

(b) *EXCEPTION FOR STATE LEGISLATION.*—*In the case of a State plan under title XIX or XXI of the Social Security Act, which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by an amendment made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.*

Amend the title so as to read: "An Act to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.".

# UNANIMOUS CONSENT AGREE- MENT—EXECUTIVE CALENDAR NO. 278

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 4, at 2:30 p.m., the Senate proceed to executive session to consider Executive Calendar No. 278, Jim Nussle, to be Director of the Office of Management and Budget; that there be a time limit of 3 hours for debate on the nomination, 2 hours equally divided between the chairman and ranking member, 1 hour under the control of Senator SANDERS; that at the conclusion or yielding back of the time, the Senate vote on confirmation of the nomination, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR AND NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 245, 246, 247, 248, 249, 256, 273, 274, 276, 277, 279 through 290, and all nominations placed on the Secretary's desk; further that the HELP Committee be discharged from the following nominations: PN659, David W. James to be an Assistant Secretary of Labor; and PN485, Bradford Campbell to be an Assistant Secretary of Labor; that the Foreign Relations Committee be discharged from further consideration of PN641, Mark Green to be Ambassador to Tanzania; that the nominations be confirmed, the motions to reconsider be laid on the table, that any statements thereon be printed in the RECORD, 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:

#### DEPARTMENT OF THE INTERIOR

Brent T. Wahlquist, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

James L. Caswell, of Idaho, to be Director of the Bureau of Land Management.

#### DEPARTMENT OF ENERGY

Lisa E. Epifani, of Texas, to be an Assistant Secretary of Energy (Congressional and Intergovernment Affairs).

Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

Clarence H. Albright, of South Carolina, to be Under Secretary of Energy.

#### MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring May 26, 2013.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

Dennis R. Schrader, of Maryland, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security.

#### [NEW REPORTS]

#### DEPARTMENT OF COMMERCE

William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce.

#### DEPARTMENT OF TRANSPORTATION

Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation.

Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

#### 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. David A. Deptula, 0000

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 general

Lt. Gen. Claude R. Kehler, 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. Kenneth W. Hunzeker, 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

Lt. Gen. James D. Thurman, 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

Lt. Gen. James J. Lovelace, 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. Carter F. Ham, 0000

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

#### To be brigadier general

Col. Lawrence A. Haskins, 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. Richard K. Gallagher, 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. Robert T. Moeller, 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. James A. Winnefeld, Jr., 0000

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

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### IN THE AIR FORCE

PN793 AIR FORCE nomination of Damion T. Gottlieb, which was received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN794 AIR FORCE nomination of Francis E. Lowe, which was received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN795 AIR FORCE nominations (25) beginning LISTA M. BENSON, and ending KAREN L. WEIS, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

P796 AIR FORCE nominations (17) beginning KEVIN C. BLAKLEY, and ending ROBERT A. TETLA, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN797 AIR FORCE nominations (556) beginning ROBERT K. ABERNATHY, and ending ANTHONY J. ZUCCO, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN800 AIR FORCE nominations (36) beginning MARY ANN BEHAN, and ending PAUL A. WILLINGHAM, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

#### IN THE ARMY

PN801 ARMY nominations (53) beginning DAWUD A. AGBERE, and ending EDWARD

J. YURUS, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN802 ARMY nominations (2) beginning BLAKE C. ORTNER, and ending ANDREW S. ZELLER, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN803 ARMY nominations (2) beginning JULIE A. BENTZ, and ending THOMAS L. TURPIN JR., which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN804 ARMY nominations (5) beginning LARRY L. GUYTON, and ending LINDA M. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

#### IN THE COAST GUARD

PN781 COAST GUARD nomination of Kristine B. Neeley, which was received by the Senate and appeared in the Congressional Record of July 25, 2007.

#### IN THE NAVY

PN805 NAVY nominations (14) beginning JOSE A. ACOSTA, and ending LAWRENCE A. RAMIREZ, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN806 NAVY nominations (20) beginning DOUGLAS P. BARBER JR., and ending THOMAS J. WELSH, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN807 NAVY nominations (10) beginning SUSAN D. CHACON, and ending SEUNG C. YANG, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

PN808 NAVY nominations (56) beginning ENEIN Y. H. ABOUL, and ending KIMBERLY A. ZUZELSKI, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2007.

#### DEPARTMENT OF LABOR

David W. James, of Missouri, to be an Assistant Secretary of Labor.

Bradford P. Campbell, of Virginia, to be an Assistant Secretary of Labor.

#### DEPARTMENT OF STATE

Mark Green, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

### ORDER FOR STATUS OF NOMINATIONS TO REMAIN IN STATUS QUO

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that the provisions of rule XXXI, section 5 notwithstanding, all nominations remain in status quo except the following: Reed Verne Hillman, of Massachusetts, to be United States Marshal for the District of Massachusetts for the term of 4 years.

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

### PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to the consideration of S. Con. Res. 43, the adjournment resolution.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 43) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

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 on the table.

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

The concurrent resolution (S. Con. Res. 43) was agreed to, as follows:

#### S. CON. RES. 43

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Friday, August 3, 2007, through Friday, August 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 4, 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; and that when the House adjourns on any legislative day from Friday, August 3, 2007, through Wednesday, August 8, 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, September 4, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

### MEASURE PLACED ON THE CALENDAR—S. 1974

Mr. REID. Mr. President, it is my understanding that S. 1974 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for a second time.

The legislative clerk read as follows:

A bill (S. 1974) to make technical corrections related to the Pension Protection Act of 2006.

Mr. REID. Mr. President, I object to any further proceedings.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

### IMPROVING THE USE OF LAND TO THE STATE OF IDAHO FOR USE AS AN AGRICULTURAL COLLEGE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3006.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3006) to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider laid on the table, and that any statements thereon be printed in the RECORD.

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

The bill (H.R. 3006) was read the third time, and passed.

### THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that it be in order for the Senate to proceed, en bloc, to the consideration of the following calendar items: Calendar Nos. 299, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, and H.R. 2309, which is at the desk.

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

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the bills be read the third time and passed en bloc; that the motions to reconsider be laid on the table en bloc; that the consideration of these items appear separately in the Record; and that any statements relating thereto be printed in the RECORD.

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

### PRIVATE FIRST CLASS SHANE R. AUSTIN POST OFFICE

The bill (S. 1772) to designate the facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, as the "Private First Class Shane R. Austin Post office," was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

#### S. 1772

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

#### SECTION 1. PRIVATE FIRST CLASS SHANE R. AUSTIN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 127 South Elm Street in Gardner, Kansas, shall be known and designated as the "Private First Class Shane R. Austin Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Private First Class Shane R. Austin Post Office".

### OFFICER JEREMY TODD CHARRON POST OFFICE

The bill (S. 1896) to designate the facility of the United States Postal Service located at 11 Central Street in