumping on a railroad train where you could lose your life or a limb, just to get right here in our country. It is that desire to come to America that has been around for so long, and it is still there, and it will always be there.

But we know there are things we could do to make this border of ours better. We talked about things, sensible things—not a 2,000-mile wall or anything like that, but placing walls where they will help, placing fences where they will help, traffic barriers, new technology, more border enforcement, training, trying to reach cooperative agreements with the Mexicans and others—to slow illegal border crossings down. All of those things represent a positive step forward. We committed $4 billion to that effort. It should be done.

Then the workplace—that is what brings people here. Anyone who comes to America and thinks they can just park themselves and wait for a comfortable life is wrong. They come to work. The jobs that immigrants take, they are jobs that most of us do not want. If you went to a restaurant in the great city of Chicago, which I am honored to represent today, and you took a look around at who took the plates off your table, my guess is many of them may be undocumented people. You don't see the folks back in the kitchen washing those dishes or those on the loading dock or perhaps tonight the ones who will clean the bathrooms—likely to be, many of them, undocumented people who are here doing those jobs every single day. They made your bed in the hotel room after you left; they were with your mom in the nursing home bringing her water and changing her sheets; they are the people who, incidentally, make sure they trim the greens for you so this weekend they will look picture perfect. Those are the folks out there every single day. They are in the packing houses, like the place where I used to work in college. That is no glamorous job. They took it because no one else wants it. It is difficult, it is dirty, it is hot, it is a sweaty, nasty job, and they take it because they get paid to do it.

Most of them, when they get the paycheck, send half of it back home. There are many parts of Central America and South America which subsist because of the transfer payments from people working in America who are illegal, sending their checks back home to their families. These workers live in the barest of circumstances and try to get by in the hopes that some day, they will be Americans; some day, they will have family with kids who have a much better chance.

Their story is our story. It is a story of this Nation from its beginning. Today, we had a chance to address this problem, to deal with 12 million who are undocumented, to deal with border enforcement, workplace enforcement, and to talk about how many more people we need each year.

We cannot open our borders to everyone who wants to come to America. We cannot physically do it. It would not be good for our Nation, for those who are here, or for our economy. But there are some we need.

As a Congressman who represents downstate Illinois, there were times when I desperately begged foreign physicians to come to small towns. These towns did not have a doctor. They were going to lose their hospitals. Doctors came from India, from Pakistan, other places, from the Philippines, and they were greeted with cheer by people who had never been to their countries or knew anything about their land of origin. They came to the rescue. They opened that doctor's office. Many of the people in those small towns I represent in Illinois could not even pronounce that doctor's last name. He was ''Dr. K,'' they would say, ''I just don't know how to pronounce his name. I am glad he is here. Mom is feeling better, and we are glad he is here if we ever need him.''

So we bring in folks each year, and we try in this bill to define how many we are going to need. Well, you know what happened once debate started, Mr. President. There is a sentiment in America which is as historic as our country. I say jokingly, because I have no way of knowing, that in 1911, when my mother came off the boat in Baltimore, having arrived as a 2-year-old little girl from Lithuania, and came down that ramp with my grandmother and her brother and sister, I am sure there were people looking up at this group coming in, saying: Please, not more of those people.

That has been the nature of America. We know we are almost all immigrants or the descendants of immigrants. Yet there is a resistance that is built into our country to more coming in: They are different, there may be too many of them, they may threaten our jobs—all of those things. And we saw that sentiment, not on the floor of the Senate or the House, but certainly we heard it on

television, on radio. It is a sentiment that goes from being critical to being dark and ugly.

My wife called me this morning from our home in Illinois. She told me the telephone calls that were overwhelming my office had reached our home and people were calling her all through the night. They got our home telephone number and decided to try to keep her awake all night. Well, that is part of this job. I am not asking for sympathy. I understand I am a public figure. I am sorry she had to put up with it. She has put with it for a long time. But that sentiment got carried away in many respects. It went beyond criticizing a bill and went into something else that doesn't speak well of us as a Nation.

So tomorrow morning, across America, many people—some 12 million of them—will get up and go to a job where they will work hard and they will come home and not be sure about what tomorrow will bring. They do not know if there will be a knock on the door and they will have to leave. They do not know if they will be separated from the family they love, they do not know whether their children will have any future at all. That uncertainty is because of the fact that we did not have the votes today in the Senate.

I think about some of them whom I know personally. I think about some of the characterizations of those people which I think are so unfair.

Last weekend, Pat Buchanan, who makes a living writing books and saying things that are controversial, was on ''Meet the Press'' and characterized the 12 million people as criminals, welfare recipients, called them the mass invasion of the United States. Perhaps a few of them might fit in that category, but not the ones I have met and know.

Among the people now whose lives are going to be left in uncertainty is a mother I know and know very well. Her husband was one of those lucky ones. He was a citizen from Mexico. In 1986, he was given amnesty by President Reagan. He works 14-hour days in a club in Chicago as a maitre'd, greeting people, bringing them to their tables. He and his wife have four children who are all American citizens. They were all born here. But his wife is undocumented. Several years ago, she was deported, 3 days before Mother's Day, back to Mexico. She was pregnant at the time and wanted to stay in the United States with her doctor until the baby was born but wasn't allowed. Eventually, I called the State Department. They gave her a humanitarian visa to come back to the United States. Now once each year I make a phone call to ask if she can stay with her family for another year. Luckily, she has been able to stay on what they call a humanitarian waiver. But she and her children never know from year to year whether mom is going to be deported to Mexico. Will it make America better if she leaves? Will it make that family better? I don't think so. This is clearly a case where this great Nation can certainly absorb a loving mother who wants to make sure her kids have a good life.

There is another girl—she is now a young woman—I know from Chicago. She is Korean. She was an amazing young lady who had great musical talent. She was accepted at Juilliard School of Music, but when she applied she learned from her mother that when she was brought from Korea to the United States at the age of 2, no papers were filed. She had no status. She wasn't a citizen of anyplace. She called our office and said: ''What should I do?'' We checked, and we were told she had to go back to Korea. She had not been there since she was 2 years old. Her life is a life of uncertainty now. Where is she going to go? This is the only country she has ever known. She wants to use her musical talents right here in America, a place she calls home.

Then there is an attorney in the Loop in Chicago, a nice, attractive, young woman who graduated from law school. I met her at a gathering. She asked if I could talk to her afterward. She came up to me and said: ''I have to talk to you in private. It is about my mom. My mom is Polish. She came to Chicago to visit some relatives years ago, overstayed her visa. She is not here legally. She got married, had a family. She lives in constant fear that she is going to be deported away from her children and grandchildren. What are we going to do, Senator?''

There will be no answer to these cases until we have a law that creates a mechanism, a formula, and a process that is reasonable. We tried to do that today without success. We can't give up. We can't give up on these cases, and we can't give up on this issue.

We have to understand that this great Nation of immigrants has to have laws. These laws have to be followed. There will be no more amnesties. What we suggested today was that anyone who is here and wants to try to make it to the finish line of legalization has to understand how tough it will be over 8 to 13 years before you can reach that goal. Go to the back of the line so everybody who applied legally comes before you, learn English, have no criminal record, have a history of work, pay your taxes, pay your fines, check in every year. Then, at some point, go back outside this country and apply to come in again. Those are not easy steps. Very few would have made it to the finish line, but we gave them that chance. That is what America is about, to give people a chance.

I hope we return to this issue. I doubt if it will be soon. But I hope we return because of the fact that we have left so many questions unresolved.

DARFUR

Mr. DURBIN. Mr. President, I come to the floor this evening to address an issue which I have addressed every week for several months now. It is the ongoing genocide in Darfur. How long are we going to allow this genocide to continue? How long will we allow mass killings, rapes, torture and the torching of homes and entire villages? How long will we tolerate 200,000, maybe 400,000 deaths? How long will we tolerate 2.5 million people displaced from their homes, a refugee crisis in Chad and other nearby crises? How long will the global community tolerate such brutality in today's world.

In May, more than 4 years after the crisis in Darfur began, President Bush said:

> For too long, the people of Darfur have suffered at the hands of a government that is complicit in the bombing, murder, and rape of innocent civilians. My administration has called these actions by their rightful name: genocide. The world has a responsibility to help put an end to it.

I agree with the President. I agree, and I call on the President to help America take action by use his upcoming visit with Russian President Vladimir Putin to demand a halt to Russian military sales to the Sudanese Government, sales that fuel the violence and are in violation of the U.N. arms embargo. My colleagues on both sides of the aisle—Senator SAM BROWNBACK, Republican of Kansas; RUSS FEINGOLD, Democrat of Wisconsin; GORDON SMITH, Republican of Oregon—have joined me in a bipartisan request. Together we wrote President Bush asking him to take action on this urgent issue when he meets with the President Putin. Russia can't claim to be a responsible leader in the global community and at the same time flaunt United Nations sanctions established to help end this ongoing genocide. Mr. Putin cannot have it both ways.

Amnesty International recently reported that Russia and China, two permanent members of the U.N. Security Council, are supplying the bulk of weapons to Sudan. That is right. Two permanent members of the U.N. Security Council are providing the weapons and ammunition being used by the Sudanese Government to perpetuate the genocide, killing innocent life. That is unacceptable. Mr. Putin must put an end to weapons sales. Weapons sold to the Sudanese Government contribute to the massive human misery and violence in Darfur. As I speak today, human rights violations, rapes, murders, attacks on humanitarian workers continue without end. The accounts are ongoing and widespread.

For example, the Associated Press recently reported a horrible story, one that is sadly too common in Darfur. Seven women at a refugee camp in Kalma, Darfur, pooled their money to rent a donkey and a cart. They ventured out of the camp to gather firewood, which they hoped they might be able to sell and use the proceeds to feed their families. A few hours away from the camp, they were attacked and robbed by the Janjaweed militia. They

were gang raped and beaten. They had to flee naked back to the camp.

According to Amnesty International, in recent years, Russia exported to Sudan $21 million worth of aircraft and related equipment and more than $13 million worth of helicopters. Witnesses have documented Russian attack helicopters used by the Sudanese Air Force during Janjaweed attacks. Russian-built Antonov aircraft have been seen bombing areas along the border with Chad.

I have photos I will share with those following the debate. This is an MI–24 attack helicopter at Nyala airport in Darfur, March 2007. It is a Russian helicopter. According to the United Nations, the sales of this aircraft are prohibited. The Russians make these sales, and these helicopters are used to kill innocent people. President Bush is meeting with the President of Russia. I hope he will mention this attack helicopter and how it is being misused in violation of U.N. resolutions.

Similarly, this is the Antonov-26 aircraft spotted in many places in Darfur between January and March 2007, parked here at Nyala airport in late March 2007, another Russian aircraft sold in violation of U.N. resolutions that can be used, unfortunately, to sustain a government which is perpetuating a genocide. Russia should not be helping the genocidal efforts of the Sudanese Government.

It has been 2½ years since President Bush decisively called the crisis in Darfur a genocide. We have tightened sanctions and called for greater action to stop it, and I applaud that. But we must do more. I have appealed to the President personally and directly on three different occasions. Last week, I appealed to Secretary of State Condoleezza Rice to seize every single opportunity to make the genocide in Darfur a big issue, an issue of diplomacy and for action.

I say to the President, we have many issues to discuss with our Russian partners, ranging from cooperation in preventing the spread of nuclear weapons and materials to reaffirming support for basic democratic principles and institutions in Russia. Our relationship with Russia is a very important one. But we can't look the other way when an ally is aiding in a genocide. I hope President Bush will use his visit with President Putin to help highlight an issue that requires immediate attention, helping to stem the crisis in Darfur. Put an end to this genocide by putting an end to Russian weapons sales to the Sudanese Government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

IMMIGRATION

Mr. SALAZAR. Mr. President, I come to the floor to speak about the immigration reform issue. Before my colleague from Illinois leaves the Chamber, I wish to say that at the end of the day, there were some profiles in courage, people of the heart but also people of the mind who wanted to do what is right for America and for America's future. I cannot think of a better colleague than the senior Senator from Illinois, DICK DURBIN, for his passion, for his wisdom, for his courage, and for his leadership. I look forward to continuing our work together as we work on this and so many other issues that are so important, both to Illinois and to Colorado and to the Nation and to the entire world. I thank my colleague from Illinois.

As I reflect on the occurrences of the last several years with respect to immigration reform, I wish to comment on several things. The first of those is a long history related to an issue that is somehow intertwined with my own life. Four hundred nine years ago, my forefathers and foremothers came to the place we now call the State of New Mexico, today known as the land of enchantment. It was in New Mexico they decided to found what was the first settlement in the Southwest and in that part of the State. They named that city the city of Santa Fe, the city of holy faith. Over the centuries following the founding of the city of Santa Fe, for the next 250 years, my family continued to farm and ranch along the banks of the Rio Grande River, from Santa Fe up to the north through communities such as those named Espanola and Chama. Then in 1848, we didn't immigrate to this country, but the border of the United States of America moved us over to the Rio Grande River to the south. It was in 1848, the Mexican-American war was ended with the signing of the Treaty of Guadalupe Hidalgo. The signing of the treaty gave the people who lived in at that time the Southwestern part of the United States the option of either becoming citizens of these United States or going back not from where they had come but back to the other side of what had been a new border that had been created in 1848.

My forefathers and foremothers at the time having had 250 years of history living in the Southwest, living in New Mexico, living in the southern part of Colorado, made the decision they were going to choose the path of America, the path of the future, the path of what is now the greatest country in the world. It was a good decision. As a result of that decision, we have been now in New Mexico and Colorado for a number of generations. I am a fifth generation Coloradan. My family goes back in New Mexico for 12 generations.

Going back to that history, and recognizing for the first 250 years of my family's settlement of these United States they were part of the Government of Spain, subjects of the Government of Spain for most of that time, and then for about 20 years a part of the Mexican Government when Mexico overthrew Spain in the War of Independence in 1821. So for us there is that history which ties us so much to the lands of the southwest.

Now, for me, when I think about that history, and when I see what America has done for my family, I see very much an America that has been an America in progress.

I look to the Civil War, where there were over 600,000 people in America who died, as Lincoln said in his Gettysburg Address, to give a new birth of freedom to America. That was a statement by President Lincoln in which he believed slavery and the separation and ownership of people based on their race was something which was absolutely wrong. He was able to keep our Union together with the blood that was spilled both in the South and in the North.

It was out of that great Civil War of our times that we ended up with what are now some of the more significant amendments of our Bill of Rights. One thinks of the 13th and 14th and 15th amendments that abolished slavery, that created equal protection under the laws, that made sure everybody—no matter who they are, no matter where they come from—had an opportunity in these United States.

But that was not the end of the march for progress because even with the inclusion of those amendments, women were excluded and, in fact, the U.S. Supreme Court, in interpreting those amendments, made the decision that the Jim Crow segregation laws of the United States of America were just fine; that it was OK for the Government of America to sanction a place where you could have schools for Blacks, schools for Whites, schools for people who were Hispanic. It was OK, in those days, for women, according to the laws of this country, not to be allowed to vote, to take a subservient and very secondary role in our society. That was after a great civil war where over 600,000 people gave their lives on the soil of our America. But yet America marched forward on a path of progress. And we did, indeed, later on adopt the women's right of suffrage that allowed women to vote in our society.

Through the long civil rights movement, led by great leaders such as Thurgood Marshall, we ended up with a courageous Supreme Court in a unanimous decision of those days where Justice Warren wrote the famous Supreme Court decision of Brown v. Board of Education. In that 1954 decision by Justice Warren, what Justice Warren said in that decision is that the place of separate but equal had no place in our America. He said you cannot have a doctrine of separate but equal. That ends up branding those who are of a different color with a sense of inferiority and, therefore, under the equal protection clause of the 14th amendment there was no room for segregation in the United States of America. That was a significant milestone in our march for progress in America.

We have made major steps since that point in time. The passage of the Civil

Rights Act, signed by President Johnson in the 1960s, ushered in a whole new era of civil rights in America. We have continued to march forward.

So, today, as we look at what happened with the end of the immigration reform debate, I remain steadfastly confident and optimistic the tomorrows and the weeks ahead and the years ahead will bring about a resolution to this issue of immigration which we deal with today, and in that resolution of how immigration legislation is passed, to fix a system which is in chaos and in disorder today, what we will find is, as Dr. Martin Luther King said, change in our immigration laws will bend toward the arc of moral justice; that justice is where that arc will lead us as we deal with the issue of immigration reform.

I believe very strongly we had a good bill. It was not a perfect bill. It was a bill that, obviously, had its critics, both on the left and on the right. But I think it is important for us to step back and ask ourselves what it is we were trying to do, those of us who worked so hard on this legislation.

I believe, first and foremost, what we were doing is trying to address the national security issues of the United States. We were trying to do that by strengthening our borders and making sure we had enough money to be able to hire the personnel and do the things we have to do to enforce our borders and also to enforce our laws within our country.

How can we sit here today in the United States of America and know there are millions of people we do not know, or what their backgrounds are, who are here illegally, how can we be satisfied that our national security is taken care of when the borders are as porous as they are today? This national security issue is an inescapable force that will ultimately lead us to have the right resolution to dealing with the issue of our broken borders.

We also have a system of immigration which is simply broken. It is not working. What ends up happening is people point a lot to the border to the south, Mexico, as though that is where the issue of immigration, which has become so contentious, is rooted. Yet in reality, when you talk to the Irish who live in New York or in Chicago or other places, there are many undocumented Irish who live in those communities.

There are undocumented people in this country who come from over 140 countries all around the world. Indeed, no matter how big a wall we build, no matter how tall the wall, no matter whether that wall is as big as the Wall of China, the fact is, we have a system inside of our country that is not working because about 40 percent of the people who are here in an undocumented status actually came into the country legally, and they have overstayed their visas. So we have an immigration system within our country that simply is not working.

Finally, there are the moral and human issues that are at stake, including the human and moral issues with the 12 million people who live here in the shadows of our society. Our quest was to bring those 12 million people out of the shadows of darkness and pain they currently live in, into the sunlight of our society.

We made it very clear in our statement that it was not a free ride. We said to them in our legislation they would have to pay significant fines, they would have to pass a background check, they would have to learn English, they would have to live through a time—to use a Catholic metaphor—a period of purgatory for up to 8 years before they would be eligible to even become citizens. For most of them it would have meant a period of up to 11 years.

So this was not the free ride that was characterized by some of the opponents of the legislation. This was, indeed, tough, fair, and practical legislation that we proposed. But that legislation will not be heard on the Senate floor further for who knows how long. But at some point in time those forces that drew us together are forces which are not going to go away.

We have to continue to figure out a way to fix our broken borders. We have to have the courage to stand up and ensure that fix of a broken immigration system. What we have to do is have the courage to say we are going to do something that is moral and just and humane with the 12 million undocumented workers who have toiled in our hotel rooms, in our fields, who work at construction sites, who work as chicken pluckers, as my good friend said in South Carolina, who work in those kinds of conditions every day.

So I leave the end of this day with a sense of hopefulness, a sense of optimism, and with a sense that these inescapable forces that impel us forward will now not allow us to fail. We will get this job done.

As we get this job done, it is also important to reflect on the fact that there have been many people who have gotten us to the point where we are today. There is a lot of work that has gone on on this issue of immigration.

As Senator REID, and I, and others have spoken about this issue of immigration, we have reminded people that since 9/11 there have been 36 hearings on the issue of immigration. There have been 6 days of committee markup. There have been 59 committee amendments. There have been now probably 25 days of this Senate debating the issue of immigration. And during that course, there have been almost 100 Senate floor amendments that we have voted on as we have moved forward with immigration reform.

We will get there. But through that whole effort, there have been some tremendous people who have been profiles in courage. Some of them are newcomers to our Senate family. Some of them are Democrats who have been around a long time and who have inspired the people of America and the people who work here every day—day after day after day. Some of them are Republican. Some of them are Democrat. I want to say a word about some of these individuals.

Senator KENNEDY, yes, some people love him; some people hate him. But there is no person who has more of a passion and a sense of justice in America. When you think about the contributions the Kennedy family and Senator KENNEDY have made to this Nation, they are one of those historic and heritage families of whom we can all truly be proud. It has been an honor for me to work with him.

Senator LINDSEY GRAHAM did not have to get involved in the issue of immigration. He is up for reelection. It is not a popular issue. He comes from a tough State, South Carolina. Yet he worked every day and gave it everything he had, his whole heart and soul. He deserves a profile in courage for what he did.

Senator FEINSTEIN has labored so much because she cares about those people working in the fields. She cares so much about making sure we have a program that works for business and for agriculture. She is concerned about the human and moral issues. She partnered up with our colleague, Senator LARRY CRAIG, to get 800 organizations behind the legislation for AgJOBS. She did an incredible job in moving us forward, along with Senator LARRY CRAIG.

Senator BOB MENENDEZ, we heard him speak earlier on the Senate floor. He truly has added a tremendous dimension to this body, and his leadership will continue to bring us to a solution that is a fair and humane and just solution to this issue of immigration about which he cares so much. When he talks about family reunification, for him, he knows what that means in the context of immigration in a personal sense. So we need to honor and respect his perspective, which I support.

Senator REID, without his leadership, and without his bringing ''Lazarus'' up to life again on the floor of the Senate on immigration, we would not have gotten anywhere. So I thank our leader for having given us the opportunity and having stood with us on some very tough debates. He is a tough guy. He is a boxer. He knows how to fight. That is the kind of leadership America needs.

Senator LEAHY, as the chairman of the Judiciary Committee, who has done such a great job in the functioning of that Judiciary Committee, helped us move this legislation forward. I thank him for his leadership.

Senator KYL, the chairman of the Republican Conference Committee—get that—the chairman of the Republican Conference Committee, was in the trenches. He was in the trenches, sleeves rolled up, trying to make this thing happen; JON KYL from Arizona deserves one of those profiles in courage as well; Senator MCCAIN and his leadership. He is running for President. This is not a popular issue to take up.

Some people are saying that perhaps this is an issue that might take him to a lesser standing in the polls. But I will say this about Senator MCCAIN: He is a hero of America, and he is a hero of America because he has the courage of his convictions to stand up for those things he believes in. You think about those years he spent in captivity in Vietnam and what kind of courage was honed into his consciousness and into his humanity. He truly is a person of great leadership.

Senator SPECTER, the ranking member of the Senate Judiciary Committee, is a Republican who helped shepherd this legislation forward. Day after day he worked to make this happen because he knew of the national imperative we were dealing with. He also is one of those people with great courage.

My colleague from Florida, Senator MARTINEZ, worked hard for a very long time trying to get us across the finish line. For me, he is a brother. For me, when he tells the story of being a Peter Pan child, he exemplifies the dream and hope of what America is. We very much look forward to continuing our working relationship together on issues that affect America.

I say to his colleague, the Presiding Officer, Senator NELSON from Florida, I appreciate his great work and hanging with us, even on what was a very tough vote at the end.

I also want to say a quick word about a couple of other people who are freshmen, about whom some might say: What were they doing involved in such a big issue? But then I guess they did it because they learned and because they were doing it for all of the right reasons. SHELDON WHITEHOUSE, my colleague from Rhode Island, I called on him and said: You need to be a part of this group. You need to be a part of it because, No. 1, you are on the Judiciary Committee; and No. 2, you were a great attorney general of Rhode Island; and No. 3, you will learn so much in working with great names such as KENNEDY and SPECTER, LEAHY, and others. So he joined us, and day in and day out he was there, laboring to get us across the finish line.

AMY KLOBUCHAR, the new Senator from Minnesota, has a way of trying to bring people together. She has a way of trying to bring people together. She labored mightily to get us to where we ended up today, with at least as many votes as we were able to get.

But it is not just those who work who have the title of Senator—and I might add Senator TRENT LOTT also did a Herculean job of trying to get us across the finish line, and I thank him for that.

But there are many people behind each of these Senators. We get the honors, we get the label of Senator, but we couldn't do it without the wonderful floor staff we have, including the Parliamentarians and the clerks and others who help us every day, but also the staffs of each of our offices.

From Senator KENNEDY's staff, I thank Ester Olavarria, Michael Myers, Janice Kaguyutan, Melissa Crow, Mary Giovagnoli, and Todd Kushner; for Senator FEINSTEIN, Amy Pope and Jennifer Duck; for Senator MENENDEZ, Chris Schloesser; for Senator REID, Serena Hoy, Marcela Urrutia, and Ron Weich; for Senator DURBIN, Joe Zogby; for Senator LEAHY, Matt Virkstis and Ellen Gallagher; for Senator GRAHAM, Jen Olson and Matt Rimkunas; for Senator KYL, Elizabeth Maier and Michael Dougherty; for Senator MCCAIN, Becky Jensen; for Senator SPECTER, Michael O'Neill and Juria Jones; for Senator MARTINEZ, Nilda Pedrosa and Clay Deatherage.

I thank all the staff who have made this possible.

In conclusion, let me say I have great hope. I have great hope and I am optimistic. I am optimistic we are going to be able to deal with the great issues of our time in the 21st century. We are going to be able to figure out a way to resolve the issues in Iraq and in the Middle East, because the greatness of America depends upon us restoring the greatness of America around the world. We will move forward with a clean energy future for the 21st century, which is what we worked so hard on and what we passed in this Chamber last week. We will work very hard to address the issues of health care which affect so many Americans and their families and so many American businesses. Yes, we will continue to work on the issue of immigration. It is an issue we must resolve, and I am optimistic.

I am optimistic because when I think of that generation I come from, that generation of World War II, the parents of the Presiding Officer and mine, people who lived through those very difficult times of the Great Depression and the Dust Bowl, people who fought in World War II, veterans such as my father who went to war, my mother who served in the Pentagon during World War II, that generation of World War II, where half a million Americans gave their lives in the name of preserving civilization and freedom; if they could take on those challenges of their time, then there is no reason why we in the Congress cannot take on the challenges of our time and restore the greatness of America and make sure that the legacy they left to each and every one of us is not a legacy we forget or that we do not pass on in an even better shape to our children. I do not want our generation to be the first generation in American history that passes on the baton to the next generation in worse condition than we inherited it from our parents.

I thank the Presiding Officer, and I yield the floor.

Mr. President, in my haste to thank everybody I forgot to say something about someone who has now been through three immigration battles with me in my office, and that is Felicia Escobar. Felicia will be going to law school soon. For the last 3 years she has labored mightily, putting in sometimes 100-hour work weeks to make sure we are doing the right things on immigration, and I wanted to personally thank her on the floor for her great efforts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, I have had the privilege of listening to the Presiding Officer in his role as the Senator from Colorado give a very detailed and very comprehensive overview of a lot of the personalities and the intrigues, as well as the substance, that went into this whole debate on immigration. It was interesting that when we failed to get the necessary 60 votes today to cut off debate on a motion of cloture, all the Senators stayed on the floor and listened to the majority leader. I thought the tone that the majority leader, Senator HARRY REID of Nevada, set was not one of bitterness; it was one expressing a good deal of frustration in the fact that so much effort had been made and we didn't get to the 60 votes. As a matter of fact, I think we were some 11 or 12 votes short of the 60 votes.

He did not point fingers. He didn't say whose fault it was. He said there will be another day, that this is one of the great issues of our time, and that America was better off for having had the debate. HARRY REID comported himself with great dignity and great leadership because there will be another day. There has to be another day on the issue of immigration, simply because what we have now on the books is a law this Senator voted for in 1986 as a Member of the House of Representatives; a law that has never been enforced by the U.S. Government and never has been obeyed by the people who were supposed to obey the law. What was estimated back in 1986—21 years ago—to be 2 million, maybe 3 million illegal folks in this country, because the law was never obeyed, in many cases by employers who were supposed to be the fulcrum of enforcing the law, that they would only hire legal entrants into this country, and on top of it was never enforced by the U.S. Government, created a condition that so many people have blasted the very legislation we have been considering of amnesty.

What we have now is amnesty: That 2 million or 3 million 21 years ago would grow to 12 million illegal aliens today. That is amnesty. Amnesty is what we have today because the law was never enforced or obeyed. That is what we have to correct.

Now, sadly, because of the experiences we have had over the last 21

years, not only on the question of immigration, but then from the lessons of September 11, 2001, we realize there is another reason we must control our borders, so desperately necessary to the welfare and the protection of this country, the protection of the homeland. Because of those two main reasons, we will live to see another day, and we will pass an immigration law to bring us into order out of the chaos which is the current condition.

I commend the Senator from Colorado as he gave a personality profile of so many of these wonderful Senators here, and it is a Senate family. You get to know each other on a personal basis, and you see how on occasion a Senator will rise to an occasion. All of the people whom the Senator from Colorado mentioned certainly merit that distinction. But what the Senator from Colorado didn't do is he didn't talk about himself. The Senator from Colorado has done one of the most remarkable jobs of acclimating to the Senate within a short period of time and becoming so effective, and especially on an issue such as immigration, for which he has great passion and compassion.

So I wanted to add my little comments to all of those the Senator mentioned who have so wonderfully stood tall under very difficult circumstances. It is quite unusual when a subject will touch a nerve that will create such passion on both sides—passion that gets so heated that the sides won't talk to each other. We cannot make law like that because, as the Good Book says, you have to come and reason together. When the passion gets so hot that you cannot come and reason together, you cannot come together and build consensus, that is when the legislative process in a democracy breaks down.

These Senators, in the midst of all of that passion, stood tall, comporting themselves extremely well and serving in the best tradition of the U.S. Senate.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

ETHICS AND LOBBYING REFORM

Mr. REID. Mr. President, we had a number of conversations this afternoon on the floor about ethics and lobbying reform. We are not going to move on that anymore today. We will renew our request tomorrow, until we get this done. I hope we can get it done. It is really important for the country.

Mr. President, I am reading now into the RECORD a statement that was issued today. I received it in my office, as all Senators did:

Statement on status of 9/11 Commission recommendations bill, dated June 28, 2007.

The 9/11 families are grateful to Congressional Leadership for taking the difficult step of removing a controversial labor provision from pending security legislation intended to implement the remaining 9/11 Commission recommendations.

I will read that again; I didn't do a very good job of it.

The 9/11 families are grateful to Congressional Leadership for taking the difficult step of removing a controversial labor provision from pending security legislation intended to implement the remaining 9/11 Commission recommendations. We recognize that this was a difficult decision for them, considering their party's longstanding dedication to the principles involved.

Passage of this bill is long overdue, particularly in light of bipartisan support at the bill's inception in both the House and Senate. The Democrats have taken an important step toward improving our national security by removing what the opposition identified as an impediment to the bill's passage.

Senate Republican leadership must, in turn, stop blocking the naming of conferees so that this critical legislation can move forward. Similarly, the Administration should cease its threats to veto legislation regarding the provisions that go to the heart of the 9/11 Commission recommendations.

Everyone must work together. The safety and security of our country is at stake.

This is signed by Carol Ashley, whose daughter Janice was lost in that terrorist attack of September 11; Rosemary Dillard, who is the widow of Eddie, who was killed in that terrorist attack; Beverly Eckert, who is the widow of Sean Rooney, who was killed in that attack; Mary Fetchet, the mother of Brad, who was killed in that terrorist attack; Carie Leming, whose daughter Judy was killed in that terrorist attack; and Abraham Scott, the widower of Janice, who was killed in that attack.

These are members of organizations that have been steadfast in making sure everything is done so that we don't have other terrorist attacks and that we implement the recommendations of the 9/11 Commission. Those organizations are Voices of September 11th, 9/11 Pentagon Families, and Families of September 11, which are organizations well known throughout the country.

Earlier this spring, the Director of National Intelligence, ADM Mike McConnell, told our Armed Services Committee in a public hearing that al-Qaida's franchise is growing and its leadership remains alive and well along the Afghanistan/Pakistan border and that any new attack on the United States ''most likely would be planned and come out of the [al-Qaida] leadership in Pakistan.'' We think that is incredible. Almost 6 years after 9/11, we face the same threat we faced that day: Osama bin Laden and a determined extremist group intent on harming Americans. Unfortunately, it is painfully clear that much more can and must be done to protect America from terrorist attacks.

Three years ago, the bipartisan 911 Commission recommended ways to strengthen our defense against terrorism. Unfortunately, the Bush administration and the Republican-controlled Congress failed to act on most of these recommendations. That is why one of the first bills passed in the House and the Senate at the start of this session of Congress would finally and fully implement the unanimous recommendations of the 9/11 Commission.

As my colleagues know, since we acted on a broad bipartisan basis, House and Senate Democrats and Republicans have worked tirelessly to resolve the differences over this bill and get it to the President's desk so it can be signed into law. However, twice this week, my Republican colleagues have objected to moving forward so we can complete action on this bill.

On Tuesday, a Republican Senator made it clear for the record that the Republicans objected to proceeding to conference because of a provision in the bill regarding TSA screeners, which had prompted the President to issue a veto threat on the bill.

Although the provision would improve efficiency, morale, and skills of TSA screeners, President Bush strenuously opposed it.

In an effort to demonstrate our commitment to completing this important legislation as quickly as possible, we informed our Republican colleagues we were prepared to address their objections and remove this provision during conference negotiations. But my Republican colleagues apparently decided to shift the goalposts.

Yesterday, when I asked for consent to proceed with the commitment that the TSA provision not be included in the conference, Senator LOTT objected on behalf of Senate Republicans. But this time he would not say why he objected. He just objected.

Once we made our intentions clear about their expressed concern, I certainly don't understand why my Republican colleagues continue to object to moving forward to complete action on this bill. Why do they keep shifting the goalposts? Of what are they afraid?

This strange behavior is not lost on the American people. Today, representatives of the 9/11 victims, their families, let their views be heard. I have read their statement into the RECORD. The American people expect us to finish this work as rapidly as possible.

There can be little doubt that America will be more secure when this bill is signed into law. That is why I believe we need to take the next procedural step as part of our regular order, which is to appoint conferees to finish these negotiations.

Therefore, Mr. President, I make the following unanimous consent request: That the homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1 and that the Senate then proceed to its immediate consideration—I am sorry, whenever I see that H.R. 1, it confuses everybody; that is what we

did that the Senate proceed to its immediate consideration; that all after enacting clause be stricken and the text of S. 4, as passed in the Senate, on March 13, be inserted in lieu thereof; that the bill be read a third time, passed, the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object.

The PRESIDING OFFICER. Does the Senator from Oklahoma object?

Mr. COBURN. I object.

Mr. REID. Mr. President, does the Senator from Oklahoma wish to make a statement?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I say to the majority leader, I do not mean to delay this bill. I am on that subcommittee. I worked hard on this bill. I agree with the majority leader that many of those recommendations need to go forward.

This bill spends $12 billion over the next 3 years. We have worked tirelessly and worked hard. Mr. President, $9 billion of that $12 billion is grants. It is certainly not in the best interest of those most at risk, but I lost that fight. So I am willing to let that go. But the postgrant review process, which we asked for and were told would be in the bill before we went to conference, is not in it. Every time we ask about it, we get pushed back.

Until we look at how we are going to spend the money, until we can satisfy that, I don't believe we are ready to go to conference, and I also believe there are still some problems with ports in terms of solving those problems and some of the tier 1 issues we have.

My objection is not meant to be dilatory or anything else, other than to make the point that if we are going to spend $9 billion in grants to carry these recommendations out—and that is a small portion of the recommendations of the 9/11 Commission, but it is the $9 billion—and we refuse to have a postgrant auditing process where we look to see—because we know from what IGs have told us and the GAO, much of the money we have been spending post-9/11 has been wasted, and it hasn't gone to prevent the next terrorist act.

I have a personal interest as well. I have a daughter who lives in New York City. I want her protected. I don't want to do something that might stop that, but we have to do it in a way that makes us good stewards of the taxpayers' money.

That is my reason for objecting. It is not on behalf of the Republican leadership. It is on behalf of myself and my staff in trying to get good value for our money.

Mr. REID. Mr. President, I say through the Chair to my friend, I guess I will ask the question: Who have you talked to who said you can't have this postaudit program in the bill?

The PRESIDING OFFICER. The Senator from Oklahoma can answer the question of the majority leader.

Mr. COBURN. My staff has relayed to me, the Federal Financial Management Subcommittee minority staff, who have been working on this issue since we passed the bill, relayed to me before I came over that they still will not grant us that access in the bill.

Mr. REID. I will be happy to work with Senator LIEBERMAN. He is a person who has a reputation for being fair. He would be the chair of this conference, as far as I know.

I say to my friend, I will be happy to take a look at this issue—no guarantees. It sounds reasonable what the Senator is asking. I ask of the Senator, let us go to conference. If something comes back out of conference—I will personally look into this. I will talk with Senator LIEBERMAN about this issue. I don't know the bill that well because it has been through a committee of which I have no knowledge. But give us a chance. I don't know who the distinguished Republican leader will put on the conference. This is going to be a real conference, an open conference, where people will be able to, in a public meeting, say: I want to offer this amendment, and then the conference can either accept it or reject it.

I think the Senator from Oklahoma should give us a chance. This is an important issue. There are provisions that should be implemented—should have been implemented a long time ago.

I recognize that the Senator has a daughter in New York. I have listened to my colleague, the senior Senator from New York, on more than one occasion about what the people of New York went through, we all went through. America through long-lens glasses watched what happened on 9/11. These people in New York, widows and widowers—and I read their names into the Record—have a better feeling about these issues and we need to get this done.

I commit to my friend, the junior Senator from Oklahoma, that I will personally take a look at this issue. I know how thoughtful he is and how he feels about the money that is spent by the American taxpayers. I will make every effort to make sure the Senator from Oklahoma is treated fairly. Even though he is not a member of the conference, I will arrange it, if he is not on the conference committee, he can come and talk to the conferees. I will do whatever I can to help alleviate any of the concerns he has.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank Majority Leader REID for trying to move this bill forward.

Second, I say to my friend from Oklahoma, I have tremendous respect for my friend from Oklahoma. I regard him truly as a friend. We traveled to China together. He is a gentleman, and I don't think anybody doubts the sincerity of his conviction and his desire to save and not waste money.

Similar to Senator REID, I am not familiar with the particulars of this provision the Senator wishes to put into the bill, but it seems reasonable. I have to tell my friend from Oklahoma, I don't want to see money wasted. I can tell him that in New York City, we are not wasting the money. In fact, the taxpayers of New York, the city where his one daughter and two of mine reside, as well as my wife and my parents and most of my family, we in New York don't like to see the money wasted. We think too much of it is spread all over the place.

I will tell him this: That the money that goes to New York is not wasted, No. 1. No. 2, there are areas that affect the whole country that will be held up. Port security—God forbid a nuclear weapon is smuggled into this country and exploded, God forbid. The more we delay on port security, the worse off we will be. Rail security, truck security, and cyber security are all part of this bill.

Similar to Senator REID, it seems to me the proposal the Senator from Oklahoma is making sounds good. Why not have review? Money wasted on this vital area—it is akin to money from the DOD wasted because it is our defense, even though it is our homeland defense as opposed to our military defense—hurts all of us.

But I can tell him this: I have known Senator REID a long time. The Senator from Oklahoma has known him a little less longer than I. When he makes a commitment to be serious about this issue and to look at it carefully and to give a colleague, such as the Senator from Oklahoma, a bird's-eye view of what happens in the conference and the ability to push and make changes, he is sincere. He is not trying to put one over and push this aside.

Also, I am not on the committee, but I will join my colleague from Oklahoma in wanting a review process. I would like to speak with Chairman LIEBERMAN and other members of the committee as to why they didn't put this in. I don't know the reason for that. But I can assure him, as somebody who is involved in many parts of the Homeland Security bill because of the city and State from which I come, I will work with him because I hate seeing the money wasted. I hate it.

In New York City, we are spending money. New York City taxpayers and New York State taxpayers are spending money because we don't think there is enough. I will give one example.

I live in Brooklyn. There is the Brooklyn Bridge. Intelligence reports

targeted the Brooklyn Bridge several years ago, and they know how they would try to blow up the bridge, which is by the two towers, the cables. It is a suspension bridge, the first one ever built. Every day there are two police officers at each end of the bridge. That is four police officers 7 days a week, 24 hours a day. We can't do it part time if terrorists are going to go after this bridge. So that is 20 police officers per week. It is five shifts to do it 24 hours a day, 7 days a week. That money is coming out of the pockets not of my friend from Nevada or my friend from Oklahoma but the daughter of the Senator from Oklahoma, my family, me, city residents. It is not fair.

This bill, in terms of helping deal with some of those issues, is important. In making our homeland secure, it is important.

So I make a plea to my friend from Oklahoma—and he is my friend and I think every bit of his intentions are honorable, as they almost always are—to let this bill go forward, to take the majority leader's word that he will look at this issue himself carefully and make sure the Senator from Oklahoma has the ability to look at it carefully because this bill has been delayed long enough and the heartfelt pleas of the people who Senator REID mentioned—I know most of them personally, I know about their losses, I know their families a little bit—are for real, as are the pleas of everybody else who is involved.

So I ask my colleague to consider lifting his objection and letting us move forward. There will be plenty of time to object if the conference committee doesn't treat him fairly. He can slow this place down and slow the bill down at that point and have the same effect as doing it now, and we might be able to move forward with the legislation.

Mr. COBURN. Mr. President, if I might be recognized, I say to my colleague for New York, I have been working on this for 6 months. This isn't new. They knew this was coming. These are commitments that were made that were not kept. This is not a reflection on Senator LIEBERMAN. This is a staff-driven problem. The only leverage I have to get staff to do what they are supposed to be doing is this.

I apologize to the Senator and to his constituents. If my colleagues fix it over the break, when we come back, I would not have any objection.

Mr. SCHUMER. Mr. President, will my colleague yield?

Mr. COBURN. Yes, I yield.

Mr. SCHUMER. Is that the Senator's only objection?

Mr. COBURN. That is the only objection I have.

Mr. REID. Mr. President, I say to Senator COBURN, I received a note. This is from Senator LIEBERMAN's staff:

We have worked very close with Senator COBURN's staff—in particular his subcommittee staff director—Katie French. Coburn's provisions were included in S. 4. The House negotiators opposed them and after long negotiations Katie signed off on our final agreement.

Beth worked on this and will send more information in a moment.

It appears they have worked this out.

Mr. COBURN. Mr. President, I have no knowledge, I say to the majority leader, that has been worked out. The last memo I have from my staff director is that it has not. If that is the case, again, I will live up to my word that I promised the majority leader and senior Senator from New York that you would not have an objection from me—

Mr. REID. If this is the case, tomorrow in the Senator's absence, can we go ahead with this bill?

Mr. COBURN. If that is the case, then I don't have a basis for objection.

The PRESIDING OFFICER. The majority leader.

VOTE EXPLANATION

Mr. BIDEN. Mr. President, I was not able to be here yesterday for all of the votes on motions to table amendments to S. 1639. Had I been here, I would have voted against tabling the amendments filed by Senator DODD and Senator MENENDEZ.

TRIBUTE TO BARBARA WHITNEY CARR

Mr. DURBIN. Mr. President, Chicagoans take our green spaces very seriously. In fact, if you look at the great seal of the city of Chicago, you will see, written in Latin, the city's motto: Urbs in Horto—City in a Garden.

So it seems only natural that Chicago is home to one of America's most popular and spectacular gardens: the Chicago Botanic Garden.

The Botanic Garden is one of the brightest jewels in Chicago's crown of great cultural and educational institutions.

Since its opening in 1972, the Chicago Botanic Garden has provided a 385-acre island of beauty and tranquility just outside of one of America's biggest and busiest cities.

Today, it is the second-most visited public garden in the country, drawing appreciative visitors from throughout the Chicago area and around the globe.

Part of what makes the Chicago Botanic Garden so extraordinary is the dedication, vision and inexhaustible energy of the woman who has served as its president for the last 12 years, Barbara Whitney Carr.

With a great sense of gratitude—and a touch of sadness I would like to wish Barbara Carr well as she prepares to step down from the Botanic Garden and begin a new chapter in her life. More importantly, I want to thank her for all she has done to make the Chicago Botanic Garden a beautiful oasis, a popular tourist attraction, and an important teaching tool.

Like Daniel Burnham, the legendary planner who redesigned Chicago after the Great Fire of 1871, Barbara Carr ''make(s) no little plans.''

She joined the Botanic Garden as president and CEO in 1995 and immediately set to work developing and carrying out a 10-year, $100 million improvement plan.

Her plan included renovation and construction of eight gardens, as well as the restoration of close to 6 miles of Lake Michigan shoreline.

Under her direction, the Chicago Botanic Garden has expanded its collection to include more than 2 million plants.

While it is undeniably beautiful, the Chicago Botanic Garden prides itself on being more than just a pretty garden. Under Barbara Carr's leadership, the garden has truly become a living museum and classroom. Students from the Chicago Public Schools attend programs at the garden in which they learn about the science of plants and the importance preserving biodiversity.

And you don't even have to visit the Botanic Garden to learn from it. Working with the University of Illinois at Chicago, the garden created an online, searchable database of plant species that can help even the most inexperienced gardener. It is called eplants.org. If you have a garden you might want to bookmark that site. It is a good one.

A few years ago, Barbara Carr realized that in Chicago—one of the greenest cities in the country—there weren't a lot of advanced degree programs in horticulture and botany, and she quickly set about to fill that gap. She initiated the creation of an Academic Affairs Program at the Botanic Garden and teamed with Northwestern University, the Illinois Institute of Technology, and the University of Illinois to develop several outstanding academic programs.

In recent years the garden has become the site of cutting edge research in the fields of botany and environmental conservation.

In recent years the garden has become the site of cutting edge research in the fields of botany and environmental conservation. It is home to an impressive seed repository called the Seeds of Success program, part of a global initiative to collect and store native seeds in order to preserve plant biodiversity.

Over the years, both Barbara and the garden have received many accolades. The garden was recognized for its educational programs and community outreach projects with the National Award for Museum and Library Service in 2004. This prestigious honor is the highest award bestowed upon a museum. Earlier this year, the American Public Garden Association presented Barbara with the 2007 Award of Merit, the organization's highest honor.

Before joining the Botanic Garden, Barbara Carr earned a degree from Denison University in Ohio. She spent nearly 20 years at the Lincoln Park Zoological Society, serving as its executive director and president.

To say that Barbara is ''retiring'' somehow doesn't seem quite right. It would be more accurate to say that she is redirecting her energies. I have no doubt that Barbara will remain involved in her community and committed to the many causes in which she believes so deeply. She will also have the opportunity to spend more time with her family: her husband Robert F. Carr III—better known as Tad their six children, and 11 grandchildren.

I join the residents of Chicago, the ''city in a garden,'' in thanking Barbara Whitney Carr for helping to create a garden in our city that makes us all proud.

RESCUERS FROM EIELSON AIR FORCE BASE

Mr. STEVENS. Mr. President, it gives me great pride to salute three brave young airmen stationed at Eielson Air Force Base in Alaska. SSGt Bryan Fletcher, SrA Elicia Greer, and SrA John Rogers displayed remarkable heroism—and saved a life—on the evening of June 16, 2007.

The three airmen were riding recreational vehicles near Jet Ski Lake in Fairbanks when they heard a woman scream. They immediately stopped to help, and saw an unconscious man about to drown in the lake. Staff Sergeant Fletcher dove into the water first, followed by Senior Airman Greer. They proceeded to pull the man out and began cardiopulmonary resuscitation. Senior Airman Rogers, who was riding a distance away, soon arrived to help in this effort.

Airmen Fletcher, Greer, and Rogers spent several minutes administering CPR to Joseph Mead before they registered any response. All three took turns performing mouth-to-mouth resuscitation and compressing Mead's heart. They continued CPR until the University of Alaska Fire Department arrived to take over. Mead was safely revived, taken to the hospital, and released the next day with no lasting injuries.

The lakeside rescue is not the first time these individuals have displayed tremendous heroism—each has also served in Iraq with distinction. As veterans of U.S. Army combat convoy duty, they were tasked with dangerous and difficult work in the most demanding of circumstances. Like their recent rescue of Joseph Mead, however, no challenge has yet proven too difficult for them to overcome.

Staff Sergeant Fletcher hails from McCloud, TX; Senior Airman Greer is from Bozeman, MT; and Senior Airman Rogers is from Cumberland Gap, TN. They are currently assigned to the 354th Logistics Readiness Squadron at Eielson Air Force Base, where they serve Alaska and our Nation with honor.

A few days after the rescue, Joseph Mead's cousin, Ben Saylor, said, ''This is a reminder that there are good people in this world.'' He is right. These airmen epitomize the kind of quiet professionalism and unassuming valor our men and women in uniform demonstrate on a daily basis. I join all Alaskans in commending their courageous actions.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the first budget scorekeeping reports for the 2008 budget resolution. The reports, which cover fiscal years 2007 and 2008, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through June 25, 2007. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con Res. 21, the 2008 budget resolution.

For 2007, the estimates show that current level spending equals the budget resolution for both budget authority and outlays while current level revenues exceed the budget resolution by $4.2 billion. For 2008, the estimates show that current level spending is below the budget resolution by $928.1 billion for budget authority and $586.7 billion for outlays while current level revenues exceed the budget resolution level by $34.6 billion.

I ask unanimous consent that the letters and accompanying tables from CBO be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 27, 2007.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through June 25, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report). This is my first report for fiscal year 2007.

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JUNE 25, 2007

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
On-Budget:			
Budget Authority	2,255.5	2,255.5	0.0
Outlays	2,268.6	2,268.6	0.0
Revenues	1,900.3	1,904.5	4.2
Off-Budget:			
Social Security Outlays [3]	441.7	441.7	0.0
Social Security Revenues	637.6	637.6	0.0

[1] S. Con. Res, 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $120.8 billion in budget authority and $31.1 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JUNE 25, 2007

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	1,904,706
Permanents and other spending legislation	1,347,423	1,297,059	n.a.
Appropriation legislation	1,480,453	1,543,072	n.a.
Offsetting receipts	−571,507	−571,507	n.a.
Total, enacted in previous session	2,256,369	2,268,624	1,904,706

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JUNE 25, 2007—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted this session:			
Appropriation Acts: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) [1]	−794	9	−166
Total, enacted this session	−794	9	−166
Entitlements and mandatories: Budget resolution estimates of appropriated entitlements and other mandatory programs	−30	0	0
Total Current Level [1 2]	2,255,545	2,268,633	1,904,540
Total Budget Resolution	2,376,348	2,299,749	1,900,340
Adjustment to the budget resolution for emergency requirements [3]	−120,803	−31,116	0
Adjusted Budget Resolution	2,255,545	2,268,633	1,900,340
Current Level Over Adjusted Budget Resolution	0	0	4,200
Current Level Under Adjusted Budget Resolution	0	0	n.a.

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level total, are as follows: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)—Budget Authority, 120,803; Outlays, 31,116; Revenues, n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed $120,803 million in budget authority and $31,116 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes.—n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 27, 2007.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through June 25, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report). This is my first report for fiscal year 2008.

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JUNE 25, 2007

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
On-budget			
Budget Authority	2,350.2	1,422.1	−928.1
Outlays	2,353.8	1,767.1	−586.7
Revenues	2,015.8	2,050.5	34.6
Off-budget			
Social Security Outlays [3]	460.2	460.2	0.0
Social Security Revenues	669.0	669.0	0.0

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $0.6 billion in budget authority and $48.6 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison. Additionally, section 207(c)(2)(E) of S. Con. Res. 21 assumed $145.2 billion in budget authority and $65.8 billion in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JUNE 25, 2007

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	2,050,796
Permanents and other spending legislation	1,410,115	1,351,590	n.a.
Appropriation legislation	0	419,862	n.a.
Offsetting receipts	−575,635	−575,635	n.a.
Total, enacted in previous session	834,480	1,195,817	2,050,796
Enacted this session:			
Appropriation Acts: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) [1]	1	42	−335
Total, enacted this session	1	42	−335
Entitlements and mandatories: Budget resolution estimates of appropriated entitlements and other mandatory programs	587,601	571,260	0
Total Current Level [1 2]	1,422,082	1,767,119	2,050,461
Total Budget Resolution	2,495,957	2,468,215	2,015,841
Adjustment to the budget resolution for emergency requirements [3]	−605	−48,639	n.a.
Adjustment to the budget resolution pursuant to section 207(c)(2)(E) [4]	−145,162	−65,754	n.a.
Adjusted Budget Resolution	2,350,190	2,353,822	2,015,841
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	34,620
Current Level Under Adjusted Budget Resolution	928,108	586,703	n.a.

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level total, are as follows: U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)—budget authority, 605; outlays, 48,639; revenues, n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed $605 million in budget authority and $48,639 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[4] Section 207(c)(2)(E) of S. Con. Res. 21 assumed $145,162 million in budget authority and $65,754 million in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Notes.—n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

NOMINATION OF LIEUTENANT GENERAL DELL LEE DAILEY

Mr. FEINGOLD. Mr. President, I wish to discuss the confirmation of Lieutenant General Dell Lee Dailey as the Coordinator in the State Department's Office of Counterterrorism.

Lieutenant General Dailey has had a distinguished military career. There can be no question about that. He is a graduate of West Point and has served as a battalion commander, regiment commander, and assistant division commander both at posts in the United States and abroad. Most recently, he served as director at the Center for Special Operations at MacDill Air Force Base. He has received numerous awards for his excellence including the Defense Distinguished Service Medal, two Defense Superior Service Medals, three Army Commendation Medals and six Meritorious Service Medals. He has spent his entire life defending this nation and I thank him for service.

The position to which he was confirmed last Friday is that of the State Department's Coordinator for the Office of Counterterrorism. While I did not object to Lieutenant General Dailey's confirmation, as a member of both the Foreign Relations Committee and the Select Committee on Intelligence, I would like to register my concerns.

While the nomination of a military official to a civilian post does not by itself cause concerns, this particular position requires an ability to develop and implement interagency strategies and to encourage the use of and mobilize non-DOD assets. In the context of this administration's tendency to employ military options against strategic problems, or to assign nonmilitary functions to the Department of Defense, it is particularly important that the Coordinator for Counterterrorism demonstrate a commitment to expanding and utilizing the resources of the State Department, USAID and other agencies of the U.S. Government.

I have talked with General Dailey and reviewed his writings, including a 2006 article in which he wrote that Special Operations forces, ''doing what they do best,'' are ''developing links within the population that will provide ongoing intelligence and personal relationships that will cement ties with allies around the world.'' When it comes to military engagements, Special Operations forces may, in fact, have this role. But in most of the countries and regions of the world where we are fighting al-Qaida and seeking to deny it safe haven, these activities should not fall to the Department of Defense. Indeed, ''developing links within the population'' and ''cement[ing] ties with allies around the world'' are the jobs of our diplomats. And, in far-flung regions of the world, where a U.S. diplomatic presence or foreign aid program can help deny terrorist organizations safe haven, we should be working to expand those efforts, not deferring to the Department of Defense. This is critical for four reasons. First, our diplomats and foreign assistance professionals have the background and training to conduct these activities. Second, regardless of the skills of Special Operations forces, the very fact that uniformed officers are at the forefront of local diplomacy can be counterproductive by encouraging or reinforcing perceptions that U.S. policy is driven by our military. Third, if policy is to guide counterterrorism efforts—and that is the whole point of the Coordinator position—then diplomats, not soldiers, need to be leading the way. And, finally, we need our military to do what it does best in the struggle against al-Qaida and its allies, and that is conduct tactical operations as well as work directly with host country militaries and regional peacekeeping forces. The overextension of Special Operations or other military forces for other missions takes away from these efforts.

We need only look at Africa, where strategic counterterrorism policies are desperately needed, to understand the challenges ahead. In Somalia, DOD operations have been conducted in a near policy vacuum. Tactical efforts have not, and will not, address the conditions that have allowed terrorist organizations safe haven. Yet violence and instability continue to fester, at great cost to our national security, without adequate diplomatic, humanitarian or foreign assistance efforts. Elsewhere on the continent, in regions where extremism can take hold and where terrorist organizations might find sympathetic populations, neither the State Department nor USAID has sought to maintain a presence. Finally, AFRICOM's recent difficulties in finding a willing host country illustrate how diplomatic initiatives must precede efforts to expand our military footprint. I have supported AFRICOM and believe that African nations will recognize what the command may have to offer, but we must acknowledge that governments and local populations alike remain skeptical of initiatives that seem driven by our military.

It is in this context that I sought from General Dailey an understanding of this critical position, one whose primary mission is ''to forge partnerships with non-state actors, multilateral organizations, and foreign governments to advance the counterterrorism objectives and national security of the United States.'' At his nomination hearing, I asked him the following question:

> What points of collaboration do you see for the relative roles of U.S. military action, military assistance and nonmilitary assistance in the war against international terrorism?

Lieutenant General Dailey's response was:

> The military has a huge source of non-lethal, non-kinetic resources that Department of State and the other agencies, I think, can rely on to be successful in that portion of the war on terror that gets to the hearts and minds of the people. Civil affairs operations, public diplomacy—right now the Special Operations organizations have about 15 or 20 teams that help in public diplomacy that work specifically for the ambassadors in the embassies. That's just a small snapshot of what the military can bring to the table.

Unfortunately, this response appears to reflect the mindset of someone who sees combating terrorism through a military, or at least Department of Defense, prism. This answer suggests a lack of appreciation for the need to incorporate and balance civil, intelligence, and military initiatives when coordinating a U.S. counterterrorism strategy. It is not that the answer is wrong; it indicates a keen understanding of what the Department of Defense can bring to the table. But the Department of Defense does not need more champions in the interagency process. What is needed is a champion for the role of other agencies and departments, for aggressive diplomacy, for expanded foreign assistance efforts, for antipoverty and anticorruption programs that complement broader counterterrorism strategies, for effective public diplomacy, and for multilateral cooperation, including strengthening regional organizations in places like Africa and rediscovering the common ground with our allies in Europe and elsewhere that we had immediately after September 11.

I recognize that these challenges present an extremely high bar for any nominee. I also recognize that this nomination is colored by the failure of this administration to develop and implement effective interagency counterterrorism strategies. But it is precisely because of the critical importance of this position and the need for the nominee to resist this administration's overemphasis on military options that I have regarded General Dailey's nomination with such scrutiny. I do not register these concerns lightly and now that he has been confirmed, I look forward to working with General Dailey on developing coherent and comprehensive counterterrorism strategies, coordinating true interagency efforts and promoting the use of our diplomatic and other nonmilitary resources that are so critical to success in the fight against al-Qaida and its affiliates.

REMEMBERING SENATOR CRAIG THOMAS

Mr. GRASSLEY. Mr. President, Senator Craig Thomas was a very good friend. He served in the Senate with great honor and respect for the institution.

I got to know Senator Thomas best through the work of the Finance Committee. Senator Thomas was an active and dedicated participant in the business of the committee from tax policy, to health care, Social Security and international trade. When I was chairman of the committee, I could always count on his diligent, steadfast and

valuable involvement in the issues before us. I appreciated greatly his commitment to conservative principles and the responsibilities of governing.

In particular, as chairman of the Trade Subcommittee, Senator Thomas was a strong voice for opening new markets and opportunities for U.S. exports. He went above and beyond and engaged himself fully in efforts to achieve ambitious outcomes from trade negotiations. He demonstrated his commitment time and again with his own personal time and his personal resolve.

Senator Thomas was a true representative for his Wyoming constituents. He worked hard and sincerely for their good and for the good of our Nation every day. He will be missed so very much. Barbara and I extend our sincere and deep sympathies to his family and his staff.

Mr. SPECTER. Mr. President, I seek recognition to honor the life of my colleague, Senator Craig Thomas.

Craig, a real outdoorsman, would say he enjoyed nothing more than a horseback ride through Wyoming's spectacular wilderness area. Despite that, he found himself here in Washington, DC, working for the betterment of his Home State and the Nation. He was outspoken on government's need to provide adequate funding for national parks, a subject he knew well as chairman and ranking member of the National Parks Subcommittee on the Energy and Natural Resources Committee.

Senator Thomas was also a strong defender of his State's cattle industry and was a firm believer in the virtues of rural America. This passion stems back to his time at the University of Wyoming, where he received a degree in animal husbandry. Senator Thomas also served as an officer in the U.S. Marine Corps from 1955 to 1959, achieving the rank of captain, an experience that taught discipline and reinforced his commitment to the United States.

Before Craig came to Congress, he served as vice president of the Wyoming Farm Bureau, and once headed the rural electric trade association of Wyoming. After 5 years in the Wyoming House, Thomas won a special election to replace DICK CHENEY, who was appointed to be Secretary of Defense. As Wyoming's lone Member in the U.S. House of Representatives, he had the responsibility of representing over 450,000 constituents. Craig was reelected to that seat in 1990 and 1992, a testament to his ability to serve the people of Wyoming effectively. In 1994, he ran for the U.S. Senate and won, defeating popular Democratic Governor Mike Sullivan by 20 percentage points. He was elected to a second term in 2000 with a 74 percent majority, one of the largest margins in Wyoming election history. He was reelected to a third term in 2006 with 70 percent of the vote.

Senator Thomas had no doubts about who he was or what he represented. He was not one to pick a fight, but if asked how he felt about a given issue, he would be sure to give his typically candid and honest response. When it came to issues he was passionate about, such as public lands and private property, he left little doubt as to his priorities. As a member of the Senate Energy Committee, and particularly in his leadership of the National Parks Subcommittee, Craig asked tough questions and made strong statements about the responsibility of the Federal Government to care for the land it already owned; the fundamental nature of private property rights; and Congress's need to consider the interplay between these principles when contemplating new national parks or historic sites. He was always a fair broker, and I found on many occasions that he would give my priorities fair consideration and due process.

I very much regret that Senator Thomas lost his battle to cancer. In 1970, President Nixon declared war on cancer. Had that war been prosecuted with the same diligence as other wars, my former chief of staff, Carey Lackman, a beautiful young lady of 48, would not have died of breast cancer. One of my very best friends, a very distinguished Federal judge, Chief Judge Edward R. Becker, would not have died of prostate cancer. All of us know people who have been stricken by cancer, who have been incapacitated with Parkinson's or Alzheimer's, who have been victims of heart disease, or many other maladies. I sustained an episode with Hodgkin's lymphoma cancer 2 years ago. That trauma, that illness, I think, could have been prevented had that war on cancer declared by the President of the United States in 1970 been prosecuted with sufficient intensity.

On a personal level, Senator Thomas had an extraordinary relationship with his wife Susan. As many of my colleagues can attest, Craig and Susan were quite inseparable and quick with humor. Even as Craig battled with acute myeloid leukemia he continued to serve in the Senate with extreme vigor and a smile. He leaves behind many friends and admirers, who have tried to emulate his courage, his tenacity, and his integrity.

I extend my deepest condolences to Susan, their four children, the whole Thomas family, and his very able staff.

Mrs. DOLE. Mr. President, it is with a heavy heart that I join so many Americans in mourning the passing of my dear friend and esteemed colleague, Senator Craig Thomas. Craig served the people of Wyoming with great integrity, honesty, and common sense. He was a true American patriot and dedicated public servant who never failed to put the best interests of his beloved state and country above personal ambitions.

Craig came from humble beginnings, working summers on his family's dude ranch near Yellowstone National Park. He earned a degree from the University of Wyoming, where he was a respected student and accomplished athlete, and from there he went on to serve in the U.S. Marine Corps. It was these life experiences that taught Craig the values of hard work, perseverance, and personal responsibility. These principles guided him throughout his remarkable career, during which he worked for the Wyoming Farm Bureau, the American Farm Bureau, and the Wyoming Rural Electric Association before winning a special election to the U.S. House of Representatives.

In 1994, Craig was elected to the U.S. Senate, and went on to make his mark in a number of areas. He served with distinction on the Energy, Finance, and Agriculture Committees—posts he used to promote issues important to his constituents in the rural west and their quality of life. As the chairman of the National Parks Subcommittee, Craig worked tirelessly to protect America's natural treasures, and as the co-chairman of the Senate Rural Health Caucus, he made significant strides in improving rural health care infrastructure. No question, Craig's numerous accomplishments truly speak volumes about his commitment to the people of Wyoming and our entire Nation.

Craig's greatest commitment, however, was to his family. He was unwavering in his devotion to his dear wife Susan and his children Peter, Patrick, Greg, and Lexie. My husband Bob and I are blessed to have known and worked with Craig, and we keep Susan and the entire Thomas family in our thoughts and prayers.

Craig's memory and legacy indeed live on, across Wyoming, throughout the halls of Congress, in the countless lives he touched, and in the public servants who follow in his footsteps. Our Nation is grateful for his many years of service and positive contributions. May God bless the entire Thomas family in this time of sorrow, and may God continue to bless his beloved Wyoming and this great land of the free—America.

CELEBRATING INDEPENDENCE DAY

Mr. DOMENICI. Mr. President, I would like to take a few moments to commemorate the 231st birthday of our Nation, on this coming Fourth of July.

On the 4th of July, 1776, the Second Continental Congress adopted the Declaration of Independence and our Nation was born. However, our forefathers would have to fight 7 more years and draft and ratify the Constitution before the principles laid down in the Declaration of Independence could truly begin to be realized.

That was just the beginning of our Nation's story. It has taken the hard work and dedication of countless Americans to build the great and free Nation we know today. On this day we should pay tribute to the pioneers who struck out across the frontier to build new lives, the individuals who built the

roads and bridges that connect the country, the teachers who have ensured our youth reached their full potential and all Americans who in their own way have contributed to this Nation.

We cannot forget the brave Americans of our armed services who throughout our history have fought and died to preserve the freedom we all enjoy, nor those currently serving. On the Fourth of July we must also honor the sacrifice of these men and women.

As New Mexicans gather with family and friends to barbecue and watch fireworks, I hope they will take a moment to remember the greatness of this Nation and pay tribute to all those who have made it so.

ADDITIONAL STATEMENTS

60TH ANNIVERSARY OF THE ROSWELL UFO FESTIVAL

● Mr. DOMENICI. Mr. President, today I would like to commemorate the 60th anniversary of the Roswell UFO incident.

On July 8, 1947, the Roswell Army Air Field, RAAF, issued a statement announcing they had recovered a ''flying disk'' from a nearby ranch. This news release, concerning the landing of a mysterious object, was quickly changed. The next day, the RAAF issued a retraction and stated the mysterious object was in fact a downed weather balloon. Although Roswell Army Air Field officials had retracted their original statement within 24 hours, the controversy, which has endured for 60 years, had already begun.

The interest ignited by the original ''flying disk'' statement continues to spark debate for many, not just in the great State of New Mexico but around the world. Supposed witnesses of the event and UFO theorists to this day claim that the mysterious object was an actual alien aircraft. Others hold steadfast in the Air Force's latest classification of the object being a U.S. Government spy balloon. Regardless of what was recovered 60 years ago, this notable event has become part of Roswell and the history of our State.

For the past 12 years, the city of Roswell has celebrated this well-known event by holding the Roswell UFO Festival on the town's main street. Skeptics and alien-enthusiasts alike gather from around the globe to commemorate the incident by partaking in numerous activities and programs during a 4-day festival. The people who converge in Roswell this year for the festival, July 5—8, are in for an exciting weekend, as it promises to be the best in the festival's history. Lectures, parades, concerts, hot air balloon rides and air shows are only a few of the items on this year's program.

I have no doubt the controversy and debate surrounding the events of 60 years ago will continue. However, as long as we are able to enjoy and commemorate such events in our country's history, I look forward to many more festivals such as these that bring people together from across the globe.●

RECOGNIZING SINAI, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Sinai, SD. The town of Sinai will celebrate the 100th anniversary of its founding this year.

Since its beginning in 1907, Sinai has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Sinai will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Sinai on their anniversary and wish them continued prosperity in the years to come.●

RECOGNIZING NUNDA, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Nunda, SD. The town of Nunda will celebrate the 100th anniversary of its founding this year.

Nunda was founded in 1907 with the arrival of the South Dakota Central Railroad. Since its beginning, Nunda has been a strong reflection of South Dakota's values and traditions. As they celebrate this milestone anniversary, I am confident that Nunda will continue to thrive and succeed for the next 100 years.

I would like to offer my congratulations to the citizens of Nunda on their anniversary and wish them continued prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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 and withdrawals 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 9:33 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, passed the following bill, in which it requests the concurrence of the Senate:

H.R.1830. An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

The message also announced that the House has passed the following bill, without amendment:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the ''Raymond G. Murphy Department of Veterans Affairs Medical Center''.

S. 801. An act to designate a United States courthouse located in Fresno, California, as the ''Robert E. Coyle United States Courthouse''.

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

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

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

H.R. 2643. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

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

H. Con. Res. 172. Concurrent resolution honoring the life of each of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007.

At 6:13 p.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 following concurrent resolution:

H. Con. Res. 179. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess of adjournment of the Senate.

MEASURES PLACED ON THE CALENDAR

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

H.R. 2643. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 172. Concurrent resolution honoring the life of each of the 9 fallen City of Charleston firefighters who lost their lives in Charleston, South Carolina, on June 18, 2007.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 28, 2007, she had

presented to the President of the United States the following enrolled bills:

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the ''Raymond G. Murphy Department of Veterans Affairs Medical Center''.

S. 801. An act to designate a United States courthouse located in Fresno, California, as the ''Robert E. Coyle United States Courthouse''.

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–2378. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 04–02; to the Committee on Appropriations.

EC–2379. A communication from the Directors of Defense Research and Engineering and the Joint IED Defeat Organization, transmitting, pursuant to law, a report relative to the results of the survey of research and technology that would be supportive of the combating IED mission; to the Committee on Armed Services.

EC–2380. A communication from the Director, Education Activity, Department of Defense, transmitting, pursuant to law, notification of a decision to implement performance by contract for the Logistics Support in the Domestic Dependent Elementary and Secondary Schools at Fort Campbell, Kentucky; to the Committee on Armed Services.

EC–2381. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2006 Annual Report for the Department's STARBASE Program; to the Committee on Armed Services.

EC–2382. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Lieutenant General Dennis R. Larsen, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–2383. A communication from the Assistant Inspector General (Communications and Congressional Liaison), Department of Defense, transmitting, pursuant to law, a report relative to the inventory of commercial and inherently governmental activities for fiscal year 2006; to the Committee on Armed Services.

EC–2384. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions and Clarification of Export and Reexport Controls for the People's Republic of China; New Authorization Validated End-User; Revision of Import Certificate and PRC End-User Statement Requirement'' (RIN0694–AD75) received on June 26, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2385. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the Pacific Tuna Fisheries 2007 Restrictions in the Eastern Tropical Pacific Ocean for Purse Seine and Longline'' (RIN0648–AU79) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2386. 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; Pacific Cod in the Bering Sea and Aleutian Islands'' (RIN0648–XA45) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2387. 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 Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XA68) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2388. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Trips to the Closed Area II Yellowtail Flounder Special Access Program'' (RIN0648–AV50) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2389. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Modify Swordfish Retention Limits and HMS Limited Access Vessel Upgrading Restrictions'' ((RIN0648–AU86)(I.D. 110206A)) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2390. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Highly Migratory Species Fisheries'' (RIN0648–AS89) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2391. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of Tilefish Permit Category B to Directed Tilefish Fishing'' (RIN0648–XA54) received on June 26, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2392. A communication from the Assistant Secretary for Administration, Department of Transportation, transmitting, pursuant to law, the Department's annual report relative to its use of Category Rating; to the Committee on Commerce, Science, and Transportation.

EC–2393. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's Strategic Plan for fiscal year 2007–2012; to the Committee on Energy and Natural Resources.

EC–2394. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, annual reports relative to several of the Department's programs; to the Committee on Finance.

EC–2395. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''United States–Jordan Free Trade Agreement'' (RIN1505–AB75) received on June 25, 2007; to the Committee on Finance.

EC–2396. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled ''Mentor-Protege Program'' (RIN0412–AA58) received on June 26, 2007; to the Committee on Foreign Relations.

EC–2397. A communication from the Acting Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of a rule entitled ''Various Administrative Changes to the USAID Acquisition Regulations'' (RIN0412–AA60) received on June 26, 2007; to the Committee on Foreign Relations.

EC–2398. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification of a proposed license for the export of defense articles and defense services associated with the production of tactical computers, data processing, and communications systems for Israel; to the Committee on Foreign Relations.

EC–2399. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to post-liberation Iraq; to the Committee on Foreign Relations.

EC–2400. A communication from the Acting Assistant Secretary, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, a report relative to the articles, materials, or supplies manufactured outside the United States that were purchased by the Department during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–2401. A communication from the Acting Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Organization's Inspector General for the period ended March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2402. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2403. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Semiannual Reports of two of the Department's Inspector Generals for the period ended March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2404. A communication from the Chairman and General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2405. A communication from the Inspector General, Small Business Administration, transmitting, pursuant to law, the Inspector's Semiannual Report for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2406. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2407. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period ended March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled

''Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 1995–2000''; to the Committee on Indian Affairs.

EC–2409. A communication from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Searching and Detaining or Arresting Non-Inmates'' (RIN1120–AB28) received on June 26, 2007; to the Committee on the Judiciary.

EC–2410. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Exclusions from Gross Income of Foreign Corporations'' ((RIN1545–BG00)(TD 9332)) received on June 25, 2007; to the Committee on Finance.

EC–2411. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Brazil including the sale of up to twenty-eight (28) Boeing 737–800 aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC–2412. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland including the sale of up to sixty (60) Boeing 737–800 aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC–2413. A communication from the General Counsel, Department of the Treasury, transmitting, the report of two draft bills that seek to reduce the loss of public funds associated with improper Federal payments and collections, and increase the collection of delinquent Federal debt; to the Committee on Banking, Housing, and Urban Affairs.

EC–2414. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices of Interstate Natural Gas Pipelines; Standards for Business Practices for Public Utilities'' (Docket Nos. RM96–1–027 and RM05–5–001) received on June 27, 2007; to the Committee on Energy and Natural Resources.

EC–2415. A communication from the Acting Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the Royalty in Kind Operation for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–2416. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a review of previous findings by the Chief of Engineers in a study of the Mississippi River between Coons Rapids Dam, Minnesota and the mouth of the Ohio River; to the Committee on Environment and Public Works.

EC–2417. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''United States-Morocco Free Trade Agreement'' (RIN1505–AB76) received on June 27, 2007; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–142. A resolution adopted by the Senate of the State of Louisiana urging Congress to fulfill the commitment to the citizens of Louisiana to fully fund recovery from damages resulting from hurricanes Katrina and Rita; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 53

Whereas, as a result of these devastating events, the President's Office of Gulf Coast Rebuilding estimated that over one hundred twenty-seven thousand owner-occupied homes received major or severe damage based on the criteria used by the Federal Emergency Management Agency; and

Whereas, in the aftermath of Hurricane Katrina, President George W. Bush made a commitment to the people of Louisiana, in a nationally-covered statement that the federal government would do what was necessary to provide for the recovery of the state and its citizens; and

Whereas, the state of Louisiana has always proposed that the Road Home Program pay for owner-occupied uninsured or underinsured wind damage as well as flood damage within the parameters of the program; and

Whereas, in Action Plan Amendment No.1 proposed by the Louisiana Recovery Authority, captioned Action Plan Amendment for Disaster Recovery Funds for the Road Home Housing Programs, which, according to news releases, was approved by the U.S. Department of Housing and Urban Affairs in May 2006, it was clearly stated the program proposed to provide ''the full proposed assistance to all of the Louisiana homeowners who suffered major or severe damage'' and stated that ''It is the State's policy that participants in the Homeowner Assistance Program deserve a fair and independent estimate or projection of damages from the storm, regardless of the cause of damage''; and

Whereas, according to federal sources, 43,298 homeowners experienced no major flooding but major or severe wind damage; and

Whereas, since the adoption of Action Plan Amendment No. 1, the state has experienced increased costs in the program, resulting in a current three billion dollar shortfall, duly from a combination of factors, including an increase in the number of eligible claimants from the original estimates by approximately eleven thousand, more homes severely damaged than originally estimated, increased costs per eligible claimant than originally estimated, lower than anticipated homeowner property insurance claim benefits received from private insurers, and higher than estimated costs of repair and construction. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States and urges and requests the federal administration to fulfill the commitment to the citizens of Louisiana to fully fund recovery from damages resulting from hurricanes Katrina and Rita. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, and to the President of the United States.

POM–143. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take such actions as are necessary to prevent the taxation of rebuilding grants from the state's Road Home program; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 25

Whereas, Louisiana taxpayers have spent countless hours coping with paperwork and bureaucracy that has inconvenienced them since hurricanes Katrina and Rita devastated southern Louisiana in 2005; and

Whereas, while the grants themselves are not taxable, the Internal Revenue Service says grant recipients who claimed a storm-related casualty loss would be required to consider all or part of the grant as income; and

Whereas, the average Road Home grant is sixty-five thousand dollars; therefore, some recipients would find themselves bumped up to higher tax brackets and would likely have a higher federal income tax liability; and

Whereas, the Louisiana Department of Revenue has determined that grants would not constitute income for state purposes. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorializes the Congress of the United States and the Internal Revenue Service to take such actions as are necessary to prevent the taxation of rebuilding grants from the state's Road Home program. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America, to the Commissioner of the Internal Revenue Service, and to each member of the Louisiana congressional delegation.

POM–144. A joint resolution adopted by the Senate of the State of Colorado urging Congress to pass the federal ''Gestational Diabetes Act of 2006''; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT MEMORIAL 07–005

Whereas, gestational diabetes is one of the most common issues facing pregnant women and their health care providers, and the prevalence of gestational diabetes is increasing; and

Whereas, according to the American Diabetes Association, gestational diabetes affects approximately 4–8% of all pregnant women, which is about 135,000 women in the United States each year; and

Whereas, according to the Colorado Pregnancy Risk Assessment Monitoring System, gestational diabetes affects approximately 7.5% of all pregnant women in Colorado, which is about 5,000 women in Colorado each year; and

Whereas, women who are overweight or obese are at an increased risk for developing gestational diabetes, and other risk factors include genetics, ethnicity, and maternal age; and

Whereas, gestational diabetes is associated with more health problems for the mother and child, including an increased risk for birth trauma, induction, and caesarean section; extreme increases in birth weight for children of women who developed gestational diabetes; an increased risk for developing childhood obesity; and putting the mothers and their children at a higher risk of developing Type 2 diabetes; and

Whereas, greater understanding is needed by both patients and health care providers on treating and preventing gestational diabetes, especially as there is disagreement among health care providers about how to treat gestational diabetes and the effectiveness of treatments; and

Whereas, United States Senator Hillary Rodham Clinton introduced the federal ''Gestational Diabetes Act of 2006'' (GEDI act), which is aimed at lowering the incidence of gestational diabetes, providing funding for research and community education, and preventing women who developed gestational diabetes and their children from developing Type 2 diabetes; and

Whereas, the GEDI act:

Creates a research advisory committee with representatives from federal agencies and health organizations to develop standardizing procedures for gestational diabetes

data collection, to set up a method to track mothers who had gestational diabetes and develop methods to prevent these mothers and their children from developing Type 2 diabetes, and to address factors that influence risks for gestational diabetes; and

Provides grants to nonprofit organizations and state health agencies to be used for expanding state-based and community-based prevention activities and training for health care providers in helping to prevent gestational diabetes; and

Expands basic, clinical, and public health research on gestational diabetes, including therapies for detecting and treating gestational diabetes, facilitating enrollment in clinical trials for populations that disproportionately suffer from gestational diabetes, developing diagnostics, and understanding factors that influence gestational diabetes; and

Whereas, the GEDI act is an important step toward a better understanding of gestational diabetes and in lowering the incidence of gestational diabetes in pregnant women. Now, therefore, be it

Resolved by the Senate of the Sixty-sixth General Assembly of the State of Colorado, the House of Representatives concurring herein, That we, the members of the Colorado General Assembly, respectfully request the Congress of the United States, including the members of Colorado's Congressional delegation, to support the proposed ''Gestational Diabetes Act of 2006''. Be it further

Resolved, That copies of this Joint Memorial be sent to the Colorado Chapter of the American Diabetes Association, the Colorado Diabetes Prevention Control Program, Senator Hillary Rodham Clinton, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of Colorado's Congressional delegation.

POM–145. A resolution adopted by the Senate of the State of Louisiana urging Congress to support efforts, programs, services and advocacy of organizations, such as the American Stroke Association, that work to enhance public awareness of childhood stroke; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 87

Whereas, a stroke, also known as a ''cerebrovascular accident,'' is an acute neurologic injury that occurs when a blood vessel that carries oxygen and nutrients to the brain is either blocked by a clot or bursts; and

Whereas, a stroke is a medical emergency that can cause permanent neurologic damage or death if not promptly diagnosed and treated; and

Whereas, twenty-six out of every one hundred thousand newborns and almost three out of every one hundred thousand children have a stroke each year; and

Whereas, an individual can have a stroke before birth; and

Whereas, stroke is among the top ten causes of death for children in Louisiana, and twelve percent of all children who experience a stroke die as a result; and

Whereas, the death rate for children who experience a stroke before the age of one year is the highest out of all age groups; and

Whereas, many children who experience a stroke will suffer serious, long-term neurological disabilities, including hemiplegia, which is paralysis of one side of the body, seizures, speech and vision problems, and learning difficulties; and

Whereas, those disabilities may require ongoing physical therapy and surgeries; and

Whereas, the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society; and

Whereas, very little is known about the cause, treatment, and prevention of childhood stroke; and

Whereas, medical research is the only means by which the citizens of the United States and Louisiana can identify and develop effective treatment and prevention strategies for childhood stroke; and

Whereas, early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas, all citizens of Louisiana are encouraged to learn more about the impact of childhood stroke on our state. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby urge and request the Congress of the United States to support the efforts, programs, services and advocacy of organizations, such as the American Stroke Association, that work to enhance public awareness of childhood stroke. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–146. A joint resolution adopted by the Legislature of the State of Montana repealing, rescinding, canceling, voiding, and superseding any and all extant applications by the Legislature of the State of Montana previously made during any legislative session to the Congress to call a convention pursuant to the terms of Article V of the U.S. Constitution for proposing one or more amendments to it; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 38

Whereas, the Legislature of the State of Montana, acting with the best of intentions, has, at various times and during various sessions, previously made applications to the Congress of the United States of America to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

Whereas, former Chief Justice of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and has been found to be a sound document that protects the lives and liberties of the citizens; and

Whereas, there is no need for, and rather there is great danger in, a new Constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another 2 centuries of litigation over its meaning and interpretation. Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the Legislature does hereby repeal, rescind, cancel, nullify, and supersede to the same effect as if they had never been passed any and all extant applications by the Legislature of the State of Montana to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United States of America, pursuant to the terms of Article V of the Constitution, regardless of when or by which session or sessions of the Montana Legislature the applications were made and regardless of whether the applications were for a limited convention to propose one or more amendments regarding one or more specific subjects and purposes or for a general convention to propose an unlimited number of amendments upon an unlimited number of subjects. Be it further

Resolved, That the following resolutions and memorials are specifically repealed, rescinded, canceled, nullified, and superseded: Joint Concurrent Resolution No. 2, 1901; House Joint Resolution No. 1, 1905; Senate Joint Resolution No. 1, 1907; House Joint Memorial No. 7, 1911; House Joint Resolution No. 13, 1963; and Senate Joint Resolution No. 5, 1965. Be it further

Resolved, That the Legislature of the State of Montana urges the Legislatures of each and every state that has applied to Congress to call a convention for either a general or a limited constitutional convention to repeal and rescind the applications. Be it further

Resolved, That the Secretary of State is directed to send copies of this resolution to the Secretary of State of each state in the Union, to the presiding officers of both houses of the Legislatures of each state in the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Montana Congressional Delegation.

POM–147. A concurrent resolution adopted by the Legislature of the State of Ohio urging Congress to appropriate full funding for the Adam Walsh Act; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 7

Whereas, the Congress of the United States passed the Adam Walsh Child Protection and Safety Act of 2006 (the ''Adam Walsh Act'') on July 25, 2006, to protect the public from sex offenders and offenders against children, and President George W. Bush signed the Adam Walsh Act into law on July 27, 2006; and

Whereas, the Adam Walsh Act establishes a comprehensive national system for the registration of sex offenders and offenders against children that requires the State of Ohio to amend its Sexual Offender Registration and Notification Act; and

Whereas, the Adam Walsh Act requires the U.S. Attorney General to implement a Sex Offender Management Assistance program through which the U.S. Attorney General may award grants to states to offset the costs of implementing the Adam Walsh Act and may give bonus payments to states that implement the Adam Walsh Act in a specified period of time. Now, therefore, be it

Resolved, That we, the members of the 127th General Assembly of the State of Ohio, urge the Congress to appropriate full funding for the Adam Walsh Act; and be it further

Resolved, That the Clerk of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the members of the Ohio Congressional delegation, to the Speaker and the

Clerk of the United States House of Representatives, and to the President Pro Tempore and Secretary of the United States Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 845, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls (Rept. No. 110–110).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 175. A bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District (Rept. No. 110–111).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 324. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of New Mexico (Rept. No. 110–112).

S. 542. A bill to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and for other purposes (Rept. No. 110–113).

S. 1037. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon (Rept. No. 110–114).

S. 1110. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah (Rept. No. 110–115).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1139. A bill to establish the National Landscape Conservation System, and for other purposes (Rept. No. 110–116).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 235. A bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes (Rept. No. 110–117).

H.R. 276. A bill to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes (Rept. No. 110–118).

H.R. 482. A bill to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes (Rept. No. 110–119).

H.R. 839. A bill to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized (Rept. No. 110–120).

H.R. 886. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes (Rept. No. 110–121).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 902. A bill to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources (Rept. No. 110–122).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 1257. A bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives (Rept. No. 110–123).

By Ms. LANDRIEU, from the Committee on Appropriations, without recommendation without amendment:

H.R. 2771. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2008, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment and with an amended preamble:

H. Con. Res. 7. Calling on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Res. 203. A resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 253. A resolution expressing the sense of the Senate that the establishment of a Museum of the History of American Diplomacy through private donations is a worthy endeavor.

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 Mrs. McCASKILL:

S. 1723. A bill to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself and Mr. REID):

S. 1724. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1725. A bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to improve the protection of pension benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 1726. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. WARNER, Mr. CHAMBLISS, Ms. SNOWE, Mr. ISAKSON, Mr. LUGAR, Mr. CORNYN, Mr. COLEMAN, and Mr. VOINOVICH):

S. 1727. A bill to amend the Internal Revenue Code of 1986 to provide for a credit against income tax for certain educator expenses, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 1728. A bill to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. COCHRAN):

S. 1729. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing surcharges on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for authorized purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. CONRAD, Ms. STABENOW, Ms. SNOWE, and Ms. COLLINS):

S. 1730. A bill to amend part A of title IV of the Social Security Act, to reward States for engaging individuals with disabilities in work activities, and for other purposes; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. VOINOVICH, and Mr. CHAMBLISS):

S. 1731. A bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purposes of improving oversight and eliminating wasteful Government spending; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 1732. A bill to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the ''Dr. Karl E. Carson Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. SCHUMER, Ms. STABENOW, and Mr. BROWN):

S. 1733. A bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, and Mr. KERRY):

S. 1734. A bill to provide for prostate cancer imaging research and education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1735. A bill to amend title 49, United States Code, to improve dispute resolution provisions related to the Federal Aviation Administration personnel management system; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 1736. A bill to amend title II of the Social Security Act to provide that the eligibility requirement for disability insurance benefits under which an individual must have 20 quarters of Social Security coverage in the 40 quarters preceding a disability shall not be applicable in the case of a disabled individual suffering from a covered terminal disease; to the Committee on Finance.

By Mr. SESSIONS:

S. 1737. A bill to amend title XVIII of the Social Security Act to provide for a waiver

of the 35-mile drive requirement for designations of critical access hospitals; to the Committee on Finance.

By Mr. BIDEN (for himself and Mrs. BOXER):

S. 1738. A bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability law enforcement agencies to investigate and prosecute predators; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Mr. BROWN):

S. 1739. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 1740. A bill to amend the Act of February 22, 1889, and the Act of July 2, 1862, to provide for the management of public land trust funds in the State of North Dakota; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself and Mr. ALLARD):

S. 1741. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THUNE:

S. 1742. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. KOHL, Mr. SPECTER, and Mr. CRAPO):

S. 1743. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Finance.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 1744. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DEMINT:

S. Res. 260. A resolution strengthening the point of order against matters out of scope in conference reports; to the Committee on Rules and Administration.

By Mr. COLEMAN (for himself, Mr. DOMENICI, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. FEINGOLD, and Mr. DURBIN):

S. Res. 261. A resolution expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as ''Mr. Wizard''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 216

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 216, a bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico.

S. 218

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 218, a bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 651

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 725

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 866

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 866, a bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 911

At the request of Mr. REED, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mr. SCHUMER) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 968

At the request of Mrs. BOXER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1026

At the request of Mr. CHAMBLISS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1026, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1146

At the request of Mr. SALAZAR, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Texas (Mr. CORNYN) were added as cosponsors

of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1147

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1147, a bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as ''Priority 8'').

S. 1219

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1219, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S. 1233

At the request of Mr. CRAIG, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1353

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1353, a bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes.

S. 1356

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1356, a bill to amend the Federal Deposit Insurance Act to establish industrial bank holding company regulation, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1545

At the request of Mr. SALAZAR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1545, a bill to implement the recommendations of the Iraq Study Group.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1624

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1624, a bill to amend the Internal Revenue Code of 1986 to provide that the exception from the treatment of publicly traded partnerships as corporations for partnerships with passive-type income shall not apply to partnerships directly or indirectly deriving income from providing investment adviser and related asset management services.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1713

At the request of Mr. OBAMA, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. FEINSTEIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Connecticut (Mr. DODD) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1713, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MCCASKILL:

S. 1723. A bill to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. MCCASKILL. Mr. President, I rise to talk about something great Congress did 30 years ago. They passed the Inspector General Act. That act has provided a layer of accountability in our Government that is very important. Unfortunately, there are still times that the inspector generals in our Government are not given the respect and deference they deserve. That is why today I am introducing the Improving Government Accountability Act.

If one thinks about the inspector generals, what they are is a first line of defense on behalf of taxpayers and against Government waste and inefficiency. They are the first line of defense because they are inside Federal agencies. Let's be honest, inspector generals inside Federal agencies are facing mountains of waste and inefficiency. If they are to do their jobs the way Congress intended, they must be independent, and their work must be immediately accessible to the public.

We have had some troubling incidents over the last several years as it relates to the independence, the qualifications and, frankly, the integrity of our inspector generals. That is why this legislation is necessary. That is why this legislation is so important.

The legislation will do several things. First, all inspector generals will be appointed for terms of 7 years. That will make sure they cannot arbitrarily be removed from their position by a department head who is getting nervous about information they are providing to the public in terms of accountability.

Second, Congress must be notified of the removal of any inspector general and, very importantly, the reasons for the removal before they can be removed from office.

Third, all inspector generals will have their own legal counsel to avoid using the agency counsel. This is important because if they are going to have independence, they must have independent legal advice about their ability to do their job.

Fourth, no inspector general can accept a bonus. The bonuses are given by the heads of the agencies. That is an inherent conflict. If you know that you please the head of your agency and you get more money, what kind of shortcuts are you going to take? What are you going to be willing to gloss over in order not to embarrass the head of that agency with information you have discovered about waste and inefficiency?

Fifth, in the event of a vacancy, the Council on Integrity and Efficiency will recommend to the appointing authority three possible replacements. They will not have the ability to dictate the replacement for the IG, but it will provide the appointing authority with three qualified people to take

over the important function of inspector general.

Also key in this legislation is that instead of making their annual budget requests to the agencies they oversee, the IG budget requests will go straight to the Office of Management and Budget, or OMB, that sends the President's budget request to Congress.

Next, all inspector general Web sites must be directly accessible from the home page of the agency. I asked my staff to take a tour through Government agency Web sites to see how easy it was to find out what the IGs had been up to in those agencies. It was remarkably difficult. In many instances we couldn't even find the inspector general's information on the home page of that agency. The public ought to be able to go on the page of any Federal agency and immediately click on the last inspector general report, find out what that inspector general found and, frankly, ought to be able to ask the question, what has been done about it. There will be a way for the public to anonymously send allegations of waste, fraud, and abuse directly to the IG offices.

Our office found that only three of 27 sampled Federal agencies have an obvious direct link from their home page to the IG's Web site. Clearly, we are not focused on making this information available to the public. Frankly, all the auditors in the world, all the inspector generals in the world do no good if the public can't learn the information. Because if the public doesn't know about it, it isn't going to have the cleansing effect it should. Only six of the 27 sampled IGs have an obvious direct link on their home page to report waste, fraud, and abuse. That is very important.

I give credit to Representative JIM COOPER of Tennessee who has been working on this legislation in the House. I am excited to join him in this effort. Senator COLLINS and Senator LIEBERMAN have some of these provisions in their Accountability in Government Contracting Act, of which I am also proud to be a cosponsor.

There have been specific examples that have occurred recently. I won't go into them other than to say, we had one Commerce IG who refused to resign after an investigation showed that he had committed malfeasance in office. However, after much pressure from Congress, he finally did step down. We have another inspector general who has been accused of trying to block the serving of a search warrant at NASA. Think about that, trying to block the serving of a search warrant that had been issued by a court of law. We have another IG who was not reappointed by President Bush and said publicly it was because at the Department of Homeland Security, he was seen as a traitor, and he was intimidated about not issuing reports that might reflect badly on the agency.

Bottom line, we should protect inspector generals. They are precious. They are important to what we do. We can talk all we want about oversight, but if we can't get the information from inside these agencies, frankly, we are not going to be effective in Congress with any kind of oversight. The information the inspector generals provide is crucial to Congress and crucial to the public. This legislation would make sure that they are qualified, protected, independent, and the public knows what they are up to.

I urge my colleagues to get excited about this legislation and maybe, uncharacteristically, move it quickly through the Senate.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 1726. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I want to speak about the bill I am introducing today with Senator CRAPO, the Business Activity Tax Simplification Act of 2007. Our bill tries to address a very important question: How should States tax businesses that locate their operations in a few States, but have customers and earn income in many States? This issue has grown in importance in recent years, and the Supreme Court's decision last week not to get involved in the issue raises the stakes even further.

The crux of the issue is this: A majority of States impose corporate income and other so-called ''business activity taxes'' only when companies have ''physical presence,'' such as employees or property, in their States. However, some States contend that the mere presence of a business's customers, or an ''economic presence,'' is all that is necessary to impose a business activity tax. These companies are facing a confusing and costly assortment of State and local tax rules, some enacted by legislatures and others imposed upon them by State revenue authorities and upheld by State courts.

Senator CRAPO and I introduced similar legislation in the 109th Congress to try to address this problem of double taxation and tax practices that vary from State to State. That bill came close to passing the House, but some last-minute objections were raised. Now, the need for legislation and congressional action has taken on new urgency, and we have revised the bill to address many of the concerns expressed last year.

Just last week, the U.S. Supreme Court denied certiorari in two cases that challenged the constitutionality of State taxation of out-of-State companies with no physical presence in a State. The States involved in these cases, West Virginia and New Jersey, asserted theories of economic nexus to tax out-of-State corporations. They claimed that because some customers of such corporations reside in the State, even though the corporation is not physically present, they are subject to business activity taxes.

The first case involves a credit card company headquartered in Delaware. The bank issued credit cards nationwide, including credit cards issued to West Virginia customers. The bank had no property or employees, no office or any other physical presence, in the State. The second case involves a Delaware holding company that licensed intellectual property trademarks and trade names to a customer that does business in New Jersey. The holding company itself had no offices, employees, or property in New Jersey, and did not otherwise have a physical presence in the State. In both cases, the State courts ruled that the out-of-State corporation was taxable.

What is so disappointing about the Supreme Court's silence on this issue is the fact that these State court decisions conflict with an earlier Supreme Court ruling. In 1992, in Quill Corp. v. North Dakota, the Supreme Court prohibited States from forcing out-of-State corporations from collecting sales and use tax, unless the corporation has a physical presence in the taxing State. However, some State courts have held that the physical presence test established by Quill creates no such limitations on the imposition of business activity taxes.

Currently, 19 States take the position that a State has the right to tax a business merely because it has a customer within the State, even if the business has no physical presence in the State whatsoever.

These States' actions in pursuing these taxes have caused uncertainty and widespread litigation, so much so that it has created a chilling effect on foreign and interstate commerce. I have spoken out against double taxation on many issues in the past, and the double tax in these cases, while not as large, is just as wrong.

Let me be clear about this: I know that several Governors and State revenue commissioners have spoken out against the legislation because they don't like the Federal Government telling them what they can and cannot tax. They are also concerned about any revenue they might lose as a result. But if the States are collecting a tax they shouldn't be collecting in the first place, the fact that they might lose a small amount of revenue is not the most persuasive argument, in my view.

I believe Congress has a responsibility to create a uniform nexus standard for tax purposes so that goods and services can flow freely between the States. Firm guidance on what activities can be conducted within a State will provide certainty to tax administrators and businesses, reduce multiple taxation or the same income, and will reduce compliance and enforcement costs for States and businesses alike.

The last time Congress acted on this issue was in 1959, when Public Law 86–272 was enacted to prohibit States from imposing ''income taxes'' on sales of ''tangible personal property'' by a business whose sole activity within a State

was soliciting sales. No one can deny that in the almost 50 years since, interstate commerce has taken on a whole new character. New technologies allow companies headquartered in one State to provide services to consumers across the country. The Internet is replacing bricks-and-mortar stores. Companies and consumers are increasingly linked across State lines.

The Business Activity Tax Simplification Act of 2007 addresses these changes over the last 48 years both modernizing Public Law 86–272 and codifying the physical presence standard. Our bill extends the protections of the 1959 law to include solicitation activities performed in connection with all sales and transactions, not just sales of tangible personal property. The bill protects the free flow of information, including broadcast signals from outside the State, from becoming the basis for taxation of out-of-State businesses.

BATSA also protects activities where the business is a consumer in the State. It makes little sense to impose tax on out-of-State businesses that purchases goods or services from an in-State company. Obviously, in this very common scenario, the out-of-State business is not using these goods or services to generate any revenue in the State. Why should they be subject to tax?

Most importantly, BATSA codifies the physical presence standard. States and localities can only impose business activity taxes on businesses within their jurisdiction that have employees in the State, or real or tangible personal property that is either leased or owned. It is consistent with current law and sound tax policy, which holds that a tax should not be imposed by a State unless that State provides benefits or protections to the taxpayer. Further, the physical presence standard is the basis for each and every one of our treaties with foreign nations—adoption of a more nebulous standard by the States undermines these international treaties.

We need to act now. Already, State legislatures are interpreting the court's denial of cert as an affirmation of their position that they are free to enact whatever policies affecting interstate commerce that are beneficial to their particular State revenue needs, regardless of the national impact. Because the court will not review their nexus standard and Congress has not acted, States now have an ideal opportunity to raise revenues from out-of-State corporations regardless of the national impact.

Only 3 days after the Supreme Court denied cert, the New Hampshire Assembly added an amendment to the State budget at 3:40 a.m. to allow the State to collect revenue from out-of-State businesses. The denial of cert thereby resulted almost immediately in a $10 million to $100 million windfall for New Hampshire. No one can deny that this was an extremely aggressive action; why else would the legislature have taken such drastic measures to tack on this amendment it? the wee hours of the morning?

States are clearly overreaching in their efforts to collect these taxes, and it creates a difficult situation for businesses. It is laughable to think that a company would decide to cut off all transactions with individuals within a certain State to avoid similar laws. And so they will have to start paying taxes to States where they start generating no revenue, hiring no employees, and contributing nothing to the State's economy from their phantom presence aside from these taxes. But these companies are not going to stand idly by and be double-taxed; they will simply declare less income in their home States as a result.

I know that my legislation with Senator CRAPO has raised concerns in the past. The States have argued that BAT legislation represents an intrusion into their authority to govern. But I believe the contrary: A fundamental aspect of American federalism is that Congress has the authority and responsibility under the commerce clause to ensure that interstate commerce is not burdened by State actions.

In fact, the exercise of such congressional power is necessary in order to prevent excessive burdens from being placed on businesses engaged on interstate activity by virtue of their customer's residing in a particular State. Congress must act to ensure certainty, predictability, and fairness of taxation of multistate corporations. The lack of a bright-line physical presence standard encourages each State to act in its own self interest by taking action to maximize its revenues, regardless of the potential double taxation that results.

Let me address a few concerns that have been raised about the bill. Opponents claim that BATSA includes so many exceptions to the physical presence standard that large, multistate companies will utilize the legislation to ensure they pay minimum State tax nationwide. But our bill explicitly States that it preserves States' authority to adopt or continue to use their own tax compliance tools.

In response to those who say that this legislation will be a huge hit to State budgets, the figures just don't add up. There have been a number of studies done, but even the highest revenue estimate represents only a very small percentage of the total amount of business activity taxes collected by the States. The studies leave out one important fact, however: Companies affected by double-taxation are going to declare less income in their home States, if they have to pay taxes on that same income to another State.

Let me cite just one example from a company in my State. In 2005, Citigroup paid 63 percent of all it State and local taxes to New York State and New York City, all based on physical presence in the State and the city. As more States follow the lead of New Hampshire, the city and State of New York will be getting less from Citibank, one way or another, as they won't want to be double taxed, once by New York because of our physical presence and again in New Hampshire and other States because they have customers in those States. This is why any revenue loss estimates from any city or State are overblown.

In short, this is no longer a theoretical discussion. Federal legislation is required to stop this food fight.

I believe that Congress has a duty to prevent some States from impeding the free flow and development of interstate commerce and to prevent double taxation. That is why I am asking my colleagues on both sides of the aisle, including the chairman and ranking member of the Finance Committee, to carefully consider this legislation.

Mr. CRAPO. Mr. President, I would like to thank my colleague from New York, Senator SCHUMER, for the work he has done on this bill. He shares my grave concerns about the devastating impact that legal interpretations of Public Law 86–272 are having on foreign and interstate commerce. I'm pleased that we can work together in a bipartisan effort to make changes to a law that is in serious need of updating and clarification in view of the more service-oriented economy we have today driven in large part by modern technology's profound transformation of business transactions. This is why we are introducing the Business Activity Tax Simplification Act of 2007, or BATSA, today.

Congress has a Constitutional responsibility to ensure that interstate commerce is not unduly burdened by State actions, including unfair and burdensome taxation of such commerce. Public Law 86–272 was enacted almost 50 years ago, for just these purposes. Ways of conducting multi-state business have changed, and, in the absence of any clarifying legislation, some state courts have interpreted taxation activity under an ''economic presence'' approach. This approach does not reflect the intent or spirit of the Commerce Clause of the Constitution; furthermore, it creates a climate of uncertainty that inhibits business expansion and innovation. Businesses have to take into account the very real possibility that they will be taxed multiple times for the same business activity. These ''business activity taxes'' are certainly appropriate when a business has a physical presence in a State; these taxes are inappropriate when imposed by a State where that business's customer happens to reside, but in which the business has no physical presence.

States' efforts to impose improper business activity taxes have been furthered by the Supreme Court's recent silence on this issue. Recent State court rulings are in conflict with the high Court's ruling in Quill Corp. v. North Dakota in 1992. In that ruling,

the Supreme Court prohibited States from forcing out-of-state corporations to collect sales and use taxes unless such corporation had a physical presence in the taxing State. As my colleague from New York pointed out a few minutes ago, State courts in both New Jersey and West Virginia have held that the physical presence test in Quill only applies to sales and use taxes, not business activity taxes. I share my colleague's deep concern with the fact that the appeals of these two cases to the Supreme Court were denied certiorari just last week. This denial underscores the urgency of BATSA.

This effort by a large number of States to impose business activity taxes based on economic presence has the potential to open a Pandora's Box of negative implications for businesses. Without clarification by Congress, States will be free to enact revenue-raising nexus legislation and policies that, by definition, will not and cannot take into account the national impact of such activities. The eleventh-hour enactment of economic nexus legislation by the New Hampshire State Legislature just days after the Supreme Court denial of certiorari in the New Jersey and West Virginia cases is a sign of things to come. For many businesses, this will serve as a death knell for growth and expansion.

BATSA will help clarify the intent of Public Law 86–272. BATSA codifies the ''physical presence'' standard and will eliminate confusion for State tax administrators and businesses alike. It's consistent with current law and the notion that a tax should not be imposed by a State unless that State provides benefits or protections to the taxpayer. BATSA clarifies that an out-of-state business must have nexus under both the Due Process Clause and the Commerce Clause. This standard is also consistent with the standards we have in place with regard to our trading partners abroad.

BATSA modernizes Public Law 86–272 by extending the protections under that law to include solicitation activities performed in connection with all sales and transactions, not just tangible personal property. BATSA applies to all business activity taxes, not just net income taxes. This includes gross receipts taxes, gross profits taxes, single business taxes, franchise taxes, capital stock taxes and business and occupation taxes. It does not apply to transaction taxes such as sales and use taxes.

BATSA protects the free flow of information, critical in our modern era of Internet business and protects the activities where the business is a consumer in that State. And, as my colleague, Senator SCHUMER, rightly pointed out, it is counterintuitive to impose taxes on an out-of-state company purchasing goods or services from an in-State company, since the out-of-state company isn't generating any revenue for the State.

BATSA upholds the approach of disregarding certain de minimus activities codified in Public Law 86–272.

States have argued that BATSA will result in substantial lost State tax revenue. In fact, according to the Congressional Budget Office, the projected total loss of revenue to states from BATSA in year one of enactment represents just 0.2 percent of all State and local taxes paid by businesses in 2005. And the CBO cost estimate is actually less than the cost claimed by the National Governor's Association in its own revenue estimates.

I will tell you what BATSA does not do. BATSA does not help large companies avoid paying their fair share of State taxes, stating explicitly that States retain the authority to adopt or continue to use anti-tax avoidance compliance tools. It expressly endorses statutory and regulatory tools at States' disposal to combat tax abuse. Industry and activity-specific safe harbors included in prior bills do not exist in this legislation.

In the glaring absence of Supreme Court clarification on Quill Corp. v. North Dakota, and in the presence of confusing state court interpretations of that decision and ongoing, and legally-creative revenue-raising schemes by States, it's imperative that Congress act now to preserve the free flow of commerce between States. The Business Activity Tax Simplification Act of 2007 provides that clarification. BATSA ensures that one standard of taxation applies for taxing multi-state companies, so that companies are not unjustly taxed multiple times by different States on the same income. I hope that our colleagues here in the Senate will support this important legislation that will protect the business expansion in our country that keeps our economy competitive and thriving.

By Ms. COLLINS (for herself, Mr. WARNER, Mr. CHAMBLISS, Ms. SNOWE, Mr. ISAKSON, Mr. LUGAR, Mr. CORNYN, Mr. COLEMAN, and Mr. VOINOVICH):

S. 1727. A bill to amend the Internal Revenue Code of 1986 to provide for a credit against income tax for certain educator expenses, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today, along with my good friends, Senators WARNER, CHAMBLISS, SNOWE, ISAKSON, LUGAR, CORNYN, COLEMAN, and VOINOVICH, to introduce the Teacher Tax Credit Act of 2007.

As we approach the end of the school year, it is appropriate once again to consider tax relief to help cover the out-of-pocket expenses our Nation's teachers incur to improve the education of our children.

Many times in the past, we have come to the floor to offer legislation on this subject. In 2001, Senator WARNER and I offered legislation which resulted in the enactment of the existing $250 teacher tax deduction. That deduction expires at the end of this year. Earlier this session, Senator WARNER and I offered legislation to make that deduction permanent, raise it to $400, and expand it to cover professional development expenses.

Today, we introduce legislation that would provide teachers with an alternative tax credit for books, supplies, and equipment they purchase for their students, as well as for professional development expenses. The tax credit would be set at 50 percent of such expenditures so that teachers would receive 50 cents of tax relief for every dollar of their own money they spend, up to $300.

Our rationale in proposing a tax credit as an alternative to the existing deduction is simple, deductions only reduce tax liability indirectly, by reducing taxable income. The value of the deduction is equal to the taxpayer's marginal tax rate, or what we call their tax ''bracket.'' For example, for teachers in the 25 percent tax bracket, a $100 deduction would reduce their tax liability by 25 percent, or $25.

By contrast, the tax credit we are proposing would reduce the amount of taxes paid by a teacher by 50 percent for each dollar that a teacher spends on school supplies or professional development expenses, regardless of the tax bracket the teacher is in. A teacher who took the maximum credit amount of $300 would save 50 percent of that amount—$150—in taxes.

We have made an effort to ensure that the tax benefit we are proposing will make all teachers who use it better off, relative to the current deduction. Let me take a moment to explain how we have done this: first, the tax credit is structured as an alternative teachers can choose either the deduction or the credit, whichever works best for their tax situation. Second, the level of the credit, if adopted in its present form, would provide a net after-tax benefit of $150. This is significantly higher than the net after-tax benefit that most teachers can receive using the current $250 deduction.

It is even higher than the net after-tax benefit that would result from the $400 deduction Senator WARNER and I proposed earlier this year. Teachers in the 25 percent tax bracket would get a net after-tax benefit of $100 from a $400 deduction, so they will see an increase of $50 under the credit system that we are proposing today. Even teachers in the highest tax bracket, which is currently set at 35 percent, would see a small increase in the net benefit they would receive under this credit, compared to a $400 deduction.

I should also note that some teachers make so little they do not even have the tax liability to offset this credit. To make sure these teachers are also compensated for the money they spend on classroom supplies and professional development, the credit Senator WARNER and I are proposing is fully refundable.

It is remarkable how much the average teacher spends every year out of

his or her own pocket to buy supplies and other materials for their students. Many of us are familiar with a survey of the National Education Association that found that teachers spend, on average, $443 a year on classroom supplies. Other surveys show that they are spending even more than that.

The NEA's data also shows that the average teacher in the U.S. still does not make $50,000, and in many States, including Maine, they average less than $40,000. When you realize that the average teacher is not particularly well paid, it speaks volumes about their dedication that they are willing to make that kind of investment to support the teaching they provide to their students.

Indeed, I have spoken to dozens of teachers in my home State who tell me they routinely spend far in excess of the $300 credit limit on materials they use in their classrooms. At every school I visit, I find teachers who are spending their own money to improve the educational experiences of their students by supplementing classroom supplies. Year after year, these teachers spend hundreds of dollars on books, bulletin boards, computer software, crayons, construction paper, tissue paper, stamps and inkpads. For example, Anita Hopkins and Kathi Toothaker, elementary school teachers from Augusta, Maine, purchase books for their students to have as a classroom library as well as workbooks and sight cards. They also purchase special prizes for positive reinforcement for students. Mrs. Hopkins estimates that she spends $800 to $1,000 of her own money on extra materials to make learning fun and to create a stimulating learning experience.

It is important that this credit also be available to teachers who incur expenses for professional development. While this tax relief provides modest assistance to educators, it is my view that students are its ultimate beneficiaries. Studies consistently show that well-qualified teachers, and involved parents, are the most important contributors to student success. Educators themselves understand just how important professional development is to their ability to make a positive impact in the classroom. Teachers in Maine repeatedly tell me that they need, and want, more professional development. But tight school budgets often make funds to support this development impossible to get. By providing a credit for professional development expenses, this amendment will help teachers take that additional course or pursue that advanced degree that will make them even better at what they love to do.

Our bill makes it a priority to reimburse educators for just a small part of what they invest in our children's future. It is both sound education policy and sensible tax policy. I hope our colleagues will join us in support of this important initiative.

I ask unanimous consent that a letter of support be printed in the RECORD.

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

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, June 27, 2007.

Senator SUSAN COLLINS,
Senator JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND WARNER: On behalf of the National Education Association's (NEA) 3.2 million members, we would like to express our strong support for your proposal to create a tax credit for educators' classroom supply and professional development expenses. We thank you for your continued leadership and advocacy on this important issue.

As you know, educators across the country make considerable financial sacrifices as they reach into their own pockets to purchase classroom supplies. Studies show that teachers spend more of their own funds each year to supply their classrooms, including purchasing essential items such as pencils, glue, scissors, and facial tissues. For example, NEA's 2003 report Status of the American Public School Teacher, 2000–2001 found that teachers spent an average of $443 a year on classroom supplies. More recently, the National School Supply and Equipment Association found that in 2005–2006, educators spent out of their own pockets an average of $826.00 for supplies and an additional $926 for instructional materials, for a total of $1,752.

By creating a tax credit, your legislation would reduce the amount of taxes paid by a teacher by 50 percent for each dollar he or she spends on school supplies. Thus, a teacher taking the maximum credit of $300 would save $150 in taxes, regardless of his or her tax bracket. As a result, your bill will make a real difference for many educators, who often must sacrifice other personal needs in order to pay for classroom supplies.

NEA also strongly supports your proposal to cover out-of-pocket professional development expenses under the tax credit. Teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that educators stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century. Your bill will make a critical difference in helping educators access quality training.

We thank you again for your work on this important legislation and look forward to continuing to work with you to support our nation's educators.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Advocacy.

Mr. WARNER. Mr. President, I rise today in support, once again, of America's teachers by joining with Senator COLLINS in introducing the Teacher Tax Credit Act of 2007. Other original cosponsors of this bill include Senators CHAMBLISS, COLEMAN, CORNYN, ISAKSON, LUGAR, SNOWE, and VOINOVICH.

Senator COLLINS and I have worked closely for some time now in support of legislation to provide our teachers with tax relief in recognition of the many out-of-pocket expenses they incur as part of their profession. In the 107th Congress, we were successful in providing much needed tax relief for our Nations' teachers with passage of H.R. 3090, the Job Creation and Worker Assistance Act of 2002.

This legislation, which was signed into law by President Bush, included the Collins/Warner Teacher Tax Relief Act of 2001 provisions that provided a $250 above-the-line deduction for educators who incur out-of-pocket expenses for supplies they bring into the classroom to better the education of their students. These important provisions provided almost half a billion dollars worth of tax relief to teachers all across America in 2002 and 2003.

In the 108th Congress we were able to successfully extend the provisions of the Teacher Tax Relief Act for 2004 and 2005. In the 109th Congress we were able to successfully extend the provisions for 2006 and 2007.

While these provisions will provide substantial relief to America's teachers, our work is not yet complete.

It is now estimated that the average teacher spends $826 out of their own pocket each year on classroom materials—materials such as pens, pencils, and books. First-year teachers spend even more. Why do they do this? Simply because school budgets are not adequate to meet the costs of education. Our teachers dip into their own pocket to better the education of America's youth.

Moreover, in addition to spending substantial money on classroom supplies, many teachers spend even more money out of their own pocket on professional development. Such expenses include tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

The fact is that these out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Accordingly, Senator COLLINS and I have joined together to take another step forward by introducing legislation today that creates a refundable tax credit for teachers. The Teacher Tax Credit Act of 2007 will simply provide a refundable tax credit up to $150 for classroom expenses and professional development expenses.

I ask unanimous consent to have printed in the RECORD at the end of my statement the attached letter from the National Education Association endorsing the Collins-Warner Teacher Tax Credit Act of 2007. I will also ask unanimous consent to have printed in the RECORD at the end of my statement the attached letter from the Virginia Education Association endorsing the Collins-Warner Teacher Tax Credit Act of 2007.

Mr. President, our teachers have made a personal commitment to educate the next generation and to strengthen America. In my view, the Federal Government should recognize

the many sacrifices our teachers make in their career.

In addition to the refundable tax credit legislation that we are introducing today, earlier this year Senator COLLINS and I introduced S. 505, The Teacher Tax Relief Act of 2007. S. 505 will build upon current law by increasing the above-the-line deduction, as President Bush has called for, from $250 allowed under current law to $400; allowing educators to include professional development costs within that $400 deduction; and making the teacher tax relief provisions in the law permanent.

The Teacher Tax Credit Act of 2007 is another step forward in providing our educators with the recognition they deserve.

Mr. President, I ask unanimous consent that the letters to which I referred be printed in the RECORD.

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

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, June 27, 2007

Senator SUSAN COLLINS,
Senator JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND WARNER: On behalf of the National Education Association's (NEA) 3.2 million members, we would like to express our strong support for your proposal to create a tax credit for educators' classroom supply and professional development expenses. We thank you for your continued leadership and advocacy on this important issue.

As you know, educators across the country make considerable financial sacrifices as they reach into their own pockets to purchase classroom supplies. Studies show that teachers spend more of their own funds each year to supply their classrooms, including purchasing essential items such as pencils, glue, scissors, and facial tissues. For example, NEA's 2003 report Status of the American Public School Teacher, 2000–2001 found that teachers spent an average of $443 a year on classroom supplies. More recently, the National School Supply and Equipment Association found that in 2005–2006, educators spent out of their own pockets an average of $826.00 for supplies and an additional $926 for instructional materials, for a total of $1,752.

By creating a tax credit, your legislation would reduce the amount of taxes paid by a teacher by 50 percent for each dollar he or she spends on school supplies. Thus, a teacher taking the maximum credit of $300 would save $150 in taxes, regardless of his or her tax bracket. As a result, your bill will make a real difference for many educators, who often must sacrifice other personal needs in order to pay for classroom supplies.

NEA also strongly supports your proposal to cover out-of-pocket professional development expenses under the tax credit. Teacher quality is the single most critical factor in maximizing student achievement. Ongoing professional development is essential to ensure that educators stay up-to-date on the skills and knowledge necessary to prepare students for the challenges of the 21st century. Your bill will make a critical difference in helping educators access quality training.

We thank you again for your work on this important legislation and look forward to continuing to work with you to support our nation's educators.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Advocacy.

VIRGINIA EDUCATION ASSOCIATION,
Richmond, VA, June 28, 2007.

Senator JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: On behalf of the members of the Virginia Education Association, I am delighted and proud that you are again proposing to create a tax credit for educators' classroom supply and professional development expenses. Virginia teachers and I appreciate your continued leadership on this matter because it obviously affects Virginia educators—and educators around the nation—directly in the pocketbook.

As I'm sure you are aware, the National Education Association reported in a study entitled the Status of the American Public School Teacher, 2000–2001 that teachers spent an average of $443 a year on classroom supplies. Since that time, the average spending for supplies and materials is estimated to have increased to over $1,750 annually. Add to that the out of pocket expense of professional development and you realize the sacrifice and commitment of our nation's teachers to a quality education for their classrooms and the professional commitment they have for themselves.

The bill you are sponsoring with Senator Collins recognizes teachers' dedication and will make a significance difference for many educators. Again, I thank you.

Sincerely,

PRINCESS MOSS,
President,
Virginia Education Association.

By Mr. LEAHY (for himself and Mr. COCHRAN):

S. 1729. A bill to amend titles 18 and 28 of the United States Code to provide incentives for the prompt payments of debts owed to the United States and the victims of crime by imposing surcharges on unpaid judgments owed to the United States and to the victims of crime, to provide for offsets on amounts collected by the Department of Justice for Federal agencies, to increase the amount of special assessments imposed upon convicted persons, to establish an Enhanced Financial Recovery Fund to enhance, supplement, and improve the debt collection activities of the Department of Justice, to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers, and for authorized purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I join with Senator COCHRAN to introduce a bill that will provide parity between the retirement benefits granted to assistant U.S. attorneys and those granted to other Federal law enforcement officers.

There are 5,500 assistant U.S. attorneys in 93 offices throughout the United States, all of whom are serving on the front lines to uphold the rule of law. Having served as a prosecutor for many years in Vermont, I know well the integral role prosecutors play in the administration of justice. Prosecutors are a crucial component of our justice system, and should be recognized as such when they reach the end of their careers.

Probation officers, deputy marshals, corrections officers, and even corrections employees not serving in a law enforcement role receive enhanced benefits greater than those received by assistant U.S. attorneys. This is an inequity that should be remedied. By correcting this disparity, Congress would also help the Federal justice system retain experienced prosecutors. Of all the prosecutors who leave the government for the private sector, 60 to 70 percent do so with experience of between 6 and 15 years. With the Department of Justice's rapidly expanding role in combating terrorism, we cannot afford to lose the experienced men and women who serve in this vital role.

This legislation also addresses concerns about the cost to the Federal Government of providing enhanced retirement benefits to assistant U.S. attorneys. Proponents of the bill have helped craft provisions that would assist the Department of Justice in recovering money owed to the Federal Government as a result of judgments and other fines. By bolstering the Department's ability to collect the funds it is owed, resources would be freed up to provide the parity in retirement benefits sought by assistant U.S. attorneys. The result of the creative efforts to fund these benefits in an alternative manner is that the Department of Justice will, through its duties as the Nation's law enforcement agency, be able to provide the benefits its employees deserve at little or no cost to the taxpayer.

By passing this legislation, we will signal the Federal Government's recognition that prosecutors in our society fulfill a critical role. Congress can send the message that the service of these prosecutors is a valued and indispensable component of our Federal justice system. I hope all Senators will join us in supporting this legislation to ensure that Federal policy equally respects the contributions of all members of the law enforcement community in keeping our society safe and secure.

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

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

S. 1729

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 ''Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007''.

TITLE I—ENHANCED FINANCIAL RECOVERY

SEC. 101. IMPOSITION OF CRIMINAL SURCHARGE.

(a) IN GENERAL.—Section 3612 of title 18, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) IMPOSITION OF SURCHARGE.—

''(1) IN GENERAL.—A surcharge shall be imposed upon a defendant if there are any unpaid criminal monetary penalties as of the date specified in subsection (f)(1).

''(2) AMOUNT OF SURCHARGE.—The surcharge imposed under paragraph (1) shall be—

''(A) 5 percent of the unpaid principal balance; or

''(B) $50, if the unpaid balance is less than $1,000.

''(3) ALLOCATION OF PAYMENTS.—

''(A) FINE OR SPECIAL ASSESSMENT.—If a surcharge is imposed under paragraph (1) for a fine or special assessment—

''(i) an amount equal to 95 percent of each principal payment made by a defendant shall be credited to the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

''(ii) an amount equal to 5 percent of each principal payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 104 of the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007.

''(B) RESTITUTION.—If a surcharge is imposed under paragraph (1) for a restitution obligation—

''(i) an amount equal to 95 percent of each principal payment shall be paid to any victim identified by the court; and

''(ii) an amount equal to 5 percent of each principal payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 104 of the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007.

''(C) SURCHARGES.—For any payment made by a defendant after the full amount of a surcharge imposed under paragraph (1) has been satisfied, the full amount of such payment shall be credited to the principal amount due or accrued interest, as the case may be.

''(4) DEFINITIONS.—In this section—

''(A) the term 'criminal monetary penalties' includes the principal amount of any amount imposed as a fine, restitution obligation, or special assessment, regardless of whether any payment schedule has been imposed; and

''(B) the term 'principal payment' does not include any amount that is imposed as interest, penalty, or a surcharge.''.

(b) CONFORMING AMENDMENTS.—Section 3612 of title 18, United States Code, is amended—

(1) by striking subsections (d) and (e); and

(2) by redesignating subsections (f) through (i), as amended by this Act, as subsection (d) through (g), respectively.

SEC. 102. IMPOSITION OF CIVIL SURCHARGE.

(a) IN GENERAL.—Section 3011 of title 28, United States Code, is amended to read as follows:

''§ 3011. Imposition of surcharge

''(a) IN GENERAL.—A surcharge shall be imposed on a defendant if there is an unpaid balance due to the United States on any money judgment in a civil matter recovered in a district court as of—

''(1) the fifteenth day after the date of the judgment; or

''(2) if the day described in paragraph (1) is a Saturday, Sunday, or legal public holiday, the next day that is not a Saturday, Sunday, or legal holiday.

''(b) AMOUNT OF SURCHARGE.—A surcharge imposed under subsection (a) shall be—

''(1) 5 percent of the unpaid principal balance; or

''(2) $50, if the unpaid balance is less than $1,000.

''(c) ALLOCATION OF PAYMENTS.—If a surcharge is imposed under subsection (a)—

''(1) an amount equal to 95 percent of each principal payment made by a defendant shall be credited as otherwise provided by law; and

''(2) an amount equal to 5 percent of each principal payment shall be credited to the Department of Justice Enhanced Financial Recovery Fund established under section 104 of the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007.

''(d) SURCHARGES.—For any payment made by a defendant after the full amount of a surcharge imposed under subsection(a) has been satisfied, the full amount of such payment shall be credited to the principal amount due or accrued interest, as the case may be.

''(e) DEFINITIONS.—In this section—

''(1) the term 'principal payment' does not include any amount that is imposed as interest, penalty, or a surcharge; and - included in title 18, but not here?

''(2) the term 'unpaid balance due to the United States' includes any unpaid balance due to a person that was represented by the Department of Justice in the civil matter in which the money judgment was entered.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter A of chapter 176 of title 28, United States Code, is amended by striking the item relating to section 3011 and inserting the following:

''3011. Imposition of surcharge.''.

SEC. 103. INCREASE IN THE AMOUNT OF SPECIAL ASSESSMENTS.

Section 3013 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) The court shall assess on any person convicted of an offense against the United States—

''(1) in the case of an infraction or a misdemeanor—

''(A) if the defendant is an individual—

''(i) the amount of $10 in the case of an infraction or a class C misdemeanor;

''(ii) the amount of $25 in the case of a class B misdemeanor; and

''(iii) the amount of $100 in the case of a class A misdemeanor; and

''(B) if the defendant is a person other than an individual—

''(i) the amount of $100 in the case of an infraction or a class C misdemeanor;

''(ii) the amount of $200 in the case of a class B misdemeanor; and

''(iii) the amount of $500 in the case of a class A misdemeanor; and

''(2) in the case of a felony—

''(A) the amount of $200 if the defendant is an individual; and

''(B) the amount of $1,000 if the defendant is a person other than an individual.''.

SEC. 104. ENHANCED FINANCIAL RECOVERY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a separate account known as the Department of Justice Enhanced Financial Recovery Fund (in this section referred to as the ''Fund'').

(b) DEPOSITS.—Notwithstanding section 3302 of title 31, United States Code, or any other law regarding the crediting of collections, there shall be credited as an offsetting collection to the Fund an amount equal to—

(1) 2 percent of any amount collected pursuant to civil debt collection litigation activities of the Department of Justice (in addition to any amount credited under section 11013 of the 21st Century Department of Justice Appropriations Authorization Act (28 U.S.C. 527 note));

(2) 5 percent of all amounts collected as restitution due to the United States pursuant to the criminal debt collection litigation activities of the Department of Justice;

(3) any surcharge collected under section 3612(g) of title 18, United States Code, as amended by this Act, or section 3011 of title 28, United States Code, as amended by this Act; and

(4) 50 percent of any special assessment collected under section 3013(a) of title 18, United States Code, as amended by this Act.

(c) AVAILABILITY.—The amounts credited to the Fund shall remain available until expended.

(d) PAYMENTS FROM THE FUND.—

(1) AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General shall use not less than $20,000,000 of the Fund in each fiscal year, to the extent that funds are available, for the civil and criminal debt collection activities of the Department of Justice, including restitution judgments where the beneficiaries are the victims of crime.

(B) EXCEPTIONS.—

(i) ADJUSTMENT OF AMOUNT.—In each fiscal year following the first fiscal year in which deposits into the Fund are greater than $20,000,000, the amount to be used under paragraph (1) shall be increased by a percentage equal to the change in the Consumer Price Index for the calendar year preceding that fiscal year.

(ii) LIMITATION.—In any fiscal year, amounts in the Fund shall be available to the extent that the amount appropriated in that fiscal year for the purposes described in subparagraph (A) is not less than an amount equal to the amount appropriated for such activities in fiscal year 2006, adjusted annually in the same proportion as increases reflected in the amount of aggregate level of appropriations for the Executive Office of United States Attorneys and United States Attorneys.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Funds used under paragraph (1) shall be used to enhance, supplement, and improve civil and criminal debt collection litigation activities of the Department of Justice, primarily such activities by United States attorneys' offices. A portion of such sums may be used by the Department of Justice to provide legal, investigative, accounting, and training support to the United States attorneys' offices.

(B) LIMITATION ON USE.—Funds used under paragraph (1) may not be used to determine whether a defendant is guilty of an offense or liability to the United States (except incidentally for the provision of assistance necessary or desirable in a case to ensure the preservation of assets or the imposition of a judgment which assists in the enforcement of a judgment or in a proceeding directly related to the failure of a defendant to satisfy the monetary portion of a judgment).

(e) OTHER USE OF FUNDS.—After using funds under subsection (d), the Attorney General may use amounts remaining in the Fund for additional civil or criminal debt collection activities, for personnel expenses, for personnel benefit expenses incurred as a result of this Act or the amendments made by this Act, or for other prosecution and litigation expenses. The availability of amounts from the Fund shall have no effect on the implementation of title II or the amendments made by title II.

(f) DEFINITION.—In this section, the term ''United States''—

(1) includes—

(A) the executive departments, the judicial and legislative branches, the military departments, and independent establishments of the United States; and

(B) corporations primarily acting as instrumentalities or agencies of the United States; and

(2) except as provided in paragraph (1), does not include any contractor of the United States.

SEC. 105. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by section 101 and section 103 shall apply to any offense committed on or after the date of enactment of this Act, including any offense involving conduct that continued on or after the date of enactment of this Act.

(b) FUND AND SURCHARGES.—

(1) IN GENERAL.—Section 104 and the amendments made by section 102 shall take effect 30 days after the date of enactment of this Act.

(2) PENDING CASES.—The amendments made by section 102 shall apply to any case pending on or after the date of enactment of this Act.

TITLE II—EQUITABLE RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS

SEC. 201. RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8331 of title 5, United States Code, is amended—

(A) in paragraph (28), by striking ''and'' at the end;

(B) in paragraph (29) relating to dynamic assumptions, by striking the period and inserting a semicolon;

(C) by redesignating paragraph (29) relating to air traffic controllers as paragraph (30);

(D) in paragraph (30), as so redesignated, by striking the period and inserting ''; and''; and

(E) by adding at the end the following:

''(31) 'assistant United States attorney' means an assistant United States attorney appointed under section 542 of title 28.''.

(2) RETIREMENT TREATMENT.—Chapter 83 of title 5, United States Code, is amended by adding after section 8351 the following:

''§ 8352. Assistant United States attorneys

''Except as provided under the Enhanced Financial Recovery and Equitable Retirement Treatment Act of 2007 (including the provisions relating to the non-applicability of mandatory separation requirements under section 8335(b) and 8425(b) of this title), an assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8351 the following:

''8352. Assistant United States attorneys.''.

(B) MANDATORY SEPARATION.—Section 8335(a) of title 5, United States Code, is amended by striking ''8331(29)(A)'' and inserting ''8331(30)(A)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (34), by striking ''and'' at the end;

(B) in paragraph (35), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(36) 'assistant United States attorney' means an assistant United States attorney appointed under section 542 of title 28.''.

(2) RETIREMENT TREATMENT.—Section 8402 of title 5, United States Code, is amended by adding at the end the following:

''(h) Except as provided under the Enhanced Financial Recovery and Equitable Treatment Act of 2006 (including the provisions relating to the non-applicability of mandatory separation requirements under section 8335(b) and 8425(b) of this title), an assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter.''.

(c) MANDATORY SEPARATION.—Sections 8335(b)(1) and 8425(b)(1) of title 5, United States Code, are each amended by adding at the end the following: ''This subsection shall not apply in the case of an assistant United States attorney.''.

SEC. 202. PROVISIONS RELATING TO INCUMBENTS.

(a) DEFINITIONS.—In this section—

(1) the term ''assistant United States attorney'' means an assistant United States attorney appointed under section 542 of title 28, United States Code.

(2) the term ''incumbent'' means an individual who is serving as an assistant United States attorney on the effective date of this section.

(b) NOTICE REQUIREMENT.—Not later than 9 months after the date of enactment of this Act, the Department of Justice shall take measures reasonably designed to provide notice to incumbents on—

(1) their election rights under this title; and

(2) the effects of making or not making a timely election under this title.

(c) ELECTION AVAILABLE TO INCUMBENTS.—

(1) IN GENERAL.—An incumbent may elect, for all purposes, to be treated—

(A) in accordance with the amendments made by this title; or

(B) as if this title had never been enacted.

(2) FAILURE TO ELECT.—Failure to make a timely election under this subsection shall be treated in the same way as an election under paragraph (1)(A), made on the last day allowable under paragraph (3).

(3) TIME LIMITATION.—An election under this subsection shall not be effective unless the election is made not later than the earlier of—

(A) 120 days after the date on which the notice under subsection (b) is provided; or

(B) the date on which the incumbent involved separates from service.

(d) LIMITED RETROACTIVE EFFECT.—

(1) EFFECT ON RETIREMENT.—In the case of an incumbent who elects (or is deemed to have elected) the option under subsection (c)(1)(A), all service performed by that individual as an assistant United States attorney (and, with respect to subparagraph (B) of this paragraph, any service performed by such individual pursuant to an appointment under sections 515, 541, 543, and 546 of title 28, United States Code) shall—

(A) to the extent performed on or after the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as amended by this title; and

(B) to the extent performed before the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as if the amendments made by this title had then been in effect.

(2) NO OTHER RETROACTIVE EFFECT.—Nothing in this title (including the amendments made by this title) shall affect any of the terms or conditions of an individual's employment (apart from those governed by subchapter III of chapter 83 or chapter 84 of title 5, United States Code) with respect to any period of service preceding the date on which such individual's election under subsection (c) is made (or is deemed to have been made).

(e) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (c)(1)(A) shall, with respect to prior service performed by such individual, deposit, with interest, to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that would have been made for such service if the amendments made by section 202 of this title had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If the deposit required under paragraph (1) is not paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2)(B) of title 5, United States Code.

(3) PRIOR SERVICE DEFINED.—In this subsection, the term ''prior service'' means, with respect to any individual who makes an election (or is deemed to have made an election) under subsection (c)(1)(A), all service performed as an assistant United States attorney, but not exceeding 20 years, performed by such individual before the date as of which applicable retirement deductions begin to be made in accordance with such election.

(f) REGULATIONS.—The Office of Personnel Management shall prescribe regulations necessary to carry out this title, including provisions under which any interest due on the amount described under subsection (e) shall be determined.

SEC. 203. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by section 201 shall take effect on the first day of the first applicable pay period beginning on or after 120 days after the date of enactment of this Act.

(b) INCUMBENTS.—Section 202 of this title shall take effect 120 days after the date of enactment of this Act.

By Mr. SMITH (for himself, Mr. CONRAD, Ms. STABENOW, Ms. SNOWE, and Ms. COLLINS):

S. 1730. A bill to amend part A of title IV of the Social Security Act, to reward States for engaging individuals with disabilities in work activities, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce Pathways to Independence Act of 2007, along with Senators CONRAD, STABENOW, SNOWE, and COLLINS. This legislation includes two important provisions that will help States transition Temporary Assistance for Needy Families, TANF, recipients who have disabilities into work.

States currently face a conflict between the new Federal TANF requirements, as reauthorized by the Deficit Reduction Act of 2006, DRA, and the nondiscrimination requirements of the Americans with Disabilities Act. In order to comply with the ADA, States must make modifications to the work requirements they impose on TANF recipients with disabilities to ensure that they can participate in the program and move toward gainful employment. However, under new Federal TANF rules, States only get credit when recipients participate in a narrow set of activities for a specific number of hours each week, with limited flexibility for people with disabilities.

Our legislation would allow States to create modified employability plans for people with disabilities and get credit toward the TANF participation rate if

recipients comply with the requirements in those plans. This would encourage States to engage people with disabilities in appropriate employment-focused activities without fear of facing Federal penalties for not meeting their TANF work rates. The bill also would allow states To exclude people with pending SSI applications and severe temporary disabilities from the work rates.

This legislation allows states to receive full credit when a modified employability plan is developed for a family that includes a person with a disability. The bill requires States that receive credit for families on their caseload with modified employability plans to submit annual reports to the Department of Health and Human Services, HHS, on the types of modifications made and disabled populations served. It also requires HHS to compile this information and send an annual report to Congress.

This approach is appealing to States for many reasons. It allows States to design a system and receive credit for moving a person progressively over time from rehabilitation toward work. It also creates a more realistic work structure for individuals with disabilities and/or addictions who otherwise may fall out of the system either through sanction or discouragement, despite their need for financial assistance.

In July 2002, the General Accounting Office reported that as many as 44 percent of TANF families have a parent or child with a physical or mental impairment. This is almost three times higher than the rate among the non-TANF population in the United States. In 8 percent of TANF families, there is both a parent and a child with a disability; among non-TANF families, this figure is 1 percent. The GAO's work confirmed the findings of earlier studies, including work by the Urban Institute and the HHS Inspector General.

These figures mean that we need to make sure that the TANF program gives States the ability and incentives to serve families in their TANF programs and help them to move from welfare to work. This is the lesson that Oregon and many other States already have learned when they developed and refined their TANF programs.

Most individuals with disabilities who receive TANF are able to engage in work activities and move toward employment, and many will either need no modifications to standard work activities or only minor modifications. Those with more serious conditions may need more intensive services and more significant adjustment to the basic work requirements. Under the bill, a qualified professional must make a determination that an individual has a disability and the state must document the types of modifications, if any, that the individual needs to succeed in moving toward employment.

Our bill proposes the creation of a more appropriate path for those who have disabling conditions, both short- and long-term, recognizing the barriers many of these families face both financially and emotionally. The current strategy of rapid employment for all TANF recipients is not always feasible. This bill will help families with disabilities achieve and maintain stability during the transition from welfare to becoming more financially secure and independent of Government assistance.

Over 20 individual States, including Oregon, and the National Governors Association, representing all 50 States and five territories have identified problems with how the current rules affect their ability to serve individuals with disabilities appropriately and meet the TANF work requirements. They have asked for modifications to the new TANF requirements like the ones proposed in our bill.

I look forward to working with my cosponsors, Senators CONRAD, STABENOW, SNOWE, and COLLINS on these important provisions, and I urge my colleagues to join us in support of this legislation.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

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

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 ''Pathways to Independence Act of 2007''.

SEC. 2. AUTHORIZATION OF MODIFIED EMPLOYABILITY PLAN FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by adding at the end the following new subparagraph:

''(E) INDIVIDUALS WITH DISABILITIES COMPLYING WITH A MODIFIED EMPLOYABILITY PLAN DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS.—

''(i) MODIFIED EMPLOYABILITY PLAN.—A State may develop a modified employability plan for an adult or minor child head of household recipient of assistance who has been determined by a qualified medical, mental health, addiction, or social services professional (as determined by the State) to have a disability, or who is caring for a family member with a disability (as so determined). The modified employability plan shall—

''(I) include a determination that, because of the disability of the recipient or the individual for whom the recipient is caring, reasonable modification of work activities, hourly participation requirements, or both, is needed in order for the recipient to participate in work activities;

''(II) set forth the modified work activities in which the recipient is required to participate;

''(III) set forth the number of hours per week for which the recipient is required to participate in such modified work activities based on the State's evaluation of the family's circumstances;

''(IV) set forth the services, supports, and modifications that the State will provide to the recipient or the recipient's family;

''(V) be developed in cooperation with the recipient; and

''(VI) be reviewed not less than every 6 months.

''(ii) INCLUSION IN MONTHLY PARTICIPATION RATES.—For the purpose of determining monthly participation rates under subsection (b)(1)(B)(i), and notwithstanding paragraphs (1), (2)(A), (2)(B), (2)(C), and (2)(D) of this subsection and subsection (d) of this section, a recipient is deemed to be engaged in work for a month in a fiscal year if—

''(I) the State has determined that the recipient is in substantial compliance with activities and hourly participation requirements set forth in a modified employability plan that meets the requirements set forth in clause (i); and

''(II) the State complies with the reporting requirement set forth in clause (iii) for the fiscal year in which the month occurs.

''(iii) REPORTS.—

''(I) REPORT BY STATE.—With respect to any fiscal year for which a State counts a recipient as engaged in work pursuant to a modified employability plan, the State shall submit a report entitled 'Annual State Report on TANF Recipients Participating in Work Activities Pursuant to Modified Employability Plans Due to Disability' to the Secretary not later than March 31 of the succeeding fiscal year. The report shall provide the following information:

''(aa) The aggregate number of recipients with modified employability plans due to a disability.

''(bb) The percentage of all recipients with modified employability plans who substantially complied with activities set forth in the plans each month of the fiscal year.

''(cc) Information regarding the most prevalent types of physical and mental impairments that provided the basis for the disability determinations.

''(dd) The percentage of cases with a modified employability plan in which the recipient had a disability, was caring for a child with a disability, or was caring for another family member with a disability.

''(ee) A description of the most prevalent types of modification in work activities or hours of participation that were included in the modified employability plans.

''(ff) A description of the qualifications of the staff who determined whether individuals had a disability, of the staff who determined that individuals needed modifications to their work requirements, and of the staff who developed the modified employability plans.

''(II) REPORT BY SECRETARY.—The Secretary shall submit an annual report to Congress entitled 'Efforts in State TANF Programs to Promote and Support Employment for Individuals with Disabilities' not later than July 31 of each fiscal year that includes information on State efforts to engage individuals with disabilities in work activities for the preceding fiscal year. The report shall include the following:

''(aa) The number of individuals for whom each State has developed a modified employability plan.

''(bb) The types of physical and mental impairments that provided the basis for the disability determination, and whether the individual with the disability was an adult recipient or minor child head of household, a child, or a non-recipient family member.

''(cc) The types of modifications that States have included in modified employability plans.

''(dd) The extent to which individuals with a modified employability plan are participating in work activities.

''(ee) An analysis of the extent to which the option to establish such modified employability plans was a factor in States' achieving or not achieving the minimum participation rates under subsection (a) for the fiscal year.

''(iv) DEFINITIONS.—

''(I) DISABILITY.—For purposes of this subparagraph, the term 'disability' means a mental or physical impairment, including substance abuse or addiction, that—

''(aa) constitutes or results in a substantial impediment to employment; or

''(bb) substantially limits 1 or more major life activities.

''(II) MODIFIED WORK ACTIVITIES.—For purposes of this subparagraph, the term 'modified work activities' means activities the State has determined will help the recipient become employable and which are not subject to and do not count against the limitations and requirements under the preceding provisions of this subsection and of subsection (d).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 3. STATE OPTION TO EXCLUDE SSI APPLICANTS IN WORK PARTICIPATION RATE.

(a) IN GENERAL.—Section 407(b)(5) of the Social Security Act (42 U.S.C. 607(b)(5)) is amended by striking ''at its option, not require an individual'' and all that follows and inserting ''at its option—

''(A) not require an individual who is a single custodial parent caring for a child who has not attained 12 months of age to engage in work, and may disregard such an individual in determining the participation rates under subsection (a) of this section for not more than 12 months;

''(B) disregard for purposes of determining such rates for any month, on a case-by-case basis, an individual who is an applicant for or a recipient of supplemental security income benefits under title XVI or of social security disability insurance benefits under title II, if—

''(i) the State has determined that an application for such benefits has been filed by or on behalf of the individual;

''(ii) the State has determined that there is a reasonable basis to conclude that the individual meets the disability or blindness criteria applied under title II or XVI;

''(iii) there has been no final decision (including a decision for which no appeal is pending at the administrative or judicial level or for which the time period for filing such an appeal has expired) denying benefits; and

''(iv) not less than every 6 months, the State reviews the status of such application and determines that there is a reasonable basis to conclude that the individual continues to meet the disability or blindness criteria under title II or XVI; and

''(C) disregard for purposes of determining such rates for any month, on a case-by-case basis, an individual who the State has determined would meet the disability criteria for supplemental security income benefits under title XVI or social security disability insurance benefits under title II but for the requirement that the disability has lasted or is expected to last for a continuous period of not less than 12 months.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

MENTAL HEALTH AMERICA,
Alexandria, VA, June 28, 2007.

Hon. GORDON SMITH,
Hon. DEBBIE STABENOW,
Hon. SUSAN COLLINS,
Hon. KENT CONRAD,
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH, CONRAD, STABENOW, SNOWE, AND COLLINS: I am writing to commend you for introducing the ''Pathways to Independence Act of 2007''. This legislation will enable States to engage individuals with mental health and substance use conditions in programs to help them successfully move from welfare to work.

Mental Health America is dedicated to helping all people live mentally healthier lives. Our network of over 320 State and local affiliates nationwide includes advocates, consumers of mental health services, family members of consumers, providers of mental health care, and other concerned citizens—all dedicated to improving mental health care and promoting mental wellness.

A large percentage of individuals who need and rely on the Temporary Assistance for Needy Families (TANF) program have significant mental health conditions and substance use disorders. Studies indicate that one-fourth to one-third of TANF recipients has serious mental health conditions, and some studies show that up to one-fifth of TANF recipients have substance use disorders. Moreover, more than one-fifth have learning disabilities and more than one-fifth have physical impairments. As you know, these rates are well above those for the general population and indicate a pressing need for access to care.

We are very concerned about changes made to the TANF program in reauthorizing legislation included in the Deficit Reduction Act (DRA). Individuals with mental health conditions, substance use disorders, or other disabling conditions will need assistance meeting the work requirements of the TANF program that were significantly tightened by the DRA. However, the regulations issued by the Department of Health and Human Services implementing the new DRA requirements provide such narrow definitions of the types of activities that can count toward a state's work participation rate (which determines Federal funding), we fear States will be discouraged from providing the services these individuals need in order to be engaged in the program and able to work. We are particularly alarmed that States are only allowed to count individuals receiving mental health or substance abuse treatment or rehabilitation activities as job readiness activities for 4 consecutive weeks and 6 weeks total per year before requiring that these individuals be engaged in full-time employment.

States are required under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Rehab Act) to make modifications to Federal programs, including TANF, to enable individuals with disabilities to participate. However, if States provide ADA-required modifications to the work requirements for individuals with disabilities, including those with serious mental health conditions, they may not meet their work participation rates even if these TANF recipients are actively engaged in activities designed to help them secure full-time jobs.

Your bill would give States the flexibility they need in order to fully engage individuals with serious mental health conditions or substance use disorders in activities designed to move them successfully into employment. Specifically, your bill would allow States to develop ''modified employability plans'' for TANF recipients who are determined by qualified medical, mental health, or social services professionals either to have a disability or to be caring for a family member with a disability. These provisions would also enable States to meet the ADA and Rehab Act requirements to provide reasonable accommodations to these families without losing Federal TANF funds.

We greatly appreciate your on-going leadership in working to ensure that individuals with mental health conditions, substance use disorders, and other disabling conditions are able to fully participate in and benefit from the TANF program. We look forward to working with you toward swift enactment of the ''Pathways to Independence Act of 2007''.

Sincerely,

DAVID SHERN,
President & CEO.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
Washington, DC, June 28, 2007.

Hon. GORDON SMITH,
Hon. DEBBIE STABENOW,
Hon. SUSAN COLLINS,
Hon. KENT CONRAD,
Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATORS SMITH, CONRAD, STABENOW, SNOWE, AND COLLINS: We are writing to thank you for introducing legislation that will allow States to more effectively serve families that include a person with a disability in the Temporary Assistance to Needy Families (TANF) program. We believe this legislation, if enacted, will significantly improve the ability of States to help families successfully move from welfare toward work while also ensuring that the needs of family members with disabilities are met. The undersigned organizations enthusiastically support this legislation.

The Consortium for Citizens with Disabilities (CCD) is a coalition of national consumer, advocacy, provider and professional organizations headquartered in Washington, DC. We work together to advocate for national public policy that ensures the self determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The CCD TANF Task Force seeks to ensure that families that include persons with disabilities are afforded equal opportunities and appropriate accommodations under the TANF block grant.

Congress explicitly stated in the Personal Responsibility and Work Opportunity Reconciliation Act that, in implementing TANF, States are to comply with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitative Services Act of 1973. The expectation, therefore, is that States will provide individualized treatment and an effective and meaningful opportunity to fully participate in the program. To achieve this, States must provide appropriate services, modify as necessary policies, practices, and procedures, and adopt non-discriminatory methods of administering the program. This expectation is also conveyed in guidance to the States issued by the Office of Civil Rights in the Department of Health and Human Services.

Under the Deficit Reduction Act (DRA), Congress reauthorized the TANF block grant program. The legislation retained States' obligation to comply fully with the ADA and Section 504 of the Rehabilitation Act of 1973, as amended while hindering States' ability to fully engage families that include a person with a disability. The DRA effectively increases the work participation rate for the TANF program and imposes penalties on States that fail to meet the participation rates. It does not allow States to receive credit toward the work participation rate for families whose employability plan has been modified to accommodate a person with a disability. It fails to ensure that States receive adequate credit for providing rehabilitative services to parents with disabilities to help them prepare for a successful transition to work. In short, existing policies do not provide States with credit for offering appropriate accommodation and services to families that include a person with a disability. Instead it increases the likelihood States offering such accommodations and services that ''do not count'' will face financial penalties.

HHS received comments from TANF administrators across the country who argued that the TANF provisions adopted under the DRA and reflected in HHS interim regulations severely impedes their ability to appropriately serve families that include a person with a disability. In a letter to Secretary Leavitt in response to the interim proposed regulations, the National Governor's Association stated that:

Governors continue to believe that States should have maximum flexibility in receiving credit for key rehabilitative and supportive services such as substance abuse, behavioral/mental health and domestic violence treatments in one or more work activity. These services are an imperative part of moving recipients, with barriers, to work and retaining employment. States need credit for these services in work activities that are fully countable for all hours of participation without time limit.

We believe your legislation provides appropriate flexibility for families who require accommodation due to a disability. Under this bill, States will receive credit, not face penalties, for investing in the supports necessary to help individuals with disabilities succeed in the labor market and achieve a higher degree of self-reliance. The flexibility provided in this bill can improve the overall performance of the TANF program by helping families at greatest risk move toward employment. To date, studies have demonstrated that a disproportionate number of families who exit the program without employment or other sources of financial assistance include a person with a disability. States can and must serve these families better and Congress should provide them with the tools to do so by supporting this legislation.

Thank you again for introducing this legislation and your leadership on this very important issue. We are grateful for your leadership on behalf of families that include an adult or child with a disability. We look forward to working with you and your staffs to ensure that this provision becomes law.

Sincerely,

American Dance Therapy Association.
American Music Therapy Association.
American Association on Intellectual & Developmental Disabilities.
American Psychological Association.
Association of University Centers on Disabilities (AUCD).
Bazelon Center for Mental Health Law.
Easter Seals, Inc.
Epilepsy Foundation.
Goodwill Industries International, Inc.
Learning Disabilities Association of America.
Mental Health America.
National Alliance on Mental Illness.
National Alliance to End Homelessness.
National Association of Councils on Developmental Disabilities.
National Association of County Behavioral Health and Developmental Disability Directors.
National Association of State Directors of Special Education.
National Association of State Head Injury Administrators.
National Association of State Mental Health Program Directors.
National Council for Community Behavioral Healthcare.
National Disability Rights Network.
The Arc of the United States.
United Cerebral Palsy.
United Spinal Association.

By Mr. CORNYN (for himself, Mr. VOINOVICH, and Mr. CHAMBLISS):

S. 1731. A bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purposes of improving oversight and eliminating wasteful Government spending; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise to introduce the United States Authorization and Sunset Commission Act of 2007. I am very pleased to be joined by my colleagues and good friends, Senator GEORGE VOINOVICH and Senator SAXBY CHAMBLISS, who share my commitment that every dime sent by taxpayers to Washington, DC, is spent wisely.

The United States Authorization and Sunset Commission Act of 2007 creates an eight member bipartisan Commission, made up of four Senators and four Representatives. The Commission will look at the effectiveness and efficiency of all Federal programs, but will especially focus on unauthorized and ineffective programs. The bill is modeled after the sunset process that the State of Texas instituted in 1977 to identify and eliminate waste, duplication, and inefficiency in government agencies. This process has led to the elimination of dozens of agencies that have outlived their usefulness and has saved Texas taxpayers hundreds of millions of dollars.

The job of the Commission is to ask the fundamental question: ''Is an agency or program still needed?''

The Commission has two major responsibilities. First, the Commission must submit a legislative proposal to Congress at least once every 10 years that includes a review schedule of at least 25 percent of unauthorized Federal programs and at least 25 percent of ineffective Federal programs or where effectiveness cannot be shown by the Office of Management and Budget's, OMB, Performance Assessment Rating Tool, PART. The Commission's schedule will abolish each program if Congress fails to either reauthorize the program or consider the Commission's recommendations within 2 years.

Second, the Commission must conduct a review of each program identified in its review schedule and send its recommendations for congressional review. Congress will then have 2 years to consider and pass the Commission's recommendations or to reauthorize the program before it is abolished.

Congress has two bites of the apple when it comes to evaluating Federal spending. First, when it authorizes a program and second when it appropriates the money for it. Yet a study by the Congressional Budget Office found that Congress spent just under $160 billion in 2006 on agencies and programs despite the fact that their authorization had expired. The list included hundreds of accounts, big and small, ranging from the Coast Guard, $8 billion, to the Administration on Aging, $1.5 billion, to section 8 tenant-based housing, $15.6 billion, to foreign relations programs, $9.5 billion. Many of these expired programs and agencies, perhaps most, deserve reauthorization. Nonetheless, Congress should aggressively determine whether these programs and agencies are working as intended and the Commission will help serve this purpose.

In addition, the Commission will use OMB's PART, which is a tool to assess and improve program performance. PART looks at all factors that affect and reflect program performance including program purpose and design, performance measurement, evaluations, and strategic planning, program management, and program results. Using PART, OMB has scored 793 Government programs and found that 4 percent are ineffective and the results for 24 percent could not be shown. Programs rated as ''ineffective'' or ''results not demonstrated'' account for $152 billion in budget authority.

The Commission's work will be guided by 10 criteria, including the program's effectiveness and efficiency, achievement of performance goals, and whether the program has fulfilled its legislative intent.

Unfortunately Congress has a tendency to create commissions and then ignore their work and continue on with business as usual. This bill solves this problem. It requires Congress to consider, debate, and vote on the Commission's report under expedited procedures.

The United States Authorization and Sunset Commission Act of 2007 is an important step to getting our fiscal house in order and to making sure that Congress gets back to the hard work of oversight to determine if programs actually fulfill their stated purpose or yield some unintended or counterproductive results. Periodic assessments are essential to good Government and this is what the Commission will provide to Congress and to taxpayers across the country. For this reason, I ask that my colleagues join me in cosponsoring the United States Authorization and Sunset Commission Act of 2007.

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 printed in the RECORD, as follows:

S. 1731

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 ''United States Authorization and Sunset Commission Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code;

(2) the term ''Commission'' means the United States Authorization and Sunset Commission established under section 3; and

(3) the term ''Commission Schedule and Review bill'' means the proposed legislation submitted to Congress under section 4(b).

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the United States Authorization and Sunset Commission.

(b) COMPOSITION.—The Commission shall be composed of 8 members (in this Act referred to as the ''members''), as follows:

(1) Four members appointed by the majority leader of the Senate, 1 of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, 1 of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—

(A) SENATE MEMBERS.—Of the members appointed under subsection (b)(1), 4 shall be members of the Senate (not more than 2 of whom may be of the same political party).

(B) HOUSE OF REPRESENTATIVE MEMBERS.—Of the members appointed under subsection (b)(2), 4 shall be members of the House of Representatives, not more than 2 of whom may be of the same political party.

(2) CONTINUATION OF MEMBERSHIP.—

(A) IN GENERAL.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) ACTIONS OF COMMISSION UNAFFECTED.—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, all initial appointments to the Commission shall be made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) INITIAL VICE CHAIRPERSON.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission shall serve for a term of 6 years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), 2 members shall be appointed to serve a term of 3 years.

(2) TERM LIMIT.—A member of the Commission who serves more than 3 years of a term may not be appointed to another term as a member.

(g) INITIAL MEETING.—If, after 90 days after the date of enactment of this Act, 5 or more members of the Commission have been appointed—

(1) members who have been appointed may—

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) MEETING; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS, TESTIMONY, AND EVIDENCE.—The Commission may, for the purpose of carrying out the provisions of this Act—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) ENFORCEMENT.—The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph.

(2) CONTRACTING.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this Act.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) SUPPORT SERVICES.—

(A) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office is authorized on a nonreimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2037.

SEC. 4. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of agencies and programs (in this section referred to as the ''Commission Schedule and Review bill'').

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission's review and proposed abolishment of—

(A) at least 25 percent of unauthorized agencies or programs as measured in dollars, including those identified by the Congressional Budget Office under section 602(e)(3) of title 2, United States Code; and

(B) if applicable, at least 25 percent of the programs as measured in dollars identified by the Office of Management and Budget through its Program Assessment Rating

Tool program or other similar review program established by the Office of Management and Budget as ineffective or results not demonstrated.

(3) REVIEW OF AGENCIES.—In determining the schedule for review and abolishment of agencies under paragraph (1), the Commission shall provide that any agency that performs similar or related functions be reviewed concurrently.

(4) CRITERIA AND REVIEW.—The Commission shall review each agency and program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program or agency.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program or agency.

(D) Whether the program or agency has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program or agency.

(E) Ways the agency or program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of agencies or programs would better enable the Federal Government to accomplish its missions and goals.

(G) The promptness and effectiveness of an agency in handling complaints and requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

(H) The extent that the agency encourages and uses public participation when making rules and decisions.

(I) The record of the agency in complying with requirements for equal employment opportunity, the rights and privacy of individuals, and purchasing products from historically underutilized businesses.

(J) The extent to which the program or agency duplicates or conflicts with other Federal agencies, State or local government, or the private sector and if consolidation or streamlining into a single agency or program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF AGENCIES AND PROGRAMS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of agencies and programs; and

(B) abolishes any agency or program 2 years after the date the Commission completes its review of the agency or program, unless the agency or program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Commission Schedule and Review bill, Congress shall follow the expedited procedures under section 6.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress and the President—

(A) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each agency and program to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(B) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs and agencies to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(C) legislative provisions necessary to implement the Commission's proposal and recommendations.

(2) ADDITIONAL REPORTS.—The Commission shall submit to Congress and the President additional reports as prescribed under paragraph (1) on or before June 30 of every other year.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program or agency.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than 5 members of the Commission.

SEC. 5. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section 4(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on final passage of the bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(A) the bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall be the same as if no bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the bill of the other House.

Upon disposition of a bill that is received by one House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—Immediately upon final passage of a bill that results in a disagreement between the 2 Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(i) MOTION TO PROCEED.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) DEBATE.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all

amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferrees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 6. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission Schedule and Review bill submitted under section 4(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Budget and the Committee on Oversight and Government Reform of the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission Schedule and Review bill has not reported such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on final passage of the Commission Schedule and Review bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission Schedule and Review bill that was introduced in such House, such House receives from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by one House from the other House, it shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Mr. VOINOVICH. Mr. President, I am pleased to join my good friend and colleague Senator CORNYN in introducing the United States Authorization and Sunset Commission Act of 2007. This legislation would create a bipartisan commission to make recommendations to Congress on whether to reauthorize, reorganize, or terminate Federal programs. It would establish a systematic process to review unauthorized programs and agencies, and, if applicable, programs that are rated as ineffective or results not demonstrated under the

Program Assessment Rating Tool, PART. The Comptroller General and the Director of the Congressional Budget Office, CBO, would serve as ex-officio members, bringing their knowledge and experience and that of their organizations to the process.

Earlier this year, as it does every year, the CBO reported on programs that at one time had an explicit authorization that has either expired or will expire during the current session. This is always a lengthy report that runs 75 pages or more. In recent years, the total amount of unauthorized programs receiving appropriations reported by CBO has ranged between $160 billion and $170 billion annually.

I make this point, not to criticize or to imply that all unauthorized programs should be eliminated. Instead, it is to point out that what we are doing now is not working for us. We know that oversight is an important part of our job, but oversight takes time. How do we explain to our constituents that we do not have the time to distinguish between worthwhile programs and those that have outlived their purpose, are poorly targeted, operate inefficiently, or simply are not producing results?

As a sponsor of The Stop Over-Spending Act of 2007, ''S.O.S.,'' legislation, which includes several provisions from bills I introduced earlier this year, I want to work with my colleagues to pass legislation that allows us to convert some of the time spent on the annual budget cycle into time spent on oversight. A biennial budget cycle plus commissions such as this one and others that I have proposed to examine entitlement programs and increase program accountability all have a similar goal—to provide the time and the tools to reinvigorate congressional oversight.

This legislation does not take away our obligation to make difficult decisions about what programs to continue and those that we can no longer afford to support. What it does do is provide an opportunity to work smarter. I believe by establishing this Commission to do a thorough examination of programs and agencies, using established criteria, and a transparent reporting process, that we can carry out our responsibilities more efficiently and effectively.

I urge my colleagues to support The United States Authorization and Sunset Commission Act of 2007.

By Mr. DURBIN (for himself, Mr. SCHUMER, Ms. STABENOW, and Mr. BROWN):

S. 1733. A bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, today, I introduce the Housing Fairness Act of 2007, legislation that would strengthen efforts to detect discrimination and enforce equal housing opportunities. This legislation is especially timely given that June is National Homeownership Month.

The Housing Fairness Act promotes equal housing opportunities for all people by authorizing funds to process complaints, investigate cases of housing discrimination, and develop and operate education and outreach programs to inform the general public of fair housing rights. The legislation also creates a competitive matching grant program for private nonprofit organizations to examine the causes of housing discrimination and segregation and their effects on education, poverty and economic development.

Despite the passage of the Fair Housing Act almost 40 years ago, more than 4 million fair housing violations still occur each year. When the Department of Housing and Urban Development designated certain real estate companies for investigation, studies uncovered an 87 percent rate of racial steering and a 20 percent denial rate for African-Americans and Latinos. In part due to fair housing violations, the homeownership gap between people of different racial and ethnic groups is larger than it was in 1940. These facts confirm that we need to be doing more to promote fair housing.

I invite my colleagues to cosponsor this legislation and work with me to find solutions to further detect discrimination and enforce the Fair Housing Act.

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. 1733

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 ''Housing Fairness Act of 2007''.

SEC. 2. TESTING FOR DISCRIMINATION.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a nationwide program of testing to—

(1) detect and document differences in the treatment of persons seeking to rent or purchase housing or obtain or refinance a home mortgage loan, and measure patterns of adverse treatment because of the race, color, religion, sex, familial status, disability status, or national origin of a renter, home buyer, or borrower; and

(2) measure the prevalence of such discriminatory practices across the housing and mortgage lending markets as a whole.

(b) ADMINISTRATION.—The Secretary of Housing and Urban Development shall enter into agreements with qualified fair housing enforcement organizations, as such organizations are defined under subsection (h) of section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(h)), for the purpose of conducting the testing required under subsection (a) .

(c) REPORT.—The Secretary of Housing and Urban Development shall report to Congress—

(1) on a biennial basis, the results of each round of testing required under subsection (a) along with any recommendations or proposals for legislative or administrative action to address any issues raised by such testing; and

(2) on an annual basis, a detailed summary of the calls received by the Fair Housing Administration's 24-hour toll-free telephone hotline.

(d) USE OF RESULTS.—The results of any testing required under subsection (a) may be used as the basis for the Secretary, or any State or local government or agency, public or private nonprofit organization or institution, or other public or private entity that the Secretary has entered into a contract or cooperative agreement with under section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a) to commence, undertake, or pursue any investigation or enforcement action to remedy any discrimination uncovered as a result of such testing.

(e) DEFINITIONS.—As used in this section:

(1) DISABILITY STATUS.—The term ''disability status'' has the same meaning given the term ''handicap'' in section 802 of the Civil Rights Act of 1968 (42 U.S.C. 3602).

(2) FAMILIAL STATUS.—The term ''familial status'' has the same meaning given that term in section 802 of the Civil Rights Act of 1968 (42 U.S.C. 3602).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section $20,000,000 for fiscal year 2008 and each fiscal year thereafter.

SEC. 3. INCREASE IN FUNDING FOR THE FAIR HOUSING INITIATIVES PROGRAM.

Section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''qualified'' before ''private nonprofit fair housing enforcement organizations,''; and

(B) in paragraph (2), by inserting ''qualified'' before ''private nonprofit fair housing enforcement organizations,'';

(2) by striking subsection (g) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this section $52,000,000 for each of fiscal years 2008 through 2012, of which—

''(A) not less than 75 percent of such amounts shall be for private enforcement initiatives authorized under subsection (b);

''(B) not more than 10 percent of such amounts shall be for education and outreach programs under subsection (d); and

''(C) any remaining amounts shall be used for program activities authorized under this section.

''(2) AVAILABILITY.—Any amount appropriated under this section shall remain available until expended.'';

(3) in subsection (h), in the matter following subparagraph (C), by inserting ''and meets the criteria described in subparagraphs (A) and (C)'' after ''subparagraph (B)''; and

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (D), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(E) websites and other media outlets.'';

(B) in paragraph (2), by striking ''or other public or private entities'' and inserting ''or other public or private nonprofit entities''; and

(C) in paragraph (3), by striking ''or other public or private entities'' and inserting ''or other public or private nonprofit entities''.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Housing and Urban Development should—

(1) fully comply with the requirements of section 561(d) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(d)) to establish, design, and maintain a national education and outreach program to provide a centralized, coordinated effort for the development and dissemination of the fair housing rights of individuals who seek to rent, purchase, sell, or facilitate the sale of a home;

(2) utilize all amounts appropriated for such education and outreach program under section 561(g) of such Act; and

(3) promulgate regulations regarding the fair housing obligations of each recipient of Federal housing funds to affirmatively further fair housing, as that term is defined under title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).

SEC. 5. GRANTS TO PRIVATE ENTITIES TO STUDY HOUSING DISCRIMINATION.

(a) GRANT PROGRAM.—The Secretary of Housing and Urban Development shall carry out a competitive matching grant program to assist private nonprofit organizations in—

(1) conducting comprehensive studies that examine—

(A) the causes of housing discrimination and segregation; and

(B) the effects of housing discrimination and segregation on education, poverty, and economic development; and

(2) implementing pilot projects that test solutions that will help prevent or alleviate housing discrimination and segregation.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a private nonprofit organization shall—

(1) submit an application to the Secretary of Housing and Urban Development, containing such information as the Secretary shall require; and

(2) agree to provide matching non-Federal funds for 25 percent of the total amount of the grant, such funds may include items donated on an in-kind contribution basis.

(c) PREFERENCE.—In awarding any grant under this section, the Secretary of Housing and Urban Development shall give preference to any applicant who is—

(1) a qualified fair housing enforcement organization, as such organization is defined under subsection (h) of section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(h)); or

(2) a partner of any such organization.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section $5,000,000 for each of fiscal years 2008 through 2012.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, and Mr. KERRY):

S. 1734. A bill to provide for prostate cancer imaging research and education; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to introduce the Prostate Research, Imaging, and Men's Education Act. This important legislation addresses the urgent need for the development of new technologies to detect and diagnose prostate cancer, and for the education of the dangers of this deadly disease.

I thank my colleagues, Senator FRANK LAUTENBERG and Senator JOHN KERRY, for joining me as original cosponsors of this important legislation.

Prostate cancer is the second most common cancer in the United States, and the second leading cause of cancer related deaths in men. This cancer strikes one in every six men, making it even more prevalent than breast cancer, which strikes one in every seven women.

In 2007, more than 218,000 men will be diagnosed with prostate cancer, and more than 27,000 men will die from the disease. One new case occurs every 2.5 minutes and a man dies from prostate cancer every 19 minutes.

The Prostate Research, Imaging, and Men's Education Act, also known as the PRIME Act, will mirror the investment the Federal Government made in advanced imaging technologies, which led to life-saving breakthroughs in detection, diagnosis and treatment of breast cancer. This bill directs the Secretary of the Department of Health and Human Services, HHS, to expand research on prostate cancer, and provides the resources to develop innovative advanced imaging technologies for prostate cancer detection, diagnosis, and treatment.

The Prostate Research, Imaging, and Men's Education Act would also create a national campaign conducted through HHS to increase awareness about the need for prostate cancer screening, and the development of better screening techniques. Since African American men are 56 percent more likely to develop prostate cancer compared with Caucasian men and nearly 2.5 times as likely to die from the disease, this campaign will work with the Offices of Minority Health at HHS and the Centers for Disease Control and Prevention to ensure that this effort will reach the men most at risk from this disease.

The Prostate Research, Imaging and Men's Education Act will also promote research that improves prostate cancer screening blood tests. According to a recent National Cancer Institute study, current blood tests result in false-negative reassurances and numerous false-positive alarms. Some 15 percent of men with normal blood test levels actually have prostate cancer. Even when levels are abnormal, some 88 percent of men end up not having prostate cancer but undergoing unnecessary biopsies. Furthermore, the prostate is one of the last organs in a human body where biopsies are performed blindly, which can miss cancer even when multiple samples are taken.

Government initiative in research and education can be the key to diagnosing prostate cancer earlier and more accurately. This legislation would strengthen our efforts to fight this disease.

As June is Men's Health Month, this is an ideal time to draw attention to the issue affecting so many men across the Nation. I ask all my fellow Senators to join with me in ensuring the health of our husbands, brothers, sons, and friends against this disease.

By Mr. DODD:

S. 1736. A bill to amend title II of the Social Security Act to provide that the eligibility requirements for disability insurance benefits under which an individual must have 20 quarters of Social Security coverage in the 40 quarters preceding a disability shall not be applicable in the case of a disabled individual suffering from a covered terminal disease; to the Committee on Finance.

Mr. DODD. Mr. President, today I am introducing the Claire Collier Social Security Disability Insurance Fairness Act. This legislation will ensure that individuals suffering from certain terminal diseases are entitled to receive Social Security disability benefits. Under current law, an individual who contracts a covered terminal illness, and who has not been part of the workforce for a period of time, may not qualify for Social Security disability benefits they would otherwise be entitled to.

This bill is named after Claire Collier, a Stamford, Connecticut mother of three, who I first met a few years ago after she was diagnosed with amyotrophic lateral sclerosis, ALS, in 2003. ALS, commonly known as Lou Gehrig's disease, first strikes the nerve cells, then weakens the muscles, causes paralysis and tragically leads to death.

Three years ago, Claire applied for Social Security disability benefits. However, she was denied the benefits because she did not have enough work credits. Ms. Collier, who worked for more than 15 years as an events planner, does not qualify for Social Security disability benefits, even though she paid Social Security and Medicare taxes for more than 15 years. The reason is the Social Security Act mandates that an individual earn 20 quarters of Social Security earnings during the 10 years preceding a disability to collect benefits. This discriminates against people who have earned the required number of credits outside of the time period prescribed under current law.

Under the present system, hardworking Americans, such as Claire Collier, are being denied benefits at a time when they need them most. In Claire's case, the rules are especially unfair since she has been penalized for choosing to stay at home with her children prior to being diagnosed with ALS.

The bill I am sponsoring will change the eligibility standard. The Claire Collier legislation will amend the Social Security Act to provide that the eligibility standard for disability insurance benefits not be applicable in the case of a disabled individual suffering from a terminal illness.

Passage of this important legislation will simply ensure fairness. We should reward individuals who contribute to Social Security, not punish them. The Claire Collier Social Security Disability Insurance Fairness Act will eliminate inequity in the current system. I look forward to working with

my colleagues to see that this legislation is not only passed by this body soon, but that it is signed into law.

By Mr. BIDEN (for himself and Mrs. BOXER)

S. 1738. A bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Combating Child Exploitation Act of 2007. This legislation takes a bold step forward in addressing child exploitation.

And, Mr. President, let me assure you, we need bold action. We have taken some important steps here in the Senate, including passing the Jacob Weterling Act, the Pam Lyncher Act, the Amber Alert program, and last year's Adam Walsh Act.

But, this is a problem that keeps growing and growing, and we need bold action to address this problem. If we do not act, we will probably be back here naming a new bill after another unfortunate child victim.

The bottom line is that the Internet has facilitated an exploding, multi-billion dollar market for child pornography, with 20,000 new images posted every week. This is a market that can only be supplied by the continued sexual assault and exploitation of more children and the research shows that victims are getting younger and they are being exposed to more sadistic abuse.

The FBI and the Department of Justice have testified before Congress that there are hundreds of thousands of people trafficking child pornography in this country and millions around the world.

We are not making a dent in this problem.

Don't get me wrong, there are many Federal, State and local investigators and prosecutors out there working tirelessly, but need to do much more.

We have not dedicated enough Federal agents to this problem and we have not provided enough support for States and local government.

The most troubling aspect, one that led to the drafting of this legislation is that we know where many of these people are and if we set the right priorities we can go pick them up.

Let me repeat that, we have new investigative techniques that will allow us to identify many of the people who are trafficking child pornography and we can go pick them up.

A very conservative estimate is that there are more than 400,000 people who we know who are trafficking child pornography on the Internet in the U.S. right now.

We can, with minimal effort, take these people down. But, due to lack of resources we are investigating less than 2 percent of these cases. Again, we are only investigating 2 percent of the known child pornography traffickers.

We also know that when law enforcement agents do investigate these cases, there is a local abused child in 30 percent off the cases. And, research shows that at least 55 percent of child pornography possessors have previously sexually assaulted children or attempted to do so. So, by picking up these known offenders, we are saving children.

Finally, it is important to note that every time one of these images or videos are shared, the child is victimized again and again.

So, to help ensure that law enforcement has the capacity to get the job done, I am introducing the Combating Child Exploitation Act of 2007.

First, this legislation will establish a Special Counsel in the Deputy Attorney General's Office to coordinate all activities related to preventing child exploitation. This will be one person who will be held accountable for results.

We will also congressionally require that there be at least one Internet Crimes Against Children Task Force, CAC, in each State. This program is poised to become the backbone for our investigative efforts here in the U.S. by forming a network of highly trained investigators to focus exclusively on combating child exploitation. Under this bill, we will triple the funding for the ICAC program to help with hiring, training, and investigative resources to form this Nation-wide network.

In addition, we will authorize over 250 new Federal agents to focus exclusively on this problem, including 125 new FBI agents, which will double the number of agents under the Innocent Images Program at the FBI, 95 new agents for the Immigration and Customs Enforcement Agency, ICE, and 31 new postal inspectors.

This bill will help us form a coordinated effort to go after child predators. As stated previously, we know where many of these people are and we need to go get them.

In my view, it is inexcusable that we are not putting the resources toward tracking the ones down who we know about and doing much more to find the others who are lurking in the shadows.

This legislation will get us on the right track and I urge my colleagues to support this effort.

By Mr. ROCKEFELLER (for himself and Mr. BROWN):

S. 1739. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, last month, the Government Accountability Office, GAO, released yet another report about the Trade Adjustment Assistance, TAA, health coverage tax credit, HCTC. The report confirms what many in Congress have been saying since the HCTC program began, the credit is not enough, the program has several barriers to enrollment, the premiums are prohibitively high for some workers because of medical underwriting, and the program is very confusing and expensive to administer. Although the GAO reported a $19 million decrease in costs of administration between 2003 and the end of fiscal year 2006, administrative costs still make up approximately 34 percent of the total spending for the HCTC.

The Trade Adjustment Assistance Act is up for reauthorization this year. It is long past time for Congress to focus on the problems with the TAA health coverage tax credit and reauthorization presents us with that opportunity. That is why I am introducing legislation today that will make much-needed improvements to the HCTC program. And, I am proud that the distinguished Senator from Ohio, Mr. BROWN, is joining me in introducing this important bill. The TAA Health Coverage Improvement Act of 2007 offers solutions to many of the problems with the HCTC identified by the GAO. This legislation will go a long way to make the TAA health care tax credit a realistic option for displaced workers and their families.

When Congress passed the Trade Act of 2002, we made a promise to American workers that the potential loss of jobs will not equal the loss of health care coverage. Unfortunately, Congress has failed to make good on that promise. Since we passed this bill, I have heard from steel retirees and widows in my State about how unaffordable the TAA health care tax credit is. And I have been very frustrated, just as I was when this bill passed, that we were not able to make the credit more affordable and accessible for people who need it the most—laid-off workers and retirees with very limited income. We can fix these problems by including provisions from the TAA Health Coverage Improvement Act in the TAA reauthorization bill.

For a good number of supporters of the Trade Act of 2002, the health insurance tax credit was the single most important factor in overcoming their concerns about giving the President fast-track authority to move trade agreements through Congress. In my own judgment, the fast-track would not have passed Congress without the health care tax credit. The TAA health credit was the trade-off to balance the President's authority.

Yet, the success many of us envisioned for the health care tax credit has not been realized through implementation. The number of people who have been able to access the health care tax credit over the last 2 years is extremely disappointing. As of January 31, 2007, only 15,506 out of 252,280 who are eligible for the credit are enrolled

in the program. That is just over 6 percent, which means that almost 94 percent of those eligible are not participating.

In my home State of West Virginia, we have worked hard to promote the HCTC for trade-displaced workers. When Weirton Steel instituted significant layoffs, thousands of employees lost their jobs. In the aftermath, State and national officials, health plan staff, and representatives of the Independent Steelworkers Union and United Steel Workers worked collaboratively to provide continuous health care coverage for HCTC-eligible workers and retirees. The community really came together and worked around the clock to educate workers and retirees about their coverage options and to ensure they were enrolled in the HCTC.

Loss of employment is absolutely devastating to workers and their families. While health care coverage alone cannot replace job loss, it does help to ease the burden on displaced workers and their dependents. West Virginia is a model example of how HCTC can work. However, with only 6 percent of those eligible for HCTC enrolled across the country, there is still much more that needs to be done.

I must say to my colleagues that Congress has had a hand in these disappointing enrollment figures. We have ignored every opportunity to improve the health coverage tax credit and enhance the lives of workers displaced by trade. Members of this body have previously voted against TAA bills that would have extended Trade Adjustment Assistance to service workers and also addressed some of the problems the GAO has identified with the health coverage credit.

The TAA Health Coverage Improvement Act makes long overdue improvements to the TAA health care tax credit. First, this legislation addresses the issue of affordability. In addition to the GAO, several consumer advocacy groups and research organizations, including the Commonwealth Fund, the Center on Budget and Policy Priorities, and Families USA, have cited affordability of the credit as the primary reason for low participation in the HCTC program. The bottom line is that a 65 percent subsidy is not enough. With a 65 percent credit, an eligible individual still has to pay an average of $2,104 in annual premium costs for single coverage plus additional amounts for deductibles and co-payments. This figure is particularly astounding given the fact that the average worker, while actively employed and earning a paycheck, paid just $627 annually in 2006 for single employer-sponsored health insurance coverage. In other words, if you lose your job, you have to pay more than three times as much for health insurance, even if you get the HCTC. The TAA Health Coverage Improvement Act makes the credit more affordable by increasing the subsidy amount to 95 percent.

This legislation also addresses the issue of affordability by placing limits on the use of the individual market, as Congress intended under the original law. The Trade Act of 2002 specified that the health insurance credit could not be used for the purchase of health insurance coverage in the individual market except for HCTC-eligible workers who previously had a private, non-group coverage policy 30 days prior to separation from employment. However, States have been allowed by this Administration to create State-based coverage options in the individual market for any HCTC beneficiaries, including those who did not have individual market coverage one month prior to separation from employment.

Because of the Administration's interpretation of the law, there are people who had employer-based coverage prior to separation from employment who are now being covered in the individual market. This was not the intent of the law. To make matters worse, this interpretation undermines the consumer protections set forth in the law because individual market plans are allowed to vary premiums based on age and medical status. In one state that GAG reviewed for a previous report, because of medical underwriting, HCTC recipients in less-than-perfect health were charged almost 6 times the premiums charged to recipients rated in the healthiest category. The legislation I am introducing today addresses this problem by clarifying that States can only designate individual market coverage within guidelines of 30-day restriction and by requiring individual market plans to be community-rated.

Second, this legislation guarantees that eligible workers will have access to comprehensive group health coverage. Group coverage is what people know. The vast majority of laid-off workers and PBGC retirees had employer-sponsored group coverage prior to losing their jobs or pension benefits. The TAA Health Coverage Improvement Act designates the Federal Employees Health Benefit Plan, FEHBP, as a qualified group option in every State, so that displaced workers Nationwide will have access to the same type of affordable, comprehensive coverage they were used to when they were employed.

Third, the TAA Health Coverage Act clarifies the 3 month continuous coverage requirement. Under the original TAA statute, displaced workers are required to maintain 3 months of continuous health insurance coverage in order to qualify for certain consumer protections. Those protections are guaranteed issue, no preexisting condition exclusion, comparable premiums, and comparable benefits. Congress intended this 3 month period to be counted as the 3 months prior to separation from employment. However, the administration has interpreted the 3 month requirement as 3 months of health insurance coverage prior to enrollment in the new health plan, which usually is after separation from employment and after certification of TAA eligibility. Many laid-off workers and PBGC recipients cannot afford to maintain health coverage in the months between losing their jobs and TAA certification and, therefore, lose eligibility for the statutorily-provided consumer protections. This legislation corrects this problem by clarifying that three months of continuous coverage means 3 months prior to separation from employment.

Fourth, this bill allows spouses and dependents to receive the health coverage tax credit. Over the last 2 years, younger spouses and dependents of Medicare-eligible individuals have not been able to receive the subsidy because eligibility runs through the worker or retiree. This technicality is unfair to individuals who rely on health coverage through their spouses or parents. The TAA Health Coverage Improvement Act allows younger spouses and dependent children to retain eligibility for the health coverage tax credit in the event the qualified beneficiary becomes eligible for Medicare.

Finally, this legislation streamlines the HCTC enrollment process and makes it easier for trade-displaced workers to access health insurance coverage. According to GAO, two of the factors contributing to low participation include the complex nature of the HCTC program and the inability of workers to pay 100 percent of the premium during the up to 3 months before they begin to receive advance payments. The TAA Health Coverage Improvement Act improves consumer information about the HCTC by requiring that the Treasury Secretary's eligibility notice include a description of the HCTC program; specific contact information for state offices responsible for determining eligibility and providing enrollment assistance; a list of the HCTC coverage options in the sate; and a statement informing eligible individuals of the deadline to enroll in HCTC in order to avoid lapses in coverage. Additionally, our legislation includes a presumptive eligibility provision that allows displaced workers to enroll in a qualified health plan and receive the HCTC immediately upon application to the Department of Labor for certification. There is also a provision which directs the Treasury Secretary to pay 100 percent of the cost of premiums directly to the health plans during the months TAA-eligible workers are waiting for advance payment to begin.

As a former Governor, I know how important Trade Adjustment Assistance is to individuals who have lost their jobs due to trade. In West Virginia, thousands of workers have lost their jobs as a result of trade policy. While adjusting to the loss of employment, these individuals still have to pay mortgages, put food on the table, and care for their families. Finding affordable health care adds a significant burden to their worries. The TAA health coverage tax credit is designed

to help American workers retain health insurance coverage during this very difficult transition.

Unfortunately, the HCTC program is not living up to its potential. The Government Accountability Office has given us a very specific diagnosis of the problems. Now, it is up to us to fix them. I look forward to working with my colleagues to pass this important legislation in conjunction with reauthorization of the Trade Adjustment Assistance program.

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 printed in the RECORD, as follows:

S. 1739

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''TAA Health Coverage Improvement Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IMPROVEMENT OF AFFORDABILITY.—

(1) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''95''.

(2) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''95''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2007.

SEC. 3. 100 PERCENT CREDIT AND PAYMENT FOR MONTHLY PREMIUMS PAID PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.

(a) IN GENERAL.—Subsection (a) of section 35 of the Internal Revenue Code of 1986, as amended by section 2(a)(1), is amended—

(1) by striking the subsection heading and all that follows through ''In case'' and inserting ''AMOUNT OF CREDIT.—

''(1) IN GENERAL.—In case''; and

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

''(2) 100 PERCENT CREDIT FOR MONTHS PRIOR TO ISSUANCE OF ELIGIBILITY CERTIFICATE.—The amount allowed as a credit against the tax imposed by subtitle A shall be equal to 100 percent in the case of the taxpayer's first eligible coverage months occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate.''.

(b) PAYMENT FOR PREMIUMS DUE PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.—Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following new subsection:

''(e) PAYMENT FOR PREMIUMS DUE PRIOR TO ISSUANCE OF CERTIFICATE.—The program established under subsection (a) shall provide—

''(1) that the Secretary shall make payments on behalf of a certified individual of an amount equal to 100 percent of the premiums for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate; and

''(2) that any payments made under paragraph (1) shall not be included in the gross income of the taxpayer on whose behalf such payments were made.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 4. ELIGIBILITY FOR CERTAIN PENSION PLAN RECIPIENTS; PRESUMPTIVE ELIGIBILITY.

(a) ELIGIBILITY FOR CERTAIN PENSION PLAN RECIPIENTS.—Subsection (c) of section 35 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting '', and''; and

(C) by adding at the end the following:

''(D) an eligible multiemployer pension participant.''; and

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

''(5) ELIGIBLE MULTIEMPLOYER PENSION RECIPIENT.—The term 'eligible multiemployer pension recipient' means, with respect to any month, any individual—

''(A) who has attained age 55 as of the first day of such month,

''(B) who is receiving a benefit from a multiemployer plan (as defined in section 3(37)(A) of the Employee Retirement Income Security Act of 1974), and

''(C) whose former employer has withdrawn from such multiemployer plan pursuant to section 4203(a) of such Act.''.

(b) PRESUMPTIVE ELIGIBILITY FOR PETITIONERS FOR TRADE ADJUSTMENT ASSISTANCE.—Subsection (c) of section 35 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(6) PRESUMPTIVE STATUS AS A TAA RECIPIENT.—The term 'eligible individual' shall include any individual who is covered by a petition filed with the Secretary of Labor under section 221 of the Trade Act of 1974. This paragraph shall apply to any individual only with respect to months which—

''(A) end after the date that such petition is so filed, and

''(B) begin before the earlier of—

''(i) the 90th day after the date of filing of such petition, or

''(ii) the date on which the Secretary of Labor makes a final determination with respect to such petition.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 7527(d) of such Code is amended by striking ''or an eligible alternative TAA recipient (as defined in section 35(c)(3))'' and inserting '', an eligible alternative TAA recipient (as defined in section 35(c)(3)), an eligible multiemployer pension recipient (as defined in section 35(c)(5), or an individual who is an eligible individual by reason of section 35(c)(6)''.

(2) Section 173(f)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(4)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting a comma; and

(C) by inserting after subparagraph (C), the following new subparagraphs:

''(D) an eligible multiemployer pension recipient (as defined in section 35(c)(5) of the Internal Revenue Code of 1986), and

''(E) an individual who is an eligible individual by reason of section 35(c)(6) of the Internal Revenue Code of 1986.''.

(d) TECHNICAL AMENDMENT CLARIFYING ELIGIBILITY OF CERTAIN DISPLACED WORKERS RECEIVING A BENEFIT UNDER A DEFINED BENEFIT PENSION PLAN.—The first sentence of section 35(c)(2) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: '', and shall include any such individual who would be eligible to receive such an allowance but for the fact that the individual is receiving a benefit under a defined benefit plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 5. CLARIFICATION OF 3-MONTH CREDITABLE COVERAGE REQUIREMENT.

(a) IN GENERAL.—Clause (i) of section 35(e)(2)(B) of the Internal Revenue Code of 1986 (defining qualifying individual) is amended by inserting ''(prior to the employment separation necessary to attain the status of an eligible individual)'' after ''9801(c)''.

(b) CONFORMING AMENDMENT.—Section 173(f)(2)(B)(ii)(I) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)(B)(ii)(I)) is amended by inserting ''(prior to the employment separation necessary to attain the status of an eligible individual)'' after ''1986''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 6. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4)(C).''.

(b) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4)(C).''.

(c) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following new subparagraph:

''(D) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 4980B(f)(5)(C)(iv).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 7. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

''(9) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to any qualifying family member of such eligible individual (but not with respect to such eligible individual).

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''(C) DEATH.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for the death of such individual, such month shall be treated as an eligible coverage month with respect to any qualifying family of such eligible individual.''.

(b) CONFORMING AMENDMENT.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

''(8) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to any qualifying family member of such eligible individual (but not with respect to such eligible individual).

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''(C) DEATH.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for the death of such individual, such month shall be treated as an eligible coverage month with respect to any qualifying family of such eligible individual.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 8. OFFERING OF FEDERAL GROUP COVERAGE.

(a) PROVISION OF GROUP COVERAGE.—

(1) IN GENERAL.—The Director of the Office of Personnel Management jointly with the Secretary of the Treasury shall establish a program under which eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) are offered enrollment under health benefit plans that are made available under FEHBP.

(2) TERMS AND CONDITIONS.—The terms and conditions of health benefits plans offered under paragraph (1) shall be the same as the terms and coverage offered under FEHBP, except that the percentage of the premium charged to eligible individuals (as so defined) for such health benefit plans shall be equal to 5 percent.

(3) STUDY.—The Director of the Office of Personnel Management jointly with the Secretary of the Treasury shall conduct a study of the impact of the offering of health benefit plans under this subsection on the terms and conditions, including premiums, for health benefit plans offered under FEHBP and shall submit to Congress, not later than 2 years after the date of the enactment of this Act, a report on such study. Such report may contain such recommendations regarding the establishment of separate risk pools for individuals covered under FEHBP and eligible individuals covered under health benefit plans offered under paragraph (1) as may be appropriate to protect the interests of individuals covered under FEHBP and alleviate any adverse impact on FEHBP that may result from the offering of such health benefit plans.

(4) FEHBP DEFINED.—In this section, the term ''FEHBP'' means the Federal Employees Health Benefits Program offered under chapter 89 of title 5, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 35(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(K) Coverage under a health benefits plan offered under section 8(a)(1) of the TAA Health Coverage Improvement Act of 2007.''.

(2) Section 173(f)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)(A)) is amended by adding at the end the following new clause:

''(xi) Coverage under a health benefits plan offered under section 8(a)(1) of the TAA Health Coverage Improvement Act of 2007.''.

SEC. 9. ADDITIONAL REQUIREMENTS FOR INDIVIDUAL HEALTH INSURANCE COSTS.

(a) IN GENERAL.—Subparagraph (A) of section 35(e)(2) of such Code is amended by striking ''subparagraphs (B) through (H) of paragraph (1)'' and inserting ''paragraph (1) (other than subparagraphs (A), (I), and (K) thereof)''.

(b) RATING SYSTEM REQUIREMENT.—Subparagraph (J) of section 35(e)(1) of such Code is amended by adding at the end the following: ''For purposes of this subparagraph and clauses (ii), (iii), and (iv) of subparagraph (F), such term does not include any insurance unless the premiums for such insurance are restricted based on a community rating system (determined other than on the basis of age).''.

(c) CLARIFICATION OF CONGRESSIONAL INTENT TO LIMIT USE OF INDIVIDUAL HEALTH INSURANCE COVERAGE OPTION.—Section 35(e)(1)(J) (relating to qualified health insurance) is amended in the matter preceding clause (i), by inserting '', but only'' after ''under individual health insurance''.

(d) CONFORMING AMENDMENTS.—Section 173(f)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)) is amended—

(1) in subparagraph (A)(x), by adding at the end the following: ''Such term does not include any insurance unless the premiums for such insurance are restricted based on a community rating system (determined other than on the basis of age).''; and

(2) in subparagraph (B)—

(A) in the matter preceding subclause (I), by inserting '', but only'' after ''under individual health insurance''; and

(B) in clause (i), by striking ''clauses (ii) through (viii) of subparagraph (A)'' and inserting ''subparagraph (A) (other than clauses (i), (x), and (xi) thereof)''.

SEC. 10. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.

(a) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT'';

(B) by striking ''and shall'' and inserting '', shall''; and

(C) by inserting '', and in no event shall the maximum period required under section 602(2)(A) be less than the period during which the individual is a TAA-eligible individual'' before the period at the end.

(b) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in clause (ii)—

(A) in the clause heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT'';

(B) by striking ''and shall'' and inserting '', shall''; and

(C) by inserting '', and in no event shall the maximum period required under paragraph (2)(B)(i) be less than the period during which the individual is a TAA-eligible individual'' before the period at the end.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb–5(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT'';

(B) by striking ''and shall'' and inserting '', shall''; and

(C) by inserting '', and in no event shall the maximum period required under section 2202(2)(A) be less than the period during which the individual is a TAA-eligible individual'' before the period at the end.

SEC. 11. NOTICE REQUIREMENTS.

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals), as amended by section 3(b), is amended by adding at the end the following new subsection:

''(f) INCLUSION OF CERTAIN INFORMATION.—The notice by the Secretary (or by any person or entity designated by the Secretary) that an individual is eligible for a qualified health insurance costs credit eligibility certificate shall include—

''(1) information explaining how the program established under subsection (a) works with the credit established under section 35,

''(2) the name, address, and telephone number of the State office or offices responsible for determining that the individual is eligible for such certificate and for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e)),

''(3) a list of the coverage options that are treated as qualified health insurance (as so defined) by the State in which the individual resides, and

''(4) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 5 days after the postmark date of such notice to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)).''.

SEC. 12. ANNUAL REPORT ON ENHANCED TAA BENEFITS.

Not later than October 1 of each year (beginning in 2008) the Secretary of the Treasury, after consultation with the Secretary of Labor, shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) The total number of participants utilizing the health insurance tax credit under section 35 of the Internal Revenue Code of 1986, including a measurement of such participants identified—

(A) by State, and

(B) by coverage under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code) and by non-COBRA coverage (further identified by group and individual market).

(2) The range of monthly health insurance premiums offered and the average and median monthly health insurance premiums offered to TAA-eligible individuals (as defined in section 4980B(f)(5)(C)(iv)(II) of such Code) under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code), State-based continuation coverage provided under a State law that requires such coverage, and each category of coverage described in section 35(e)(1) of such Code, identified by State and by the actuarial value of such coverage and the specific benefits provided and cost-sharing imposed under such coverage.

(3) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) and the time necessary for application approval of such grants.

(4) The cost of administering the health credit program under section 35 of such Code, by function, including the cost of subcontractors.

SEC. 13. EXTENSION OF NATIONAL EMERGENCY GRANTS.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) USE OF FUNDS.—

''(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) shall be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (iv) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

''(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

''(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members with enrolling in health insurance coverage and qualified health insurance or paying premiums for such coverage or insurance.

''(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP HEALTH PLAN COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

''(I) eligibility verification activities;

''(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

''(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

''(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

''(V) the development or installation of necessary data management systems; and

''(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraph (C), (D), (E), or (F)(i) of section 35(e)(1) of the Internal Revenue Code of 1986, or, only if the coverage is under a group health plan, the coverage described in subparagraph (F)(ii), (F)(iii), (F)(iv), (G), or (H) of such section, as qualified health insurance under that section.

''(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

''(iv) BRIDGE FUNDING.—To assist potentially eligible individuals purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

''(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g).''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.''.

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking ''AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002'' and inserting ''APPROPRIATIONS''; and

(2) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) to carry out subsection (a)(4)(A) of section 173—

''(i) $10,000,000 for fiscal year 2002; and

''(ii) $300,000,000 for the period of fiscal years 2008 through 2010; and''.

(c) REPORT REGARDING FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following new paragraph:

''(8) REPORT FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—If the Secretary fails to make the notification required under clause (i) of paragraph (3)(A) within the 15-day period required under that clause, or fails to provide the technical assistance required under clause (ii) of such paragraph within a timely manner so that a State or entity may submit an approved application within 2 months of the date on which the State or entity's previous application was disapproved, the Secretary shall submit a report to Congress explaining such failure.''.

(d) TECHNICAL AMENDMENT.—Effective as if included in the enactment of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 933), subsection (f) of section 203 of that Act is repealed.

By Mr. HATCH (for himself, Mr. KOHL, Mr. SPECTER, and Mr. CRAPO):

S. 1743. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce a bill to eliminate the current dollar limitation on Qualified Funeral Trusts, QFTs. Congress created these savings vehicles in 1997 to assist individuals and families who wanted to plan for, and prepay, funeral expenses. Yet, funeral costs are rising

rapidly, and the arbitrary cap that Congress imposed on QFTs makes planning more difficult. Today I am proud to introduce this bipartisan legislation, along with my colleague from Wisconsin, the chairman of the Special Committee on Aging, Senator KOHL. We are also joined by two of our distinguished colleagues, Senators SPECTER and CRAPO. The change would have a positive impact on the lives of older Americans and on their families. In addition, according to the Joint Committee on Taxation, it would have a slight, but positive, impact on the Federal treasury.

When Congress created QFTs, it did so as a tax simplification measure. Unfortunately, it capped the size of these trusts at $7,000, adjusted regularly for inflation. This year, the inflation-adjusted cap is $8,800, but in many instances, this amount is no longer sufficient to cover a family's funeral expenses. In Utah, the average cost of a full funeral and burial is $12,685. I am sure that in many other states it is even higher. Because of this contribution limit, even those who preplan their own funerals too often leave their heirs with substantial expenses. Even those who attempt to cover the entire expense may not have enough money to cover all costs after administrative fees and taxes are deducted.

This proposal would make Qualified Funeral Trusts more effective. The principal reason individuals set up Qualified Funeral Trust plans is to lift a financial burden from their children. Ordinarily, trusts for funeral expenses are grantor trusts, and the beneficiary is responsible for paying any tax on income generated by the trust. Congress recognized, however, that this result created an administrative burden for the beneficiary or the funeral director trustee. As a result, Congress enacted Section 685 of the Internal Revenue Code, allowing funeral director trustees to elect to pay the tax on income earned by funeral trusts. This tax simplification measure eased the paperwork burden and administrative costs on funeral director trustees, who were previously required to issue hundreds of 1099 forms to their elderly customers. It also eliminated the tax liability and confusion of many elderly Americans who previously received these forms. Unfortunately, only those trusts under the cap are currently eligible for designation as QFTs. By removing this restrictive cap, our legislation will eliminate unnecessary administrative burdens on beneficiaries and trustees.

Let me give you an example of how the current cap creates unnecessary confusion for families. I have used this example before. It remains worth telling. Four years ago, a constituent of mine wrote me about this situation. He was suffering from Parkinson's disease. So he began planning his own funeral in order that these decisions and this burden would be lifted from his children. Because of the cap on QFTs, however, which at the time was $7,800, this Utahn was not able to fully fund the funeral services he desired. It became necessary to have one of his sons complete this planning for him by opening up his own, separate trust that would help to cover the remaining expenses. We should not be making it hard for families to do the right thing. We should not be making families jump through extra hoops when all they are trying to do is make these responsible decisions, well in advance of need.

For older Americans, the primary benefits of this legislation are the ability to have all the money they have saved in the trust be applied to final expenses, instead of taxes, and the incentive to increase the amount of their contribution. Sixty percent of prefunded funerals were funded by trusts and elimination of the cap should raise this percentage. For funeral directors, this change would eliminate the burden and expense of issuing information documents to report income earned from the trust.

The National Funeral Directors Association supports this legislation. So too do numerous funeral homes that serve the people of Utah.

I have no doubt that many more of these funeral businesses, many of which are family-owned and family-run, that serve local communities from coast to coast support this legislation as well.

I think we can all agree that we should make it easier for those who are willing to provide for these necessary expenses in advance. Today, I ask my colleagues to join me in an effort to enact this important measure.

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. 1743

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

SECTION 1. REPEAL OF DOLLAR LIMITATION ON CONTRIBUTIONS TO FUNERAL TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 685 of the Internal Revenue Code of 1986 (relating to treatment of funeral trusts) is repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 260—STRENGTHENING THE POINT OF ORDER AGAINST MATTERS OUT OF SCOPE IN CONFERENCE REPORTS

Mr. DEMINT submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 260

Resolved,

SECTION 1. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against any item contained in a conference report that includes or consists of any matter not committed to the conferees by either House. The point of order may be made and disposed of separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order raised against an item in a conference report under subsection (a) is sustained—

(1) the matter in such conference report shall be stricken; and

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report that has not been stricken (any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made);

(B) the question shall be debatable; and

(C) no further amendment shall be in order.

(c) LIMITATION.—

(1) IN GENERAL.—In this section, the term ''matter not committed to the conferees by either House'' shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(2) RULE XXVIII.—For the purpose of rule XXVIII of the Standing Rules of the Senate, the term ''matter not committed'' shall include any item which consists of a specific provision containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for such specific account, specific program, specific project, or specific activity in the measure originally committed to the conferees by either House.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SENATE RESOLUTION 261—EXPRESSING APPRECIATION FOR THE PROFOUND PUBLIC SERVICE AND EDUCATIONAL CONTRIBUTIONS OF DONALD JEFFRY HERBERT, FONDLY KNOWN AS ''MR. WIZARD''

Mr. COLEMAN (for himself, Mr. DOMENICI, Mr. ALEXANDER, Ms. KLOBUCHAR, Mr. FEINGOLD, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 261

Whereas many citizens of the United States remember Donald Jeffry Herbert as ''Mr. Wizard'' and mourn his passing;

Whereas Don Herbert was born in Waconia, Minnesota and graduated from the La Crosse State Teacher's College in Wisconsin in 1940 where he trained to be a science teacher;

Whereas Don Herbert volunteered for the United States Army Air Corps and served our country in the Atlantic theater and earned the Distinguished Flying Cross and the Air Medal with 3 oak leaf clusters;

Whereas Don Herbert developed the idea for science programming culminating in ''Watch Mr. Wizard'', a live television show produced from 1951 to 1964 and honored by a Peabody Award in 1954;

Whereas the National Science Foundation and the American Chemical Society lauded Don Herbert and his show for promoting interest in science and his contributions to science education;

Whereas ''Watch Mr. Wizard'' has been recognized by numerous awards;

Whereas an additional educational program, ''Mr. Wizard's World'', inspired children from 1983 to 1990 on cable television;

Whereas ''Mr. Wizard'' continued to serve as an ambassador for science education by authoring multiple books and programs, and by traveling to schools and providing classroom demonstrations;

Whereas educational research indicates that young children make decisions about future careers at a very early age and are influenced greatly by positive contacts with science and technology;

Whereas a strong education in science and technology is one of the building blocks of a productive, competitive, and healthy society;

Whereas ''Mr. Wizard'' encouraged children to duplicate his experiments at home, driving independent inquiry into science with simple household equipment;

Whereas ''Mr. Wizard's'' dynamic and energetic science experiments attracted unprecedented numbers of children to educational programming, even those who were disinterested or unmotivated in science;

Whereas Mr. Wizard Science Clubs were started across the United States and had more than 100,000 children enrolled in 5,000 clubs by the mid-1950s; and

Whereas Don Herbert will be remembered as a pioneer of commercial educational programming and instrumental in making science education exciting and approachable for millions of children across the United States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses appreciation for the profound public service and educational contributions of Donald Jeffry Herbert;

(2) recognizes the profound impact of higher educational institutions that train teachers;

(3) encourages students to honor the heritage of Don Herbert by exploring our world through science, technology, engineering, and mathematics fields; and

(4) tenders condolences to the family of Don Herbert and thanks them for their strong familial support of him.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1979. Mrs. CLINTON (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1980. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1981. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1982. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1983. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1984. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1985. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1986. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1987. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1988. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1989. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1990. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1991. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1992. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1993. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1994. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1995. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1996. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1997. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1998. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 1999. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, supra; which was ordered to lie on the table.

SA 2000. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1979. Mrs. CLINTON (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. ___. RECLASSIFYING THE SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS WHO FILED PETITIONS BEFORE JANUARY 1, 2007 AS IMMEDIATE RELATIVES.

Section 201(b)(2) of the Immigration and Nationality Act, as amended by section 503(b)(1) of this Act, is further amended by inserting '', or a child or spouse of a lawful permanent resident for whom a family-based visa petition was filed on or before January 1, 2007,'' after ''United States''.

SA 1980. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XI, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking ''87,000'' and inserting the following: ''137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)''.

SA 1981. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XII, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking ''87,000'' and inserting the following: ''137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)''.

SA 1982. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XIII, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking ''87,000'' and inserting the following: ''137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)''.

SA 1983. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XXII, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking ''87,000'' and inserting the following: ''137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)''.

SA 1984. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division XXVII, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking ''87,000'' and inserting the following: ''137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)''.

SA 1985. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes, which was ordered to lie on the table; as follows:

SEC. ___. RECLASSIFYING THE SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS WHO FILED PETITIONS BEFORE JANUARY 1, 2007 AS IMMEDIATE RELATIVES.

Section 201(b)(2) of the Immigration and Nationality Act, as amended by section 503(b)(1) of this Act, is further amended by inserting '',or a child or spouse of a lawful permanent resident for whom a family-based visa petition was filed on or before January 1, 2007,'' after ''United States''.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1986. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division __, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking ''87,000'' and inserting the following: ''137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)''.

SEC. ___. NUMERICAL LIMITATIONS.

Section 214(g) of the Immigration and Nationality Act, as amended by section 409 of this Act, is further amended—

(1) in paragraph (1)(D)—

(A) in the matter preceding clause (i), by striking ''(II)''; and

(B) in clause (iii), by striking ''200,000'' and inserting ''300,000'';

(2) in paragraph (10), as redesignated by section 409(2) of this Act, by amending subparagraph (A) to read as follows:

''(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(D) during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward the limitations under clauses (i) and (ii) of paragraph (1)(D) for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.''; and

(3) in paragraph (11), as redesignated by section 409(2) of this Act—

(A) by inserting ''(A)'' after ''(11)''; and

(B) by adding at the end the following:

''(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.''.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1987. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of division 11, add the following:

SEC. ___. FAMILY-SPONSORED IMMIGRANTS.

Section 203(a)(2) of the Immigration and Nationality Act, as amended by section 503(c)(2) of this Act, is further amended by striking ''87,000'' and inserting the following: ''137,000 (for each of the fiscal years 2008 through 2013) and 112,000 (for fiscal year 2014 and each subsequent fiscal year)''.

SEC. ___. NUMERICAL LIMITATIONS.

Section 214(g) of the Immigration and Nationality Act, as amended by section 409 of this Act, is further amended—

(1) in paragraph (1)(D)—

(A) in the matter preceding clause (i), by striking ''(II)''; and

(B) in clause (iii), by striking ''200,000'' and inserting ''300,000'';

(2) in paragraph (10), as redesignated by section 409(2) of this Act, by amending subparagraph (A) to read as follows:

''(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(D) during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward the limitations under clauses (i) and (ii) of paragraph (1)(D) for the fiscal year in which the petition is approved. Such alien shall be considered a returning worker.''; and

(3) in paragraph (11), as redesignated by section 409(2) of this Act—

(A) by inserting ''(A)'' after ''(11)''; and

(B) by adding at the end the following:

''(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.''.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1988. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, if the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was not authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1989. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ___. RECLASSIFYING THE SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS WHO FILED PETITIONS BEFORE JANUARY 1, 2007 AS IMMEDIATE RELATIVES.

Section 201(b)(2) of the Immigration and Nationality Act, as amended by section 503(b)(1) of this Act, is further amended by inserting '', or a child or spouse of a lawful permanent resident for whom a family-based visa petition was filed on or before January 1, 2007,'' after ''United States''.

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION OR FOR ANY PERIOD WITHOUT WORK AUTHORIZATION.

(a) REPEAL.—Section 607 of this Act is repealed and the amendments made by such section are null and void.

(b) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following:

''(d)(1) Except as provided in paragraph (2)—

''(A) no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned; and

''(B) no quarter of coverage shall be credited for purposes of this section for any calendar year, with respect to an individual who is not a natural-born United States citizen, if the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (e) or otherwise, that the individual was not authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).

''(e) Not later than 180 days after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitations on crediting quarters of coverage under subsection (d). Nothing in this subsection may be construed as establishing an effective date for purposes of this section.''.

(c) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date of the enactment of this Act.

SA 1990. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1991. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1992. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1993. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1994. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1995. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1996. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1997. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1998. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 1999. Mr. REID submitted an amendment intended to be proposed to amendment SA 1934 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1639, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of enactment.

SA 2000. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 656. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),''; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 657. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(j) of title 10, United States Code, is amended by striking ''October 1, 2008'' and inserting ''October 1, 2007''.

(b) RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.—Section 1436a of such title is amended by striking ''October 1, 2008'' and inserting ''October 1, 2007''.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, July 12, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nominations of Clarence H. Albright, of South Carolina, to be Under Secretary of Energy; Lisa E. Epifani, of Texas, to be an Assistant Secretary of Energy for Congressional and Intergovernmental Affairs; and, James L. Caswell, of Idaho, to be Director of the Bureau of Land Management.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to amanda__kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on July 12, 2007, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 488 and H.R. 1100, to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina; S. 617, to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; S. 824 and H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; S. 955, to establish the Abraham Lincoln National Heritage Area; S. 1148, to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission; S. 1182, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the act; S. 1380, to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; and S. 1728, to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission Reauthorization Act of 2007.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel__pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, June 28, 2007, at 10 a.m. in room 253 of the Russell Senate Office Building.

The hearing will examine the National Oceanic and Atmospheric Administration's existing programs, proposed initiatives, and review the agency's fiscal year 2008 budget request.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 28, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Examining Global Warming Issues in the Power Plant Sector.

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, June 28, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on discussion draft legislation regarding the regulation of Class III gaming.

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

COMMITTEE ON THE JUDICIARY

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet in order to conduct a markup on Thursday, June 28, 2007, at 10 a.m. in Dirksen room 226.

Agenda

I. Bills: S. 1145, Patent Reform Act of 2007 (Leahy, Hatch, Schumer, Cornyn,

Whitehouse) and S. 1060, Recidivism Reduction & Second Chance Act of 2007 (Biden, Leahy, Brownback, Specter, Kennedy, Schumer, Whitehouse, Durbin).

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 28, 2007, at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet on Thursday, June 28, 2007, at 3 p.m. in order to conduct a hearing entitled, ''Financial Management Systems Modernization at the Department of Homeland Security: Are Missed Opportunities Costing Us Money?''

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 115, 153, 164, 166 through 205 and 207 through 229; and all nominations on the Secretary's desk; that the nominations be confirmed; the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

OFFICE OF PERSONNEL MANAGEMENT

Howard Charles Weizmann, of Maryland, to be Deputy Director of the Office of Personnel Management.

EXPORT-IMPORT BANK OF THE UNITED STATES

Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank.

IN THE NAVY

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

To be admiral

Vice Adm. Eric T. Olson, 0000

IN THE MARINE CORPS

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

To be brigadier general

Col. Rex C. McMillian, 0000

IN THE NAVY

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. Michael J. Browne, 0000

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. Thomas F. Kendziorski, 0000

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. Lothrop S. Little, 0000

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. Kenneth J. Braithwaite, 0000

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. Joseph D. Stinson, 0000

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. Jerry R. Kelley, 0000

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. Cynthia A Dullea, 0000

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. Patricia E. Wolfe, 0000

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. Garry J. Bonelli, 0000
Capt. Robin R. Braun, 0000
Capt. Sandy L. Daniels, 0000
Capt. Scott E. Sanders, 0000
Capt. Robert O. Wray, Jr., 0000

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) Gregory A Timberlake, 0000

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) Albert Garcia, III, 0000

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

To be vice admiral

Rear Adm. Anthony L. Winns, 0000

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 Mark A. Atkinson, 0000
Colonel Mark A. Barrett, 0000
Colonel Brian T.Bishop, 0000
Colonel Michael R. Boera, 0000
Colonel Norman J. Brozenick, Jr., 0000
Colonel Cathy C. Clothier, 0000
Colonel David A. Cotton, 0000
Colonel Sharon K. G. Dunbar, 0000
Colonel Barbara J. Faulkenberry, 0000
Colonel Larry K. Grundhauser, 0000
Colonel Garrett Harencak, 0000
Colonel James M. Holmes, 0000
Colonel Dave C. Howe, 0000
Colonel James J. Jones, 0000
Colonel Michael A. Keltz, 0000
Colonel Frederick H. Martin, 0000
Colonel Wendy M. Masiello, 0000
Colonel Robert P. Otto, 0000
Colonel Leonard A. Patrick, 0000
Colonel Bradley R. Pray, 0000
Colonel Lori J. Robinson, 0000
Colonel Anthony J. Rock, 0000
Colonel Jay G. Santee, 0000
Colonel Rowayne A. Schatz, Jr., 0000
Colonel Steven J. Spano, 0000
Colonel Thomas L. Tinsley, 0000
Colonel Jack Weinstein, 0000
Colonel Stephen W. Wilson, 0000
Colonel Margaret H. Woodward, 0000

IN THE ARMY

The following named 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. Michael D. Devine, 0000

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 (lower half)

Capt. David W. Titley, 0000

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 (lower half)

Capt. Michael S. Rogers, 0000

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 (lower half)

Capt. David A. Dunaway, 0000

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 (lower half)

Capt. Samuel J. Cox, 0000

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 (lower half)

Capt. David G. Simpson, 0000

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) Edward H. Deets, III, 0000

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) Jeffrey A. Wieringa, 0000

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

Rear Adm. (lh) Charles H. Goddard, 0000
Rear Adm. (lh) Kevin M. McCoy, 0000

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. Terry J. Benedict, 0000
Capt. Michael E. McMahon, 0000

IN THE MARINE CORPS

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

To be brigadier general

Col. Kenneth F. McKenzie, Jr., 0000

IN THE ARMY

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. Richard P. Zahner, 0000

IN THE NAVY

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

To be vice admiral

Rear Adm. Joseph Maguire, 0000

IN THE ARMY

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., section 12203:

To be major general

Brigadier General Augustus L. Collins, 0000
Brigadier General James B. Gaston, Jr., 0000
Brigadier General Joe L. Harkey, 0000
Brigadier General John S. Harrel, 0000
Brigadier General Edward A. Leacock, 0000
Brigadier General Jose S. Mayorga, Jr., 0000
Brigadier General King E. Sidwell, 0000
Brigadier General Jon L. Trost, 0000

To be brigadier general

Colonel Robert K. Balster, 0000
Colonel Julio R. Banez, 0000
Colonel William A. Bankhead, Jr., 0000
Colonel Roosevelt Barfield, 0000
Colonel Gregory W. Batts, 0000
Colonel Thomas E. Beron, 0000
Colonel David L. Bowman, 0000
Colonel George A. Brinegar, 0000
Colonel Jefferson S. Burton, 0000
Colonel Glenn H. Curtis, 0000
Colonel Larry W. Curtis, 0000
Colonel Sandra W. Dittig, 0000
Colonel Alan S. Dohrmann, 0000
Colonel Alexander E. Duckworth, 0000
Colonel Frank W. Dulfer, 0000
Colonel Robert W. Enzenauer, 0000
Colonel Lynn D. Fisher, 0000
Colonel Burton K. Francisco, 0000
Colonel Helen L. Gant, 0000
Colonel Terry M. Haston, 0000
Colonel Bryan J. Hult, 0000
Colonel George E. Irvin, Sr., 0000
Colonel Lenwood A. Landrum, 0000
Colonel Roger L. McClellan, 0000
Colonel Ronald O. Morrow, 0000
Colonel John M. Nunn, 0000
Colonel Isaac G. Osborne, Jr., 0000
Colonel Robert J. Pratt, 0000
Colonel Jerry E. Reeves, 0000
Colonel Timothy A. Reisch, 0000
Colonel James M. Robinson, 0000.
Colonel Mark D. Scraba, 0000
Colonel Donald P. Walker, 0000
Colonel Charles F. Walsh, 0000

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. Francis H. Kearney, III, 0000

The following Army National Guard of the United States officers 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. Jonathan E. Farnham, 0000
Col. Hugo E. Salazar, 0000

IN THE NAVY

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

To be rear admiral

Rear Adm. (lh) Carol M. Pottenger, 0000

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

To be vice admiral

Rear Adm. (lh) Jeffrey A Wieringa, 0000

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

Rear Adm. (lh) Jeffrey A Lemmons, 0000
Rear Adm. (lh) Frank F. Rennie, IV, 0000
Rear Adm. (lh) Robin M. Watters, 0000

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S. C., section 8081:

To be major general

Brig. Gen. Garbeth S. Graham, 0000

IN THE ARMY

The following named 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. Jimmie J. Wells, 0000

IN THE MARINE CORPS

The following ed 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

Lt. Gen. Emerson N. Gardner, Jr., 0000

IN THE NAVY

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

To be rear admiral

Rear Adm. (lh) Christine M. Bruzek-Kohler,

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Michael D. Akey, 0000
Brigadier General Michael G. Brandt, 0000
Brigadier General Richard H. Clevenger, 0000
Brigadier General Cynthia N. Kirkland, 0000
Brigadier General Duane Lodrige, 0000
Brigadier General Patrick J. Moisio, 0000
Brigadier General Charles A. Morgan, III, 0000
Brigadier General Daniel B. O'Hollaren, 0000
Brigadier General Peter S. Pawling, 0000
Brigadier General William M. Schuessler, 0000
Brigadier General Haywood R. Starling, Jr.,
Brigadier General Raymond L. Webster, 0000

To be brigadier general

Colonel Maurice T. Brock, 0000
Colonel Jim C. Chow, 0000
Colonel Michael G. Colangelo, 0000
Colonel Barry K. Coin, 0000
Colonel Steven A. Cray, 0000
Colonel James D. Demeritt, 0000
Colonel Matthew J. Dzialo, 0000
Colonel Trulan A. Eyre, 0000
Colonel Jon F. Fago, 0000
Colonel William S. Hadaway, III, 0000
Colonel Samuel C. Heady, 0000
Colonel John P. Hughes, 0000
Colonel Mark R. Johnson, 0000
Colonel Patrick L. Martin, 0000
Colonel Richard A Mitchell, 0000
Colonel John F. Nichols, 0000
Colonel Grady L. Patterson, III, 0000
Colonel George E. Pigeon, 0000
Colonel William N. Reddell, III, 0000
Colonel Harold E. Reed, 0000
Colonel Leon S. Rice, 0000
Colonel Alphonse J. Stephenson, 0000
Colonel Eric W. Vollmecke, 0000
Colonel Eric G. Weller, 0000

IN THE ARMY

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

To be lieutenant general

Maj. Gen. John D. Gardner, 0000

DEPARTMENT OF STATE

Reuben Jeffery III, of the District of Columbia, to be United States AJternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development, vice Josette Sheeran Shiner.

DEPARTMENT OF STATE

June Carter Perry, of the District of Columbia, 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 Sierra Leone.

Wanda L. Nesbitt, of Pennsylvania, 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 Cote D'Ivoire.

Frederick B. Cook, of Florida, 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 Central African Republic.

Robert B. Nolan, of Virginia, 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 Kingdom of Lesotho.

Maurice S. Parker, of California, 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 Kingdom of Swaziland.

William John Garvelink, 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 Democratic Republic of the Congo.

William R. Brownfield, of Texas, 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 Colombia.

Peter Michael McKinley, of Virginia, 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 Peru.

Patrick Dennis Duddy, of Maine, 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 Bolivarian Republic of Venezuela.

Anne Woods Patterson, of Virginia, 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 the Islamic Republic of Pakistan.

Nancy J. Powell, of Iowa, 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 Nepal.

Joseph Adam Ereli, 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 Kingdom of Bahrain.

Richard Boyce Norland, of Iowa, 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 Uzbekistan.

Stephen A. Seche, of Virginia, 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 Yemen.

John L. Withers II, of Maryland, 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 Albania.

Charles Lewis English, of New York, 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 Bosnia and Herzegovina.

Cameron Munter, of California, 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 Serbia.

Roderick W. Moore, of Rhode Island, 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 Montenegro.

J. Christian Kennedy, of Indiana, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

INTER-AMERICAN FOUNDATION

Hector E. Morales, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2010, vice Jose A. Fourquet, resigned.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Richard Allan Hill, of Montana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009, vice Juanita Sims Doty, term expired.

Stan Z. Soloway, of the District of Columbia, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011, vice Carol Kinsley, term expired.

James Palmer, of California, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2011, vice Donna N. Williams, term expired.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN167 AIR FORCE nominations (21) beginning RICHARD G. ANDERSON, and ending MITCHELL ZYGADLO, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN373 AIR FORCE nominations (1250) beginning CHRISTOPHER R. ABRAMSON, and ending ANNAMARIE ZURLINDEN, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN665 AIR FORCE nominations (2) beginning ALICE A. HALE, and ending NATALIE A. JAGIELLA, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN666 AIR FORCE nominations (6) beginning ANNE M. BEAUDOIN, and ending JUSTINA U. PAULINO, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

IN THE ARMY

PN202 ARMY nominations (78) beginning ERIC D. ADAMS, and ending DAVID S. ZUMBRO, which nominations were received by the Senate and appeared in the Congressional Record of January 18, 2007.

PN203 ARMY nominations (34) beginning JEFFREY S. ALMONY, and ending DANIEL A. ZELESKI, which nominations were received by the Senate and appeared in the Congressional Record of January 18, 2007.

PN585 ARMY nomination of Kenneth C. Simpkiss, which was received by the Senate and appeared in the Congressional Record of May 21, 2007.

PN586 ARMY nominations (2) beginning ANTHONY G. HOFFMAN, and ending PATRICIA L. WOOD, which nominations were received by the Senate and ap'peared in the Congressional Record of May 21, 2007.

PN587 ARMY nominations (3) beginning ROY V. MCCARTY, and ending HUNG Q. VU, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2007.

PN624 ARMY nomination of Karen L. Ware, which was received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN625 ARMY nomination of Jeanetta Corcoran, which was received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN626 ARMY nominations (4) beginning RICHARD L. KLINGLER, and ending CARLOS M. GARCIA, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN627 ARMY nominations (20) beginning DEEPTI S. CHITNIS, and ending GIA K. YI, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN629 ARMY nominations (154) beginning JACOB W. AARONSON, and ending DAVID W. WOLKEN, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN667 ARMY nomination of Birget Batiste, which was received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN668 ARMY nomination of James P. Houston, which was received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN669 ARMY nomination of John C. Loose Jr., which was received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN670 ARMY nominations (2) beginning BRUCE BUBLICK, and ending JAMES MADDEN, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN671 ARMY nominations (2) beginning JACKIE L. BYAS, and ending WILLIAM R. CLARK, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN672 ARMY nominations (3) beginning JEFFREY R. KEIM, and ending STAN ROWICKI, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN673 ARMY nominations (9) beginning PHILIP A HORTON, and ending PATRICIA YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN674 ARMY nominations (3) beginning BERNADINE F. PELETZFOX, and ending SUSAN P. STATTMILLER, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN675 ARMY nominations (16) beginning JEFFERY H. ALLEN, and ending BOBBY C. THORNTON, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN676 ARMY nominations (4) beginning DIRK R. KLOSS, and ending MARK C. STRONG, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN677 ARMY nominations (173) beginning DAVID M. GRIFFITH, and ending BRIAN N. WITCHER, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

IN THE FOREIGN SERVICE

PN523 FOREIGN SERVICE nominations (8) beginning John E. Peters, and ending Andrew P. Wylegala, which nominations were received by the Senate and appeared in the Congressional Record of May 7, 2007.

PN594 FOREIGN SERVICE nominations (4) beginning Daniel K. Berman, and ending Scott S. Sindelar, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2007.

PN595 FOREIGN SERVICE nominations (317) beginning Linda Thompson Topping Gonzalez, and ending Karen Sliter, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2007.

IN THE MARINE CORPS

PN588 MARINE CORPS nominations (14) beginning ERIC M. ARBOGAST, and ending JAMES L. WETZEL IV, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2007.

IN THE NAVY

PN503 NAVY nomination of Michael R. Murray, which was received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN504 NAVY nomination of Curt W. Dodges, which was received by the Senate

and appeared in the Congressional Record of May 3, 2007.

PN505 NAVY nomination of Michael L. Incze, which was received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN506 NAVY nomination of Sandra C. Irwin, which was received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN507 NAVY nominations (3) beginning WILLIAM R. FENICK, and ending ISAAC N. SKELTON, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN508 NAVY nominations (5) beginning ROBERT B. CALDWELL JR., and ending ELLEN E. MOORE, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN509 NAVY nominations (6) beginning DAWN H. DRIESBACH, and ending GLENN S. ROSEN, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN510 NAVY nominations (8) beginning NICHOLAS J. CIPRIANO III, and ending STEPHEN C. WOLL, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN511 NAVY nominations (9) beginning RHETTA R. BAILEY, and ending KELLY J. WILD, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN512 NAVY nominations (9) beginning JEFFREY S. COLE, and ending TIMOTHY J. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN513 NAVY nominations (7) beginning BRUCE A. BASSETT, and ending MICHAEL A. YUKISH, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN514 NAVY nominations (6) beginning JULIE S. CHALFANT, and ending PAUL J. VANBENTHEM, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN515 NAVY nominations (5) beginning DANIEL J. MACDONNELL, and ending MICHAEL J. WILKINS, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN516 NAVY nominations (4) beginning HARRY S. DELOACH, and ending MARK Q. SCHWARTZEL, which nominations were received by the Senate and app:ared in the Congressional Record of May 3, 2007.

PN517 NAVY nominations (4) beginning KENNETH BRANHAM, and ending KEVIN J. MCGOVERN, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN518 NAVY nominations (3) beginning STEVEN P. CLANCY, and ending STEWART B. WHARTON III, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN519 NAVY nominations (13) beginning JAMES A. ALBANI, and ending ROBERT R. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN520 NAVY nominations (30) beginning PATRICK J. BARRETT, and ending JEANNINE E. SNOW, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN521 NAVY nominations (31) beginning BETH Y. AHERN, and ending DANIEL E. ZIMBEROFF, which nominations were received by the Senate and appeared in the Congressional Record of May 3, 2007.

PN540 NAVY nominations (5) beginning STEVEN D. BROWN, and ending MARK G. STEINER, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN541 NAVY nominations (8) beginning RICHARD K. GIROUX, and ending DENISE E. STICH, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN542 NAVY nominations (15) beginning MARK A. ADMIRAL, and ending DANIEL F. VERHEUL, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN543 NAVY nominations (21) beginning MICHAEL D. ANDERSON, and ending BRUCE C. URBON, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN544 NAVY nominations (12) beginning SCOT K. ABEL, and ending LELAND D. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN545 NAVY nominations (11) beginning MICHAEL J. CERNECK, and ending MICHAEL L. PEOPLES, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN546 NAVY nominations (10) beginning JOHN W. CHANDLER, and ending JAMES A. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN547 NAVY nominations (70) beginning ARNE J. ANDERSON, and ending KEVIN E. ZAWACKI, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN548 NAVY nominations (29) beginning LEIGH P. ACKART, and ending KURT E. WAYMIRE, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN549 NAVY nominations (29) beginning PIUS A. AIYELAWO, and ending PENNY E. WALTER, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN550 NAVY nominations (19) beginning WENDY M. BORUSZEWSKI, and ending PATRICIA A. TORDIK, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN551 NAVY nominations (19) beginning CHERIE L. BARE, and ending KATHRYN A. SUMMERS, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN552 NAVY nominations (15) beginning DARIUS BANAJI, and ending MICHAEL D. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2007.

PN630 NAVY nominations (2) beginning CHARLES S. CLECKLER, and ending PATRICK P. WHITSELL, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN631 NAVY nominations (2) beginning RANDY L. QUINN, and ending SMITH S. B. WALL, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN632 NAVY nominations (21) beginning DAVID A. ARZOUMAN, and ending GREGG WOLFF, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN633 NAVY nominations (16) beginning CHRISTINA M. ALVARADO, and ending JOHN ZDENCANOVIC, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN634 NAVY nominations (15) beginning KENNETH W. BOWMAN, and ending GARY L. ULRICH, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN635 NAVY nominations (9) beginning HSINGCHIEN J. CHENG, and ending BRADLEY S. TROTTER, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN636 NAVY nominations (13) beginning NORMAN J. ARANDA, and ending SARAH E. SUPNICK, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN637 NAVY nominations (8) beginning PATRICIA A. BRADY, and ending MELVIN D. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN638 NAVY nominations (8) beginning NATHAN L. AMMONS III, and ending DANIEL W. STEHLY, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2007.

PN678 NAVY nomination of Carlos E. Gomez-Sanchez, which was received by the Senate and appeared in the Congressional Record of June 18, 2007.

PN679 NAVY nominations (268) beginning SCOTT F. ADAMS, and ending WILLIAM A. ZIRZOW IV, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 2007.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

LOBBYING REFORM AND 9/11 COMMISSION RECOMMENDATIONS

Mr. REID. Mr. President, it goes without saying I am disappointed that the two issues we have had to do—so important—ethics and lobbying reform and the 9/11 Commission recommendations implementation—that there have been objections. All kinds of reasons, but it seems to me it is an effort that is not in keeping with what is good for our country. I accept what has happened, and we will be back tomorrow with our request for the lobbying reform.

Mr. SCHUMER. Mr. President, I would ask one thing of my colleagues. We wouldn't want this—certainly, I wouldn't, and I believe most of my colleagues wouldn't—want to let this bill be delayed because of the cuts of a thousand deaths. We have dealt with the first objection—TSA. We did something many of us thought we shouldn't do in an effort to move the bill forward. The majority leader has said he will deal with Senator COBURN's objection. But if then tomorrow something else comes down and they make another objection and next week another objection and another objection, that would not be fair.

So I would ask my colleagues, anyone else who has objections, to bring them forward tomorrow so maybe we can try to resolve them and move this bill forward.

CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 179, the adjournment resolution.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 179) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

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

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 179) was agreed to, as follows:

H. CON. RES. 179

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 28, 2007, or Friday, June 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, July 10, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, June 29, 2007, Saturday, June 30, 2007, Sunday, July 1, 2007, or Monday, July 2, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 9, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

EXTENDING THE AUTHORITIES OF THE ANDEAN TRADE PREFERENCE ACT

Mr. REID. I ask unanimous consent the Senate proceed to H.R. 1830.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1830) to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

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

Mr. BAUCUS. Mr. President, today, the Senate has taken an important step in our relationship with Latin America. Following House action last night, the Senate unanimously approved an 8-month extension of the Andean Trade Preference Act, ATPA. Our action today prevents these key trade preferences from expiring abruptly this weekend. More importantly, it underscores the value that United States places on strong economic engagement with our partners in the Andean region.

The Andean Trade Preference Act provides duty-free access to certain products from Colombia, Peru, Ecuador, and Bolivia. These preferences ensure that hundreds of thousands of workers in these countries can find legal and meaningful employment in their own countries—workers who might otherwise find jobs in coca fields or in other illicit industries. By doing so, the Andean trade preferences enable the United States to continue to promote economic and political stability in a key region of Latin America.

ATPA and other preference programs are not a one-way street. I hear repeatedly from American businesses and consumers how these preference programs benefit the United States. Specifically, ATPA provides numerous U.S. companies with a source of high-quality, duty-free inputs for their products. American companies then pass these benefits on to American consumers in the form of lower costs and greater product diversity.

While I welcome this extension, I do not wish to minimize legitimate concerns that some of my colleagues have about the program, especially those relating to protection of U.S. investment. ATPA provides a framework for addressing these concerns and finding the solutions. To benefit from these preferences, beneficiary countries must protect foreign investment. They must afford worker rights. They must uphold key intellectual property rights. And they must meet counternarcotics requirements. Because of these provisions, ATPA is one of the best diplomatic tools America has in Latin America.

Today we took an important step in passing an 8-month extension of ATPA. But 8 months is not a lasting solution. Rather, it is a stepping stone toward a possible longer term extension for ATPA beneficiaries, as circumstances warrant. Eight months from now, some countries may still need these preferences; others may not. During the time, I will closely monitor whether ATPA beneficiary countries live up to their end of the bargain and abide by the requirements of the program. If they do, I will work hard to secure a longer extension. The United States and the Andean region will be better for it.

Mr. REID. Mr. President, before I ask this be completed, I am glad this is being done. I am disappointed it is only until the end of February.

I traveled to Bolivia, Peru, and Ecuador. This is so important to those countries. I am glad we will get it extended. It would have expired at the end of this month. It will not expire now. I hope by next February we can have a multiyear extension. I have spoken to Senators GRASSLEY and BAUCUS. I hope that is the case.

I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (H.R. 1830) was ordered to be read a third time, was read the third time, and passed.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1585

Mr. REID. I ask unanimous consent the cloture motion on the motion to proceed to H.R. 1585 be withdrawn, that the motion to proceed be agreed to, and the Senate resume consideration of the bill on Monday, July 9, after the conclusion of morning business.

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

Mr. REID. Mr. President, this is the Defense authorization bill. I hope there will be a little conversation about this tomorrow. This will get us back and focusing on the intractable war that is taking place in Iraq.

I made a call a day or two ago to speak to Keith Modgling, the father of Josh. He just turned 22. He was in Iraq for less than a month. He was killed.

We are going to refocus on this. It is important we do that.

ORDERS FOR FRIDAY, JUNE 29, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:45 a.m. Friday, June 29. On Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Friday, June 29, 2007, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 2007:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 152 AND 601:

To be admiral

ADM. MICHAEL G. MULLEN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

To be general

GEN. JAMES E. CARTWRIGHT, 0000

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD B. MARRON, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE MATTHEW SLAUGHTER, RESIGNED.

DEPARTMENT OF THE INTERIOR

BRENT T. WAHLQUIST, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT.

DEPARTMENT OF STATE

CHRISTOPHER EGAN, OF MASSACHUSETTS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF JUSTICE

REED VERNE HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS, VICE ANTHONY DICHIO.

IN THE AIR FORCE

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

LT. GEN. FRANK G. KLOTZ, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PETER J. OLDMIXON, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DAN L. AMMONS, 0000

To be commander

KEVIN G. AANDAHL, 0000
RAFAEL A. CABRERA, 0000
ALFRED H. DUNN, 0000
KRISTINE A. KNUTSON, 0000
MARK L. KREUSER, 0000
MARK T. LAGIER, 0000
STEPHEN P. NIELSEN, 0000
MARK E. OLDFIELD, 0000
JACK D. POOLE II, 0000

To be lieutenant commander

DANIEL D. BROWN, 0000
SHAMUS R. CARR, 0000
SOPHIA E. DEBEN, 0000
ROBERT D. ECKER, 0000
ALEXANDER N. EVANS, 0000
NATHANIAL FERNANDEZ, 0000
BRIAN P. FITZSIMMONS, 0000
JOSE E. GOMEZ, 0000
CHRISTIAN C. HALL, 0000
CLAYTON O. HILL, 0000
KARL C. KRONMANN, 0000
JAMES R. LEBAKKEN, 0000
MENG G. LEE, 0000
JORGE I. MADERAL, 0000
DWAYNE A. MAULTSBY, 0000
MICHAEL L. MCCLAM, 0000
JOHN S. MOREE, 0000
ANTHONY F. PERREAULT, 0000
ANGELA M. POWELL, 0000
LYNN J. PRIMEAUX, 0000
KELVIN L. REED, 0000
ANTHONY I. RICCIO, 0000
LAURA L. ROBERTS, 0000
MARIO A. ROSSI, 0000
SHANNON D. SCHANTZ, 0000
PAIGE A. SHERMAN, 0000
ERIC D. SHIRLEY, 0000
PATRICK J. SNIEZEK, 0000
STEVEN D. THOMPSON, 0000
STEVEN A. TOENJES, 0000
THOMAS E. VARNEY, 0000
CURTIS J. WOODS, 0000
ROBERT D. WOODS, 0000

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

GILBERT AYAN, 0000
ALEXANDER T. BAERG, 0000
HAROLD W. BOWMANTRAYFORD, 0000
JAMES A. BROWN, 0000
MICHEL C. FALZONE, 0000
THOMAS P. FLAHERTY II, 0000
MICHAEL C. GRUBB, 0000
JEFFREY T. HOLDSWORTH, 0000
JAMES E. MASON, 0000
ERNEST A. MATTA, 0000
THOMAS J. NIEBEL, 0000
THOMAS P. ODONNELL, 0000
DAVID L. PAYNE, JR., 0000
JEREMY A. PELSTRING, 0000
PAUL H. PLATTSMIER, 0000
ROBERT W. ROSE, 0000
WILLIAM L. ROSENBERRY, 0000
MICHAEL L. THOMPSON, 0000
COLIN D. XANDER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SIMONIA R. BLASSINGAME, 0000
MICHELLE D. CARTER, 0000
LYN Y. HAMMER, 0000
SHANE G. HARRIS, 0000
RALITA S. HILDEBRAND, 0000
KATHLEEN A. KERRIGAN, 0000
SUSANNE M. MCNINCH, 0000
BRECKENRIDGE S. MORGAN, 0000
MELANIE R. NORTON, 0000
WISTAR L. RHODES, 0000
KATHRYN A. SCOTT, 0000
MELISSA M. SHORT, 0000
CHERYL R. STOLZE, 0000
MARY L. THOMPSON, 0000
DARRYL M. TOPPIN, 0000
JASON L. WEBB, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JEFFREY A. BAYLESS, 0000
VITTERIO J. CRISP, 0000
KENNETH F. ELKERN, JR., 0000
GERRY M. FERNANDEZ, JR., 0000
MARY A. L. GIESE, 0000
ERIC R. JOHNSON, 0000
MATTHEW R. LEAR, 0000
TIMIKA B. LINDSAY, 0000
TODD A. MAUERHAN, 0000
BRYAN S. MCROBERTS, 0000
STEPHEN E. MILLS, 0000
DAVID W. SAMARA, 0000
TRACY J. SHAY, 0000
ROBERT R. STACHURA, 0000
BRITTON C. TALBERT, 0000
ANDREW S. THAELER, 0000
RAMBERTO A. TORRUELLA, 0000
SCOTT A. WALKER, 0000
MATTHEW H. WELSH, 0000
WARREN YU, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRIS D. AGAR, 0000
JONATHAN J. BARTEL, 0000
BRYAN E. BRASWELL, 0000
TERRY B. CARWILE, 0000
ROBERT L. CHESSER, 0000
MATTHEW A. DEAN, 0000
MICHAEL L. DOUGLAS, 0000
WILLIAM J. EKBLAD, 0000
KAREN M. ERNEST, 0000
RICHARD G. FRODERMAN, 0000
TODD A. GAGNON, 0000
AMY L. HALIN, 0000
SEAN R. HERITAGE, 0000
EVAN A. HIPSLEY, JR., 0000
JOHN B. HUNTER, 0000
JOEY J. JOHNSON, 0000
CHARLES D. JONES, 0000
HANNELORE C. JONES, 0000
WILLIAM A. LINTZ, 0000
PATRICK L. MALLORY, 0000
ERLE MARION, 0000
DANIEL J. MILLER, 0000
NEAL M. NOTTROTT, 0000
RODNEY R. PURIFOY, 0000
DOUGLAS R. SCHELB, 0000
TYRONE L. WARD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PAUL B. ANDERSON, 0000
JEFFERY D. BARNES, 0000
ANTHONY T. BUTERA, 0000
JOHN M. DAHM, 0000
KENNETH D. DEHAN, 0000
JENNIFER K. EAVES, 0000
MARK A. GERSCHOFFER, 0000
JAMES M. GRIFFIN, 0000
JEREMY D. HAHN, 0000
MARY K. HALLERBERG, 0000
JOSHUA C. HIMES, 0000
JEFFREY T. HUBERT, 0000
GRAHAM K. JACKSON, 0000
DANIEL J. KENDA, 0000
SEAN R. KENTCH, 0000
MADELENE E. MEANS, 0000
FREDERICK W. MOSENFELDER, 0000
KELLY S. NICHOLS, 0000
MATTHEW J. PAWLIKOWSKI, 0000
DANIEL J. PERRON, 0000
MICHAEL S. PRATHER, 0000
CARRI A. ROBBINS, 0000
DAVID C. SCHNEEBERGER, 0000
CHRISTOPHER H. SHARMAN, 0000
STEVEN A. VOZZOLA, 0000
SCOTT R. WHALEY, 0000
DARREN S. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTINA S. HAGEN, 0000
CHRISTOPHER B. LOUNDERMON, 0000
PATRICK W. MCNALLY, 0000
SCOTT M. MILLER, 0000
RON A. STEINER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER J. ARENDS, 0000
ANTHONY W. COX, 0000
JOHN M. DAZIENS, 0000
ANTHONY F. GILLESS, 0000
GREGORY S. IRETON, 0000
JOSEPH S. MARTIN, 0000
SEAN P. MEMMEN, 0000
CYNTHIA V. MORGAN, 0000
ELIZABETH R. SANABIA, 0000
GREGORY J. SCHMEISER, 0000
RONALD R. SHAW, JR., 0000
CHRISTOPHER J. STERBIS, 0000
ANGELA H. WALKER, 0000
KEITH E. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SARAH A. DACHOS, 0000
TERRENCE L. DUDLEY, 0000
GLENN C. GODBEY, 0000
ROBERT H. PALM, JR., 0000
RICHARD J. RYAN, 0000
RICHARD M. STACPOOLE, 0000
ERIK J. STOHLMANN, 0000
ELIZABETH A. THOMAS, 0000
PAULO B. VICENTE, 0000
CLAY G. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BENITO E. BAYLOSIS, 0000
WILLIAM D. CARROLL, 0000
JOHN D. GERKEN, 0000
ANDREW S. GIBBONS, 0000
LYNN A. GISH, 0000
CHRISTOPHER J. HANSON, 0000
WILLIAM L. HARDMAN, 0000
JAY H. JOHNSON, 0000
JAMES A. KNOLL, 0000
RYAN J. KUCHLER, 0000
PATRICK B. LAFONTANT, 0000
JERRY W. LEGERE, 0000
JOHN L. LOWERY, 0000
PETER M. LUDWIG, 0000
HOWARD B. MARKLE, 0000
CHARLES R. MARSHALL, 0000
STEPHEN R. MEADE, 0000
MICHAEL A. PORTER, 0000
GERALD R. PRENDERGAST, 0000
CHRISTOPHER G. RILEY, 0000
JOHN P. ROBINSON II, 0000
TIMOTHY C. SPICER, 0000
DOUGLAS L. SWISHER, 0000
MICHAEL E. TAYLOR, 0000
KAI O. TORKELSON, 0000
JON E. WITHEE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOUGLAS S. BELVIN, 0000
MATTHEW D. BOHLIN, 0000
THOMAS C. CECIL, 0000
STEVEN F. DESANTIS, 0000
JUAN G. FERNANDEZ II, 0000
ERIC J. HIGGINS, 0000
JOSEPH B. HORNBUCKLE, 0000
MARK P. KEMPF, 0000
JEFFERY T. KING, 0000
SCOTT H. LEDIG, 0000
ANDREW J. MCFARLAND, 0000
KURT W. MULLER, 0000
GREGORY A. OUELLETTE, 0000
DOUGLAS M. PHELAN, 0000
CHAD B. REED, 0000
JASON L. RIDER, 0000
WESLEY S. SANDERS, 0000
KYLE T. TURCO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

FITZGERALD BRITTON, 0000
RUSSELL J. DICKISON, 0000
ELLEN M. EVANOFF, 0000

BRYANT E. HEPSTALL, 0000
CARL P. NOLTE, 0000
NORMAN C. OWEN, 0000
NATHAN D. SCHNEIDER, 0000
ERIC J. SIMON, 0000
JOHN F. ZREMBSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

WILLIAM L. ABBOTT, 0000
MARTIN A. ANDERSON, JR., 0000
ARTHUR P. ARKO, 0000
PETER J. BACHAND, 0000
NONITO V. BLAS, 0000
BRIAN L. BODOH, 0000
ROGER J. BROUILLET, 0000
DENNIS L. CAMERON, 0000
JERRY T. CHAPMON, 0000
QUIRION CHRISTIAN, 0000
JOHN F. DEDITIUS, 0000
RICHARD C. DUNAWAY, 0000
KEVIN L. ECKMANN, 0000
DION J. EDON, 0000
JOHN K. FERGUSON, 0000
FARYLE G. FITCHUE, 0000
CLAY K. GLASHEEN, 0000
MARC D. GREGORY, 0000
MARK A. HOCHSTETLER, 0000
JEFFREY M. HORTON, 0000
DANNY J. JENSEN, 0000
WILLIAM R. JOHNSON, 0000
DONALD J. KOBIEC, 0000
KELVIN M. LEWIS, 0000
JOHN M. LOTH, 0000
SCOTT B. LYONS, 0000
GARY D. MARTIN, 0000
SEAN M. MERSH, 0000
MARK A. MESKIMEN, 0000
JOHN B. MORRISON, 0000
MARK C. NISBETT, 0000
SCOTT E. NORR, 0000
VINCENT ORTIZ, 0000
JEFFREY M. PAFFORD, 0000
CHARLES M. PHILLIP, 0000
WILLIAM M. PRESCOTT, 0000
THOMAS PRUSINOWSKI, 0000
KEITH W. RANSOM, 0000
JAMES D. RHOADS, 0000
DANIEL M. ROSSLER, 0000
MICHAEL A. SCOTT, 0000
GERALD A. SHEALEY, 0000
RICHARD T. SHELAR, 0000
VINCENT S. SIEVERT, 0000
SCOTT D. SILK, 0000
CLETUS STRAUSBAUGH, 0000
ROY A. TELLER, 0000
ROBERT K. TUCKER, 0000
JAMES P. TURNER, 0000
TIMOTHY P. WADLEY, 0000
DAVID S. WARNER, 0000
CARVILLE C. WEBB, 0000
CHARLES W. WEBB, 0000
SHAWN T. WHALEN, 0000
BARRY E. WISDOM, 0000
ALLEN W. WOOTEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KEVIN T. AANESTAD, 0000
TODD A. ABRAHAMSON, 0000
DOUGLAS J. ADAMS, 0000
GEORGE R. AGUILAR, 0000
ELLER V. AIELLO, 0000
CHRISTOPHER D. ALEXANDER, 0000
KRISTINE E. ALEXANDER, 0000
BENJAMIN J. ALLBRITTON, 0000
GARY T. AMBROSE, 0000
ANDREW D. AMIDON, 0000
MICHAEL T. AMOS, 0000
MARK E. ANDERSON, 0000
WAYNE W. ANDERSON, JR., 0000
CHARLES H. ANDREWS, 0000
FERNANDO J. ARGELES, 0000
GEORGE R. ARNOLD II, 0000
MARK R. ASUNCION, 0000
THOMAS R. BAKER, 0000
THOMAS C. BALDWIN, 0000
THOMAS D. BARBER, 0000
JOSEPH W. BARNES, 0000
JOHN J. BARRY III, 0000
TROY D. BAUDER, 0000
JAMES W. BEAVER, 0000
KEITH M. BECK, 0000
CURTIS A. BECKER, JR., 0000
RODNEY T. BEHREND, 0000
SCOTT A. BELL, 0000
JAMES A. BELZ, 0000
JEFFREY A. BENNETT II, 0000
CHRISTOPHER BERGEN, 0000
BUDD E. BERGLOFF, 0000
PETER R. BERNING, 0000
PAUL N. BERTHELOTTE, 0000
KEVIN W. BILLINGS, 0000
JAMES M. BILOTTA, 0000
DAVID T. BITLER, 0000
ROBERT E. BOARDMAN, 0000
MICHAEL S. BOBULINSKI, 0000
TODD W. BOEHM, 0000
MARK J. BOLLONG, 0000
JOHN D. BOONE, 0000
MICHAEL J. BOONE, 0000
NATHAN P. BORCHERS, 0000
BRADLEY T. BORDEN, 0000
JEFFREY S. BOROS, 0000
JERRY R. BOSTER, 0000
MICHAEL S. BOUCHER, 0000
LESLIE W. BOYER III, 0000
CHRISTOPHER J. BOYLE, 0000
PETER C. BOZZO, 0000
KEVIN M. BRAND, 0000
JOHN P. BRAUN, 0000
NEIL M. BRENNAN, 0000
PETER J. BREWSTER, 0000
WILLIAM D. BREWSTER, JR., 0000
PATRICK T. BRITT, 0000
BRIAN B. BRONK, 0000
JOHN E. BROTEMARKLE, 0000
JAMES E. BROWN, 0000
ROBERT BROWN, 0000
ANTHONY M. BRUCE, 0000
THOMAS R. BUCHANAN, 0000
MICHAEL P. BUCKLEY, 0000
WILLIAM A. BUCKNER, 0000
ROSS S. BUDGE, 0000
NICHOLIE T. BUFKIN, 0000
DWAYNE E. BURBRIDGE, 0000
MICHAEL J. BURIANEK, 0000
VORRICE J. BURKS, 0000
JOSEPH F. CAHILL III, 0000
MARK A. CALDERON, 0000
PAUL F. CAMPAGNA, 0000
KYLE R. CAMPBELL, 0000
RONNIE M. CANDILORO, 0000
JOHN E. CAPIZZI, 0000
PAUL A. CARELLI, 0000
JOHN G. CARPENTIER, 0000
CURTIS C. CARROLL, 0000
DANIEL G. CASE, 0000
CHRISTOPHER J. CASSIDY, 0000
CHRISTOPHER J. CAVANAUGH, 0000
CHRISTOPHER A. CEGIELSKI, 0000
DAMIEN R. CHRISTOPHER, 0000
MAXIMILIAN CLARK, 0000
JEFFREY J. CLARKSON, 0000
PHILLIP Z. CLAY, 0000
BRYAN M. COCHRAN, 0000
BRETT W. COFFEY, 0000
BRAD J. COLLINS, 0000
TIMOTHY M. COOPER, 0000
FREDERICK D. COTTS, 0000
ROBERT COUGHLIN, 0000
WILLIAM T. COX, JR., 0000
JEFFREY A. CRAIG, 0000
SCOTT P. CRAIG, 0000
MICHAEL A. CRARY, 0000
LINDA E. CRAUGH, 0000
FREDERICK E. CRECELIUS, 0000
ROBERT D. CROXSON, 0000
BRETT E. CROZIER, 0000
PAUL A. CRUMP, 0000
DAVID C. CULPEPPER, 0000
CORY L. CULVER, 0000
DONALD S. CUNNINGHAM, 0000
SCOTT B. CURTIS, 0000
SEAN T. CUSHING, 0000
WILLIAM R. DALY, 0000
RODNEY D. DANIELS, 0000
ANDREW D. DANKO, 0000
HILLARY A. B. DARBY, 0000
TODD J. DARWIN, 0000
GEORGE A. DAVIS, 0000
STEPHEN C. DAVIS, 0000
TIMOTHY P. DAY, 0000
DENNIS A. DEBOBES, 0000
JEFFREY D. DEBRINE, 0000
ROBERT K. DEBUSE, 0000
ANTONIO DEFRIAS, JR., 0000
TERENCE P. DERMODY, 0000
BRIEN W. DICKSON, 0000
MICHAEL R. DICKSON, 0000
RODRIGO M. DILL, 0000
THUY H. DO, 0000
MICHAEL D. DOHERTY, 0000
PETER J. DONAHER III, 0000
LEE A. DONALDSON, 0000
DONALD J. DONEGAN, 0000
JOHN W. DOOLITTLE, 0000
DAVID H. DORN, 0000
BRIAN P. DOUGLASS, 0000
GEORGE B. DOYON, JR., 0000
JEFFREY J. DRAEGER, 0000
RAYMOND R. DRAKE, 0000
SEAN M. DRUMHELLER, 0000
CURTIS B. DUNCAN, 0000
NGAN H. DUONG, 0000
BRYAN W. DURKEE, 0000
JARED V. EAST, 0000
DAVID V. EDGARTON, 0000
PETER S. EGELI, 0000
JEFFREY W. EGGERS, 0000
JAMES J. ELIAS, 0000
CARLTON T. ELLIOTT, 0000
TONY L. ELLIS, 0000
JOHN K. ELLZEY, 0000
STEPHEN S. ERB, 0000
TIMOTHY D. ESH, 0000
ERIK J. ESLICH, 0000
DAVID C. ESTES, 0000
DANIEL T. EVANS, 0000
KEVIN W. EVANS, 0000
JEFFREY N. FARAH, 0000
SCOTT T. FARR, 0000
MICHAEL G. FARREN, 0000
KENNETH L. FERGUSON, 0000
RICHARD J. FIELD, 0000
BRIAN J. FINMAN, 0000
MATTHEW D. FINNEY, 0000
EDWARD J. FISCHER, 0000
ROBERT J. FLYNN, 0000
PATRICK V. FOEGE, 0000
JOSEPH C. FORAKER III, 0000
RONALD A. FOY, 0000
MICHAEL G. FRANTZ, 0000
ERIK L. FRANZEN, 0000
WARREN K. FRIDLEY, 0000
THOMAS A. FROSCH, 0000
STEPHEN F. FULLER, 0000
WARDELL C. FULLER, 0000
BRETT T. FULLERTON, 0000
DAVID O. GADDIS, 0000
MICHAEL P. GALLAGHER, 0000
JOHN N. GANDY, 0000
BRADLEY R. GARBER, 0000
JAMES P. GARDNER, 0000
JOHN A. GEARHART, 0000
BRIAN A. GEBO, 0000
THOMAS W. GELKER, 0000
MARC A. GENUALDI, 0000
MICHAEL J. GIANNETTI, 0000
DANIEL J. GILLEN, 0000
DARREN W. GLASER, 0000
LAWRENCE E. GONZALES, 0000
ISSAC N. GONZALEZ, 0000
KEITH H. GORDON, 0000
MICHAEL J. GRABOWSKI, 0000
GREGORY L. GRADY, 0000
WAYNE G. GRASDOCK, 0000
ERIK W. GREVE, 0000
EDWIN J. GROHE, JR., 0000
GUSTAVO GUTIERREZ, 0000
GREGORY J. HACKER, 0000
THOMAS D. HACKER, 0000
LEONARD M. HAIDL, 0000
KAVON HAKIMZADEH, 0000
SEAN P. HALEY, 0000
DAVID B. HALLORAN, 0000
JASON G. HAMMOND, 0000
ROBERT G. HANNA III, 0000
GERALD J. HANSEN, JR., 0000
KEVIN D. HARMS, 0000
MATTHEW J. HARRISON, 0000
ROGER A. HARTMAN, 0000
JASPER C. HARTSFIELD, 0000
MONTY L. HASENBANK, 0000
CHRISTOPHER D. HAYES, 0000
GREGORY T. HAYNES, 0000
ALBON O. HEAD III, 0000
KEVIN P. HEALY, 0000
WILLIAM A. HEARTHER, 0000
PHILLIP W. HEBERER, 0000
STEVEN T. HEJMANOWSKI, 0000
SCOTT A. HENDRIX, 0000
GERALD C. HENNESSEY, JR., 0000
JOHN C. HENSEL II, 0000
GERALD R. HERMANN, 0000
CHARLES W. HEWGLEY IV, 0000
SEAN P. HIGGINS, 0000
SEAN P. HIGGINS, 0000
TIMOTHY M. HILL, 0000
BERTRAM C. HODGE, 0000
DOYLE K. HODGES, 0000
TODD A. HOFSTEDT, 0000
AARON M. HOLDAWAY, 0000
JOHN C. HOWARD, 0000
CORY R. HOWES, 0000
JOHN L. HOWLAND, 0000
MICHAEL M. H. HSU, 0000
MICHAEL L. HUDSON, 0000
SCOTT A. G. HUFF, 0000
ANTONIO D. HULL, 0000
MICHAEL E. HUTCHENS, 0000
JOSEPH A. HUTCHINSON, 0000
ADOLFO H. IBARRA, 0000
DAVID M. IVEZIC, 0000
JONATHAN L. JACKSON, 0000
RONALD G. JACOBSON, 0000
DAVID G. JASSO, 0000
ROBERT J. JEZEK, JR., 0000
BRYON K. JOHNSON, 0000
HIRAM S. JOHNSON, 0000
MARK E. JOHNSON, 0000
MICHAEL D. JOHNSON, 0000
ROBERT G. JOHNSON, 0000
STEVIN S. JOHNSON, 0000
WILLIAM JOHNSON, 0000
ETTA C. JONES, 0000
JEFFREY E. JONES, 0000
SPENCER C. JONES, 0000
KRISTIN M. JUNGBLUTH, 0000
MARK W. KEKEISEN, 0000
STEPHEN A. KELLEY, 0000
KEVIN M. KENNEDY, 0000
LAWRENCE H. KENNEDY, 0000
ROBERT R. KENYON, 0000
GREGORY R. KERCHER, 0000
DAVID S. KERSEY, 0000
WILLIAM A. KETCHAM, 0000
TIMOTHY N. KETTER, 0000
LISA L. KETTERMAN, 0000
PAUL R. KEYES, 0000
STEVEN W. KIGGANS, 0000
KEITH R. KINTZLEY, 0000
BRIAN D. KIRK, 0000
LAWRENCE J. KISTLER, 0000
ROBERT A. KLASZKY, 0000
DENNIS J. KLEIN, 0000
KEVIN J. KLEIN, 0000
MITCHEL J. KLOEWER, 0000
GREGORY D. KNEPPER, 0000
MICHAEL J. KOEN, 0000
RICHARD W. KOENIG, 0000
ROBERT A. KOONCE, 0000
KENNETH G. KOPP, 0000
PHILIP J. KOTWICK, 0000
SCOTT H. KRAFT, 0000

STEVEN C. KROLL, 0000
PATRICK E. KULAKOWSKI, 0000
DOUGLAS W. KUNZMAN, 0000
SCOTT D. KUYKENDALL, 0000
JON P. R. LABRUZZO, 0000
EUGENE D. LACOSTE, 0000
ROBERT T. LACY, 0000
LANCE J. LAFOND, 0000
MARK A. LAKAMP, 0000
GEORGE M. LANDIS III, 0000
CHAD M. LARGES, 0000
JONATHAN B. LAUBACH, 0000
PAUL P. LAWLER, 0000
WILLIAM E. LAWRENCE, 0000
HUNG B. LE, 0000
MARK S. LEAVITT, 0000
JEAN M. LEBLANC, 0000
FITZHUGH S. LEE, 0000
MATTHEW J. LEHMAN, 0000
FREDERICK C. LENTZ III, 0000
LANCE L. LESHER, 0000
KURT A. LEWIS, 0000
MICHAEL LIBERATORE, 0000
ALVARO L. LIMA, 0000
ANTHONY J. LINARDI III, 0000
CHARLES E. LOISELLE, 0000
ROY LOVE, 0000
ANDREW C. LYNCH, 0000
LEONARD M. LYON, 0000
JOSEPH R. MACKAY, 0000
CHRISTOPHER D. MAJORS, 0000
MICHAEL D. MAKEE, 0000
EUGENE J. MALVEAUX, JR., 0000
CHRISTOPER T. MARTIN, 0000
NICOLAS A. MARUSICH, 0000
TODD R. MARZANO, 0000
MARK A. MARZONIE, 0000
RICHARD N. MASSIE, 0000
STEVEN J. MATHEWS, 0000
ROBERT W. MATHEWSON, 0000
JAMES E. MATTINGLY, 0000
JAMES J. MAUNE, 0000
SHAUN C. MCANDREW, 0000
EDWARD D. MCCABE, 0000
JAMES A. MCCALL III, 0000
LARRY G. MCCULLEN, 0000
RICHARD C. MCDANIEL, 0000
SEAN P. MCDERMOTT, 0000
EDWARD J. MCDONALD, 0000
KEVIN P. MCGEE, 0000
CHRISTOPHER F. MCHUGH, 0000
DOUGLAS R. MCLAREN, 0000
RICHARD A. MCMANUS, 0000
BOBBY D. MCPHERSON II, 0000
DARREN G. MCPHERSON, 0000
JAMES A. MCPHERSON, 0000
MICHAEL T. MCVAY, 0000
WILLIAM R. MELLEN, 0000
KEVIN A. MELODY, 0000
MARK A. MELSON, 0000
ROGER E. MEYER, 0000
CHRISTOPHER A. MIDDLETON, 0000
BRETT W. MIETUS, 0000
PETER A. MILNES, 0000
LUIS E. MOLINA, 0000
LEIF E. MOLLO, 0000
KURT A. MONDLAK, 0000
DAVID J. MONTGOMERY II, 0000
GEOFFREY C. MOORE, 0000
STEVEN A. MORGENFELD, 0000
KYLE S. MOSES, 0000
BRANDT A. MOSLENER, 0000
JOHN B. MOULTON, 0000
SHELBY A. MOUNTS, 0000
BRETT D. MOYES, 0000
THOMAS H. MULDROW, JR., 0000
SCOTT T. MULVEHILL, 0000
DAVID T. MUNDY, 0000
DEAN A. MURIANO, 0000
BRENDAN J. MURPHY, 0000
CHARLES G. MURPHY, 0000
THOMAS F. MURPHY III, 0000
JAMES M. MUSE, 0000
ROBERT C. MUSE, 0000
COLEY R. MYERS III, 0000
MICHAEL J. NADEAU, 0000
DANA A. NELSON, 0000
GREGORY D. NEWKIRK, 0000
STEPHEN L. NEWLUND, 0000
DAVID A. NORLEY, 0000
JOSEPH A. NOSSE, 0000
JEFFREY L. OAKEY, 0000
TERRY L. OBERMEYER, 0000
JOSEPH R. OBRIEN, 0000
DONALD C. ODEN, 0000
FRANK B. OGDEN II, 0000
NATHAN R. OGLE, 0000
ROBERT N. OLIVIER, 0000
LAWRENCE D. OLLICE, JR., 0000
LONNIE W. OLSON, 0000
JOHN F. H. OUELLETTE, 0000
DANIEL L. PACKER, JR., 0000
WILLIAM J. PALERMO, 0000
ADAM D. PALMER, 0000
MATTHEW C. PARADISE, 0000
ANTHONY L. PARTON, 0000
ROBERT W. PATRICK, JR., 0000
RODNEY M. PATTON, 0000
SIL A. PERRELLA, 0000
STEPHEN E. PETRAS, 0000
JAMES B. PFEIFFER, 0000
JOHN B. PICCO, 0000
MICHAEL E. PIETRYKA, 0000
ROBERT J. POLVINO, 0000
DARREN R. POORE, 0000
CAROL A. PRATHER, 0000
RICHARD W. PREST, 0000
CHRISTOPHER A. PRESZ, 0000
JOSHUA D. PRICE, 0000
KARL J. PUGH, 0000
WILLIAM C. PUGH, 0000
MICHAEL G. QUAN, 0000
KEVIN M. QUARDERER, 0000
KEVIN S. RAFFERTY, 0000
ROLANDO RAMIREZ, 0000
DAVID T. RAMSEY, JR., 0000
PAUL E. RASMUSSEN, 0000
ROSARIO M. RAUSA, 0000
CRAIG C. REINER, 0000
CRAIG M. REMALY, 0000
JOSHUA S. REYHER, 0000
BENJAMIN G. REYNOLDS, 0000
STEVEN M. RICHARDS, 0000
GLENN F. ROBBINS, 0000
STEVEN C. ROBERTO, JR., 0000
RICHARD K. ROSSETTI, 0000
DAVID M. ROWLAND, 0000
JOHN C. RUDELLA, 0000
ROME RUIZ, 0000
GAVAN M. SAGARA, 0000
TIMOTHY A. SALTER, 0000
KEVIN R. SANDLIN, 0000
MILTON J. SANDS III, 0000
DAVID M. SANFIELD, 0000
ERICH B. SCHMIDT, 0000
STEPHEN F. SCHMIDT, 0000
EDWARD A. SCHRADER, 0000
MARK A. SCHRAM, 0000
CHRISTOPHER A. SCOTT, 0000
DAVID M. SCOTT, 0000
RICHARD I. SCRITCHFIELD, 0000
JEFFREY L. SCUDDER, 0000
MATTHEW T. SECREST, 0000
ERIC O. SEIB, 0000
RICHARD E. SEIF, JR., 0000
OLIN M. SELL, 0000
DAVID K. SHAFFER, 0000
FRANK C. SHELLY, 0000
KENNETH W. SHICK, 0000
JUSTIN L. SHOGER, 0000
HANS E. SHOLLEY, 0000
JOHN J. SHRIVER, 0000
MAXWELL J. SHUMAN, 0000
LARRY A. SIDBURY, 0000
MICHAEL C. SIEPERT, 0000
TIMOTHY L. SIMONSON, 0000
THOMAS W. SINGLETON, 0000
LUKE SIRONI, 0000
WARREN E. SISSON, 0000
BRIAN L. SITTLOW, 0000
DARREN J. SKINNER, 0000
QUINN D. SKINNER, 0000
STEVEN J. SKRETKOWICZ, 0000
TIMOTHY J. SLENTZ, 0000
JAMES B. SMELLEY, 0000
CRAIG M. SNYDER, 0000
ERIC A. SODERBERG, 0000
ROBERT G. SODERHOLM, 0000
DAVID S. SOLDOW, 0000
JOHN D. SOWERS, 0000
STEPHEN O. SPRAGUE, 0000
JAMES A. STANLEY, 0000
THOMAS F. STANLEY, 0000
JOSEPH M. STAUD, 0000
MICHAEL A. STEEN, 0000
JAY M. STEINGOLD, 0000
KRISTIN L. STENGEL, 0000
HENRY P. STEWART, 0000
JAMES M. STEWART, 0000
TODD D. STLAURENT, 0000
CHRISTOPHER M. STOPYRA, 0000
GREGORY P. STPIERRE, 0000
KENNETH A. STRONG, 0000
DAVID J. SUCHYTA, 0000
DAVID D. SULLINS, 0000
DANIEL J. SULLIVAN IV, 0000
DANIEL D. SUNVOLD, 0000
WILLIAM S. SWITZER, 0000
SCOTT A. TAIT, 0000
MARK W. TANKERSLEY, 0000
CHARLES L. TAYLOR, 0000
KYLE W. M. TAYLOR, 0000
BENJAMIN J. TEICH, 0000
ANTONIO TELLADO, 0000
JASON A. TEMPLE, 0000
KARL R. TENNEY, 0000
MATTHEW D. TERWILLIGER, 0000
MATTHEW A. TESTERMAN, 0000
JOSEPH C. THOMAS, 0000
NICHOLAS R. TILBROOK, 0000
RICHARD V. TIMMS, 0000
RONALD W. TOLAND, JR., 0000
BRENT A. TRICKEL, 0000
DEREK A. TRINQUE, 0000
SCOTT S. TROYER, 0000
MICHAEL H. TSUTAGAWA, 0000
EDWARD D. TURCOTTE, 0000
BRADLEY W. UPTON, 0000
TODD D. VANDEGRIFT, 0000
STEPHEN J. VANLANDINGHAM, 0000
DAVID A. VARNER, 0000
DENNIS VELEZ, 0000
RAYMUNDO VILLARREAL, 0000
CHAD P. VINCELETTE, 0000
KEVIN S. VOAS, 0000
FRANK P. VOLPE, JR., 0000
JEFFREY M. VORCE, 0000
ROLANDO M. WADE, 0000
THOMAS R. WAGENER, 0000
PETER J. WALCZAK, 0000
DANIEL J. WALFORD, 0000
ANDREW R. WALTON, 0000
JASON D. WARTELL, 0000
MICHAEL S. WATHEN, 0000
KYLE C. WEAVER, 0000
BRUCE J. WEBB, 0000
ROBERT W. WEDERTZ, 0000
TODD S. WEEKS, 0000
DAVID B. WELLER, 0000
ADAM J. WELTER, 0000
MARC A. WENTZ, 0000
MICHAEL T. WESTBROOK, 0000
ROBERT D. WESTENDORFF, 0000
DAVID G. WHITEHEAD, 0000
DAVID J. WICKERSHAM, 0000
JEFFREY S. WILCOX, 0000
BRYAN D. WILLIAMS, 0000
MICHAEL B. WILLIAMS, 0000
THOMAS R. WILLIAMS II, 0000
EUGENE M. WOODRUFF, 0000
MICHAEL S. WOSJE, 0000
GARRY W. WRIGHT, 0000
GEORGE C. WRIGHT, 0000
WALTER C. WRYE IV, 0000
JAY D. WYLIE, 0000
TERRI A. YACKLE, 0000
NATHAN J. YARUSSO, 0000
MELVIN K. YOKOYAMA, 0000
LAURENCE M. YOUNG, 0000
PAUL D. YOUNG, 0000
WILLIAM A. ZIEGLER, 0000

FEDERAL LABOR RELATIONS AUTHORITY

THOMAS M. BECK, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM EXPIRING JULY 29, 2012, VICE DALE CABANISS, TERM EXPIRING.

DEPARTMENT OF VETERANS AFFAIRS

PAUL J. HUTTER, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS, VICE TIM S. MCCLAIN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 28, 2007:

OFFICE OF PERSONNEL MANAGEMENT

HOWARD CHARLES WEIZMANN, OF MARYLAND, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

EXPORT-IMPORT BANK OF THE UNITED STATES

MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

DEPARTMENT OF STATE

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA, 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 SIERRA LEONE.

WANDA L. NESBITT, OF PENNSYLVANIA, 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 COTE D'IVOIRE.

FREDERICK B. COOK, OF FLORIDA, 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 CENTRAL AFRICAN REPUBLIC.

ROBERT B. NOLAN, OF VIRGINIA, 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 KINGDOM OF LESOTHO.

MAURICE S. PARKER, OF CALIFORNIA, 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 KINGDOM OF SWAZILAND.

WILLIAM JOHN GARVELINK, 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 DEMOCRATIC REPUBLIC OF THE CONGO.

WILLIAM R. BROWNFIELD, OF TEXAS, 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 COLOMBIA.

PETER MICHAEL MCKINLEY, OF VIRGINIA, 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 PERU.

PATRICK DENNIS DUDDY, OF MAINE, 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 BOLIVARIAN REPUBLIC OF VENEZUELA.

ANNE WOODS PATTERSON, OF VIRGINIA, 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 THE ISLAMIC REPUBLIC OF PAKISTAN.

NANCY J. POWELL, OF IOWA, 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 NEPAL.

JOSEPH ADAM ERELI, 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 KINGDOM OF BAHRAIN.

RICHARD BOYCE NORLAND, OF IOWA, 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 UZBEKISTAN.

STEPHEN A. SECHE, OF VIRGINIA, 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 YEMEN.

JOHN L. WITHERS II, OF MARYLAND, 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 ALBANIA.

CHARLES LEWIS ENGLISH, OF NEW YORK, 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 BOSNIA AND HERZEGOVINA.

CAMERON MUNTER, OF CALIFORNIA, 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 SERBIA.

RODERICK W. MOORE, OF RHODE ISLAND, 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 MONTENEGRO.

J. CHRISTIAN KENNEDY, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR HOLOCAUST ISSUES.

INTER-AMERICAN FOUNDATION

HECTOR E. MORALES, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2010.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RICHARD ALLAN HILL, OF MONTANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009.

STAN Z. SOLOWAY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2011.

JAMES PALMER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2011.

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.

THE JUDICIARY

BENJAMIN HALE SETTLE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WASHINGTON.

RICHARD SULLIVAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

JOSEPH S. VAN BOKKELEN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. ERIC T. OLSON, 0000

IN THE ARMY

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

LT. GEN. DOUGLAS E. LUTE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. REX C. MCMILLIAN, 0000

IN THE NAVY

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. MICHAEL J. BROWNE, 0000

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. THOMAS F. KENDZIORSKI, 0000

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. LOTHROP S. LITTLE, 0000

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. KENNETH J. BRAITHWAITE, 0000

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. JOSEPH D. STINSON, 0000

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. JERRY R. KELLEY, 0000

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. CYNTHIA A. DULLEA, 0000

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. PATRICIA E. WOLFE, 0000

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. GARRY J. BONELLI, 0000
CAPT. ROBIN R. BRAUN, 0000
CAPT. SANDY L. DANIELS, 0000
CAPT. SCOTT E. SANDERS, 0000
CAPT. ROBERT O. WRAY, JR., 0000

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) GREGORY A. TIMBERLAKE, 0000

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) ALBERT GARCIA III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ANTHONY L. WINNS, 0000

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 MARK A. ATKINSON, 0000
COLONEL MARK A. BARRETT, 0000
COLONEL BRIAN T. BISHOP, 0000
COLONEL MICHAEL R. BOERA, 0000
COLONEL NORMAN J. BROZENICK, JR, 0000
COLONEL CATHY C. CLOTHIER, 0000
COLONEL DAVID A. COTTON, 0000
COLONEL SHARON K. G. DUNBAR, 0000
COLONEL BARBARA J. FAULKENBERRY, 0000
COLONEL LARRY K. GRUNDHAUSER, 0000
COLONEL GARRETT HARENCAK, 0000
COLONEL JAMES M. HOLMES, 0000
COLONEL DAVE C. HOWE, 0000
COLONEL JAMES J. JONES, 0000
COLONEL MICHAEL A. KELTZ, 0000
COLONEL FREDERICK H. MARTIN, 0000
COLONEL WENDY M. MASIELLO, 0000
COLONEL ROBERT P. OTTO, 0000
COLONEL LEONARD A. PATRICK, 0000
COLONEL BRADLEY R. PRAY, 0000
COLONEL LORI J. ROBINSON, 0000
COLONEL ANTHONY J. ROCK, 0000
COLONEL JAY G. SANTEE, 0000
COLONEL ROWAYNE A. SCHATZ, JR, 0000
COLONEL STEVEN J. SPANO, 0000
COLONEL THOMAS L. TINSLEY, 0000
COLONEL JACK WEINSTEIN, 0000
COLONEL STEPHEN W. WILSON, 0000
COLONEL MARGARET H. WOODWARD, 0000

IN THE ARMY

THE FOLLOWING NAMED 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. MICHAEL D. DEVINE, 0000

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 (lower half)

CAPT. DAVID W. TITLEY, 0000

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 (lower half)

CAPT. MICHAEL S. ROGERS, 0000

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 (lower half)

CAPT. DAVID A. DUNAWAY, 0000

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 (lower half)

CAPT. SAMUEL J. COX, 0000

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 (lower half)

CAPT. DAVID G. SIMPSON, 0000

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) EDWARD H. DEETS III, 0000

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) JEFFREY A. WIERINGA, 0000

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

REAR ADM. (LH) CHARLES H. GODDARD, 0000
REAR ADM. (LH) KEVIN M. MCCOY, 0000

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. TERRY J. BENEDICT, 0000
CAPT. MICHAEL E. MCMAHON, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. KENNETH F. MCKENZIE, JR., 0000

IN THE ARMY

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. RICHARD P. ZAHNER, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOSEPH MAGUIRE, 0000

IN THE ARMY

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., SECTION 12203:

To be major general

BRIGADIER GENERAL AUGUSTUS L. COLLINS, 0000
BRIGADIER GENERAL JAMES B. GASTON, JR., 0000
BRIGADIER GENERAL JOE L. HARKEY, 0000
BRIGADIER GENERAL JOHN S. HARREL, 0000
BRIGADIER GENERAL EDWARD A. LEACOCK, 0000
BRIGADIER GENERAL JOSE S. MAYORGA, JR., 0000
BRIGADIER GENERAL KING E. SIDWELL, 0000
BRIGADIER GENERAL JON L. TROST, 0000

To be brigadier general

COLONEL ROBERT K. BALSTER, 0000
COLONEL JULIO R. BANEZ, 0000
COLONEL WILLIAM A. BANKHEAD, JR., 0000
COLONEL ROOSEVELT BARFIELD, 0000
COLONEL GREGORY W. BATTS, 0000
COLONEL THOMAS E. BERON, 0000
COLONEL DAVID L. BOWMAN, 0000
COLONEL GEORGE A. BRINEGAR, 0000
COLONEL JEFFERSON S. BURTON, 0000
COLONEL GLENN H. CURTIS, 0000
COLONEL LARRY W. CURTIS, 0000
COLONEL SANDRA W. DITTIG, 0000
COLONEL ALAN S. DOHRMANN, 0000
COLONEL ALEXANDER E. DUCKWORTH, 0000
COLONEL FRANK W. DULFER, 0000
COLONEL ROBERT W. ENZENAUER, 0000
COLONEL LYNN D. FISHER, 0000
COLONEL BURTON K. FRANCISCO, 0000
COLONEL HELEN L. GANT, 0000
COLONEL TERRY M. HASTON, 0000
COLONEL BRYAN J. HULT, 0000
COLONEL GEORGE E. IRVIN, SR., 0000
COLONEL LENWOOD A. LANDRUM, 0000
COLONEL ROGER L. MCCLELLAN, 0000
COLONEL RONALD O. MORROW, 0000
COLONEL JOHN M. NUNN, 0000
COLONEL ISAAC G. OSBORNE, JR., 0000
COLONEL ROBERT J. PRATT, 0000
COLONEL JERRY E. REEVES, 0000
COLONEL TIMOTHY A. REISCH, 0000
COLONEL JAMES M. ROBINSON, 0000
COLONEL MARK D. SCRABA, 0000
COLONEL DONALD P. WALKER, 0000
COLONEL CHARLES F. WALSH, 0000

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. FRANCIS H. KEARNEY III, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS 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. JONATHAN E. FARNHAM, 0000
COL. HUGO E. SALAZAR, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) CAROL M. POTTENGER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) JEFFREY A. WIERINGA, 0000

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

REAR ADM. (LH) JEFFREY A. LEMMONS, 0000
REAR ADM. (LH) FRANK F. RENNIE IV, 0000
REAR ADM. (LH) ROBIN M. WATTERS, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8081:

To be major general

BRIG. GEN. GARBETH S. GRAHAM, 0000

IN THE ARMY

THE FOLLOWING NAMED 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. JIMMIE J. WELLS, 0000

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

LT. GEN. EMERSON N. GARDNER, JR., 0000

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) CHRISTINE M. BRUZEK-KOHLER, 0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL MICHAEL D. AKEY, 0000
BRIGADIER GENERAL MICHAEL G. BRANDT, 0000
BRIGADIER GENERAL RICHARD H. CLEVENGER, 0000
BRIGADIER GENERAL CYNTHIA N. KIRKLAND, 0000
BRIGADIER GENERAL DUANE J. LODRIGE, 0000
BRIGADIER GENERAL PATRICK J. MOISIO, 0000
BRIGADIER GENERAL CHARLES A. MORGAN III, 0000
BRIGADIER GENERAL DANIEL B. O'HOLLAREN, 0000
BRIGADIER GENERAL PETER S. PAWLING, 0000
BRIGADIER GENERAL WILLIAM M. SCHUESSLER, 0000
BRIGADIER GENERAL HAYWOOD R. STARLING, JR., 0000
BRIGADIER GENERAL RAYMOND L. WEBSTER, 0000

To be brigadier general

COLONEL MAURICE T. BROCK, 0000
COLONEL JIM C. CHOW, 0000
COLONEL MICHAEL G. COLANGELO, 0000
COLONEL BARRY K. COLN, 0000
COLONEL STEVEN A. CRAY, 0000
COLONEL JAMES D. DEMERITT, 0000
COLONEL MATTHEW J. DZIALO, 0000
COLONEL TRULAN A. EYRE, 0000
COLONEL JON F. FAGO, 0000
COLONEL WILLIAM S. HADAWAY III, 0000
COLONEL SAMUEL C. HEADY, 0000
COLONEL JOHN P. HUGHES, 0000
COLONEL MARK R. JOHNSON, 0000
COLONEL PATRICK L. MARTIN, 0000
COLONEL RICHARD A. MITCHELL, 0000
COLONEL JOHN F. NICHOLS, 0000
COLONEL GRADY L. PATTERSON III, 0000
COLONEL GEORGE E. PIGEON, 0000
COLONEL WILLIAM N. REDDELL III, 0000
COLONEL HAROLD E. REED, 0000
COLONEL LEON S. RICE, 0000
COLONEL ALPHONSE J. STEPHENSON, 0000
COLONEL ERIC W. VOLLMECKE, 0000
COLONEL ERIC G. WELLER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. GARDNER, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD G. ANDERSON AND ENDING WITH MITCHELL ZYGADLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTOPHER R. ABRAMSON AND ENDING WITH ANNAMARIE ZURLINDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ALICE A. HALE AND ENDING WITH NATALIE A. JAGIELLA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ANNE M. BEAUDOIN AND ENDING WITH JUSTINA U. PAULINO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ERIC D. ADAMS AND ENDING WITH DAVID S. ZUMBRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 18, 2007.

ARMY NOMINATIONS BEGINNING WITH JEFFREY S. ALMONY AND ENDING WITH DANIEL A. ZELESKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 18, 2007.

ARMY NOMINATION OF KENNETH C. SIMPKISS, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH ANTHONY G. HOFFMAN AND ENDING WITH PATRICIA L. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2007.

ARMY NOMINATIONS BEGINNING WITH ROY V. MCCARTY AND ENDING WITH HUNG Q. VU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2007.

ARMY NOMINATION OF KAREN L. WARE, 0000, TO BE MAJOR.

ARMY NOMINATION OF JEANETTA CORCORAN, 0000, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH RICHARD L. KLINGLER AND ENDING WITH CARLOS M. GARCIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

ARMY NOMINATIONS BEGINNING WITH DEEPTI S. CHITNIS AND ENDING WITH GIA K. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

ARMY NOMINATIONS BEGINNING WITH JACOB W. AARONSON AND ENDING WITH DAVID W. WOLKEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

ARMY NOMINATION OF BIRGET BATISTE, 0000, TO BE MAJOR.

ARMY NOMINATION OF JAMES P. HOUSTON, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF JOHN C. LOOSE, JR., 0000, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRUCE BUBLICK AND ENDING WITH JAMES MADDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH JACKIE L. BYAS AND ENDING WITH WILLIAM R. CLARK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH JEFFREY R. KEIM AND ENDING WITH STAN ROWICKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH PHILIP A. HORTON AND ENDING WITH PATRICIA YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH BERNADINE F. PELETZFOX AND ENDING WITH SUSAN P. STATTMILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH JEFFERY H. ALLEN AND ENDING WITH BOBBY C. THORNTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH DIRK R. KLOSS AND ENDING WITH MARK C. STRONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

ARMY NOMINATIONS BEGINNING WITH DAVID M. GRIFFITH AND ENDING WITH BRIAN N. WITCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOHN E. PETERS AND ENDING WITH ANDREW P. WYLEGALA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 7, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DANIEL K. BERMAN AND ENDING WITH SCOTT S. SINDELAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH LINDA THOMPSON TOPPING GONZALEZ AND ENDING WITH KAREN SLITER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH ERIC M. ARBOGAST AND ENDING WITH JAMES L. WETZEL IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2007.

IN THE NAVY

NAVY NOMINATION OF MICHAEL R. MURRAY, 0000, TO BE CAPTAIN.

NAVY NOMINATION OF CURT W. DODGES, 0000, TO BE CAPTAIN.

NAVY NOMINATION OF MICHAEL L. INCZE, 0000, TO BE CAPTAIN.

NAVY NOMINATION OF SANDRA C. IRWIN, 0000, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WILLIAM R. FENICK AND ENDING WITH ISAAC N. SKELTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH ROBERT B. CALDWELL, JR. AND ENDING WITH ELLEN E. MOORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH DAWN H. DRIESBACH AND ENDING WITH GLENN S. ROSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH NICHOLAS J. CIPRIANO III AND ENDING WITH STEPHEN C. WOLL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH RHETTA R. BAILEY AND ENDING WITH KELLY J. WILD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH JEFFREY S. COLE AND ENDING WITH TIMOTHY J. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH BRUCE A. BASSETT AND ENDING WITH MICHAEL A. YUKISH, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH JULIE S. CHALFANT AND ENDING WITH PAUL J. VANBENTHEM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH DANIEL J. MACDONNELL AND ENDING WITH MICHAEL J. WILKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH HARRY S. DELOACH AND ENDING WITH MARK Q. SCHWARTZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH KENNETH BRANHAM AND ENDING WITH KEVIN J. MCGOVERN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH STEVEN P. CLANCY AND ENDING WITH STEWART B. WHARTON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH JAMES A. ALBANI AND ENDING WITH ROBERT R. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH PATRICK J. BARRETT AND ENDING WITH JEANNINE E. SNOW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH BETH Y. AHERN AND ENDING WITH DANIEL E. ZIMBEROFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 3, 2007.

NAVY NOMINATIONS BEGINNING WITH STEVEN D. BROWN AND ENDING WITH MARK G. STEINER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH RICHARD K. GIROUX AND ENDING WITH DENISE E. STICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH MARK A. ADMIRAL AND ENDING WITH DANIEL F. VERHEUL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH MICHAEL D. ANDERSON AND ENDING WITH BRUCE C. URBON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH SCOT K. ABEL AND ENDING WITH LELAND D. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH MICHAEL J. CERNECK AND ENDING WITH MICHAEL L. PEOPLES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH JOHN W. CHANDLER AND ENDING WITH JAMES A. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH ARNE J. ANDERSON AND ENDING WITH KEVIN E. ZAWACKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH LEIGH P. ACKART AND ENDING WITH KURT E. WAYMIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH PIUS A. AIYELAWO AND ENDING WITH PENNY E. WALTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH WENDY M. BORUSZEWSKI AND ENDING WITH PATRICIA A. TORDIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH CHERIE L. BARE AND ENDING WITH KATHRYN A. SUMMERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH DARIUS BANAJI AND ENDING WITH MICHAEL D. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2007.

NAVY NOMINATIONS BEGINNING WITH CHARLES S. CLECKLER AND ENDING WITH PATRICK P. WHITSELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH RANDY L. QUINN AND ENDING WITH SMITH S. B. WALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH DAVID A. ARZOUMAN AND ENDING WITH GREGG WOLFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH CHRISTINA M. ALVARADO AND ENDING WITH JOHN ZDENCANOVIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH KENNETH W. BOWMAN AND ENDING WITH GARY L. ULRICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH HSINGCHIEN J. CHENG AND ENDING WITH BRADLEY S. TROTTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH NORMAN J. ARANDA AND ENDING WITH SARAH E. SUPNICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH PATRICIA A. BRADY AND ENDING WITH MELVIN D. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATIONS BEGINNING WITH NATHAN L. AMMONS III AND ENDING WITH DANIEL W. STEHLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 4, 2007.

NAVY NOMINATION OF CARLOS E. GOMEZ-SANCHEZ, 0000, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH SCOTT F. ADAMS AND ENDING WITH WILLIAM A. ZIRZOW IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 2007.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on June 28, 2007 withdrawing from further Senate consideration the following nominations:

JOHN RAY CORRELL, OF INDIANA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE JEFFREY D. JARRETT, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2012. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON MARCH 12, 2007.