

“(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and”.

(2) at line 23, strike “(C)” and insert “(B)”.

(f) CLEAR STATEMENT FOR EXEMPTIONS.—At page 8, strike line 19 and all that follows through the end of the section and insert:

“(A) if enacted prior to the date of enactment of the OPEN Government Act of 2007, requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or establishes particular criteria for withholding or refers to particular types of matters to be withheld; or

“(B) if enacted after the date of enactment of the OPEN Government Act of 2007, specifically cites to the Freedom of Information Act.”.

(g) PRIVATE RECORDS MANAGEMENT.—At page 13, lines 14 through 15, strike “a contract between the agency and the entity.” and insert “Government contract, for the purposes of records management.”.

(h) POLICY REVIEWS, AUDITS, AND CHIEF FOIA OFFICERS AND PUBLIC LIAISONS.—Strike section 11 and insert the following:

“SEC. 11. OFFICE OF GOVERNMENT INFORMATION SERVICES.

“(a) IN GENERAL.—Section 552 of title 5, United States Code, is amended by adding at the end the following:

“(h) There is established the Office of Government Information Services within the National Archives and Records Administration. The Office of Government Information Services shall review policies and procedures of administrative agencies under section 552, shall review compliance with section 552 by administrative agencies, and shall recommend policy changes to Congress and the President to improve the administration of section 552. The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under section 552 and administrative agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

“(i) The Government Accountability Office shall conduct audits of administrative agencies on the implementation of section 552 and issue reports detailing the results of such audits.

“(j) Each agency shall—

“(1) Designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

GENERAL DUTIES.—The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

“(A) have agency-wide responsibility for efficient and appropriate compliance with the FOIA;

“(B) monitor FOIA implementation throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing the FOIA;

“(C) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of the FOIA;

“(D) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing the FOIA; and

“(E) facilitate public understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions in both the agency's FOIA hand-

book issued under section 552(g) of title 5, United States Code, and the agency's annual FOIA report, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply.”

“(2) Designate one or more FOIA Public Liaisons who shall be appointed by the Chief FOIA Officer.

GENERAL DUTIES.—FOIA Public Liaisons shall report to the agency Chief FOIA Officer and shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the FOIA Requester Center, following an initial response from the FOIA Requester Center staff. FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.”

“(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.”.

(i) CRITICAL INFRASTRUCTURE INFORMATION.—Strike section 12 of the bill.

The bill (S. 849) was ordered to be engrossed for a third reading, was read the third time, and passed.

(The bill will be printed in a future edition of the RECORD.)

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that during the recess/adjournment of the Senate, Senate committees may file committee-reported Legislative and Executive Calendar business on Wednesday, August 29, 2007, during the hours of 10 a.m. to 1 p.m.

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

APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

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

GOLDEN GAVEL AWARD

Mr. REID. Mr. President, I have been informed the Presiding Officer has received something I have never gotten in all the many years I have been in the Senate, the Golden Gavel Award. For those who are listening, it is given to those people who preside 100 hours, and you have done that. That is tremendous. It is only July, but it shows what a workhorse the Senator from Rhode Island is. There is no better indication than that—presiding. Of course, we will present this award to Senator WHITEHOUSE in the first caucus we have in September.

On this, the most important legislation we dealt with today, FISA—no one worked on it any more than you. The hours you put in on that, well past midnight—you were the talk of the Judiciary Committee. Even though you are a junior member of that committee, your experience as attorney general and as a U.S. attorney, doing all the good things you have done, certainly qualified you, and people looked to you for guidance on that most important piece of legislation.

I say to my friend from Rhode Island how fortunate we are to have you in the Senate.

EXECUTIVE SESSION

NOMINATION OF TEVI DAVID TROY TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session, that the Finance Committee be discharged from the nomination of Tevi David Troy to be Deputy Secretary of Health and Human Services; that the nomination be confirmed, the motion to reconsider be laid on the table, that any statements 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 nomination was considered and confirmed, as follows:

Tevi David Troy, of New York, to be Deputy Secretary of Health and Human Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

ORDERS FOR TUESDAY, SEPTEMBER 4, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon, Tuesday, September 4; that on Tuesday, 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 of morning business until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, and that the time be equally divided and controlled between the leaders or their designees; that at 1 p.m. the Senate proceed to the consideration of Calendar No. 207, H.R. 2642, the Military Construction/Veterans Affairs appropriations.

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

ADJOURNMENT UNTIL TUESDAY,
SEPTEMBER 4, 2007, AT 12 P.M.

Mr. REID. Well, it has been a long hard struggle. We have accomplished a lot. I am so glad it is time that I say: If there is no further business, I ask unanimous consent that the Senate stand adjourned under the provisions of S. Con. Res. 43.

There being no objection, the Senate, at 11:08 p.m., adjourned until Tuesday, September 4, 2007, at 12 p.m.

NOMINATION RETURNED TO THE PRESIDENT

Friday, August 3, 2007

The following nomination transmitted by the President of the United States to the Senate during the first session of the 110th Congress, and upon which no action was had at the time of the August adjournment of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

DEPARTMENT OF JUSTICE

REED VERNE HILLMAN, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

NOMINATIONS

Executive nominations received by the Senate:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

STUART ISHIMARU, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2012. (REAPPOINTMENT)

IN THE NAVY

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 lieutenant commander

KATHLEEN M. BALDWIN, 0000
DUANE C. FRIST, 0000
TANYA D. LEHMANN, 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 lieutenant commander

MICHAEL L. FARMER, 0000
MATTHEW J. LEDRIDGE, 0000
THOMAS S. PRICE, 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 lieutenant commander

SUZANNA G. BRUGLER, 0000
MARTIN T. CLARK, 0000
WILLIAM H. CLINTON, 0000
STEVE M. CURRY, 0000
JOHN E. GAY, 0000
SUSAN D. HENSON, 0000
MARK C. JONES, 0000
WILLIAM M. KAFKA, 0000
JAMES T. KROHNE, JR., 0000
TAMARA D. LAWRENCE, 0000
ALLISON J. MYRICK, 0000
JOHN P. PERKINS, 0000
ERIK J. REYNOLDS, 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 lieutenant commander

ALDRITH L. BAKER, 0000
SADRYAY M. CARINO, 0000
JEREMY L. DUEHRING, 0000
JASON A. HUDSON, 0000
TERRI N. JONES, 0000
CLAUDE M. MCROBERTS, 0000
LAURA J. MURRELL, 0000
MARIA V. NAVARRO, 0000
RAJSHAKER G. REDDY, 0000
HERMAN L. REID, 0000
LOREN S. REINKE, 0000
SHANE D. RICE, 0000
BRENDA M. STENCIL, 0000

DEREK A. VESTAL, 0000
ENNIS 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 lieutenant commander

VICTOR ALLENDE, 0000
DION V. ANDERSON, 0000
DEREK D. BREEDING, 0000
STANLEY J. BURROW, 0000
JAMES S. CARMICHAEL, 0000
JAMES C. CHERRY, 0000
JAMES M. CHISHOLM, 0000
MICHAEL A. CORRIGAN, 0000
HOLLY M. FALCONIERI, 0000
FRANCIS J. GAULT, 0000
RAYMOND K. HANNA, 0000
BRANTON M. JOAQUIN, JR., 0000
SCOTT LEVKULICH, 0000
CHRISTOPHER A. MILLER, 0000
LUIS E. RIVERA, 0000
GREGGORY D. RUSSELL, 0000
KIMBERLY E. SCOTT, 0000
MATTHEW M. SCOTT, 0000
JACINTO TORIBIO, JR., 0000
DARREN B. WRIGHT, 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 lieutenant commander

ERIK E. ANDERSON, 0000
SCOTT P. BAILEY, 0000
JOHN L. BEAVER, 0000
OSCAR E. BOWLIN, 0000
REMIL J. CAPILI, 0000
MATTHEW A. CRYER, 0000
RODNEY H. ESTWICK, 0000
STEPHEN E. FISHER, 0000
ANDREW J. GILLESPIY, 0000
RICHARD A. JONES, 0000
BRIAN A. KAROSICH, 0000
BRYAN D. MILLER, 0000
DAVID L. MURRAY, 0000
CHRISTOPHER J. PETERSON, 0000
CHARLA W. SCHREIBER, 0000
MATTHEW L. TARDY, 0000
SCOTT A. TRACEY, 0000
DANIEL Y. WANG, 0000
JOHN B. WEBER, 0000
EDWARD G. WEST, 0000
WILLIAM WRIGHT, 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 lieutenant commander

LANE C. ASKEW, 0000
ROLAN T. BANGALAN, 0000
JOSHUA J. BURKHOLDER, 0000
ALISSA N. CLAWSON, 0000
RICHARD W. CLEMENT, 0000
JOSE CRUZ, JR., 0000
DANIEL K. FISHER, 0000
TRISHA N. FRANCIS, 0000
MATTHEW L. GHEN, 0000
ANDREW C. GRUBLER, 0000
JOSEPH S. HENDERSON, 0000
JOSEPH F. HERZIG, 0000
PAUL G. HUGHES, 0000
BRIAN E. JONES, 0000
PATRICK E. LANCASTER, 0000
SYLVIA M. LAYNE, 0000
ROBERT P. LEOPOLD, 0000
ALICE Y. LIBURD, 0000
JAMES M. MAHER, 0000
ROBERT D. MATTHIAS, 0000
SIMON R. MCLAREN, 0000
THOMAS R. MERKLE, 0000
DAMIAN N. NGO, 0000
JASON T. NICHOLS, 0000
ROBERT R. PATTO, JR., 0000
DAVID P. PERRY, 0000
PAUL M. SALEVSKI, 0000
ANTHONY T. SAXON, 0000
WILLIAM D. SEEGAR, JR., 0000
DALE H. SHIGEKANE, 0000
KEVIN J. SMITH, 0000
JIMMY J. STORK, 0000
SAMUEL E. TIMMONS, JR., 0000
NATHAN A. WALKER, 0000
SHALALIA I. WESLEY, 0000
RICHARD M. ZAMORA, 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 lieutenant commander

SHARON D. BARNES, 0000
ADRIAN Z. BEJAR, 0000
JOSE E. BERRIOS, 0000
CHRISTOPHER M. BIGGS, 0000
SCOTT T. BROWN, 0000
ROBERT C. CADENA, 0000
FRANK R. COWAN IV, 0000
DEMARIUS DAVIS, 0000
JOSEPH G. DELAROSA, 0000
GABRIEL T. DENNIS, 0000
VICTOR R. FIGUEROA, 0000
KALLIE D. FINK, 0000
DAVID C. FLETCHER, 0000
GENE D. GALLAHER, 0000

JARED X. GOODWIN, 0000
MICHAEL K. GREGOIRE, 0000
JARROD L. HANZLIK, 0000
BRIAN A. HARDING, 0000
FREDERICK M. HELSEL III, 0000
AARON L. HILL, 0000
JOHN M. ISHIKAWA, 0000
ROBERT A. LEWIS, 0000
JEFFERY L. LINDHOLM, 0000
DAVID L. MCDEVITT, 0000
ERIN E. MEEHAN, 0000
BRAD D. MELICHAR, 0000
DAVID M. MICHALAK, 0000
SCOTT D. MILNER, 0000
ROBERT A. MOORE, 0000
JOHN J. NELSON, 0000
JOHN C. PHILLIPS, 0000
ANDREW T. REEVES, 0000
MICHAEL S. SALEHI, 0000
CRAIG T. SARAVO, 0000
MARK D. SENSANO, 0000
JOSEPH E. SISSON, 0000
CHAD M. SMITH III, 0000
JEREMY A. SPEER III, 0000
JOSEPH M. SRODA, 0000
EDDIE F. THOMPSON, 0000
MICHAEL A. VITHA, 0000
ROBERT W. WEDGEWORTH, 0000
DEBORAH B. YUSKO, 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 lieutenant commander

JAY P. ALDEA, 0000
THOMAS R. ALLEN, 0000
MICHAEL R. ANDERSON, 0000
DAVID J. BERGENSEN, 0000
ISMAEL BETANCOURT, 0000
BERNARD BILLINGSLEY, 0000
JOHN A. BOEHNKE, 0000
RICHARD L. BOSWORTH, 0000
RICHARD D. BUNTING, 0000
JESSICA J. BURNS, 0000
JEFFREY P. BUSCHMANN, 0000
DERRICK L. CLARK, 0000
ELIZABETH M. COCCARO, 0000
MATTHEW A. CRUMP, 0000
JASON H. DAVIS, 0000
WADE A. DRAWDY, 0000
WENDY R. DRIVER, 0000
TYLER L. GOAD, 0000
RICHARD D. GOGAL, 0000
RICHARD E. GREEN III, 0000
NIKOLAUS F. GREVEN, 0000
JOHN B. HANSEN, 0000
PENNY L. HARRIS, 0000
JOEL W. HILL, 0000
JAMES C. IRELAND, 0000
COREY M. JACOBS, 0000
ADAM K. JOHNSON, 0000
DAVID C. JONES, 0000
CHRISTOS A. KOUTSOGIANNAKIS, 0000
JEFFERY T. LAUBAUGH, 0000
PAUL M. LEWIS, 0000
DUANE H. LINN, 0000
DANIELLE M. LUKICH, 0000
SCOTT W. MILLS, 0000
MARCELLE L. MOLETT, 0000
HEATHER M. MYERS, 0000
MANUEL A. ORELLANA, 0000
WILLIAM D. RICHMOND, 0000
KELLY M. ROBBINS, 0000
CHARLESE R. SAMPAA, 0000
DAVID J. SANCHEZ, 0000
ROLAND T. SASAKI, 0000
WILLIAM T. SAWHILL, 0000
ANDREW M. SCHMENTI, 0000
JONATHAN D. SCHROEDER, 0000
KEVIN A. SHEEHAN, 0000
CHAD E. SIMPSON, 0000
ROBERT K. SMITH, 0000
THOMAS A. SMITH, 0000
DAVID L. SOBBA, 0000
MICHAEL P. STEAD, 0000
ANDREW T. STEELE, 0000
MARK A. STELIGA, 0000
BRADLEY J. STOREY, 0000
LEA G. SUTTON, 0000
MICHAEL S. TERKANIAN, 0000
JASON W. VANFOEKEN, 0000
DAVID C. VARONA, 0000
FRANK W. VEGERTA II, 0000
LAWRENCE C. WILCOCK, 0000
JOHNATHAN L. WILLIAMS, 0000
CHRISTOPHER J. WORRETT, 0000
ERIC D. WYATT, 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 lieutenant commander

DARYL G. ADAMSON, 0000
JEFFREY D. ADKINS, 0000
RICHARD T. ALLEN, 0000
RONNIE E. ARGILLANDER, 0000
PETER AZZOPARDI, 0000
DOUGLAS E. BAILLIE, 0000
TONY C. BAKER, 0000
MICHAEL E. BALL, 0000
MICHAEL J. BEAL, 0000
STEVEN G. BEALL, 0000
DOUGLAS S. BEAL, 0000
MATTHEW P. BEARE, 0000
KEVIN R. BECK, 0000