

appropriate revisions to such final National Coverage Determination; and

(3) the Centers for Medicare & Medicaid Services should implement appropriate revisions to such final National Coverage Determination as soon as feasible and provide a briefing to Congress in advance of announcing such changes.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 110-5 AND 110-6

Mr. WHITEHOUSE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on September 4, 2007, by the President of the United States: 1996 Protocol to Convention on Prevention of Marine Pollution by Dumping of Wastes, Treaty Document No. 110-5; and Amendment to Convention on Physical Protection of Nuclear Material, Treaty Document No. 110-6.

I further ask consent that the treaties be considered as having been read the first time, that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, with a view to receiving advice and consent, the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the "London Convention"), done in London on November 7, 1996. The Protocol was signed by the United States on March 31, 1998, and it entered into force on March 24, 2006.

The Protocol represents the culmination of a thorough and intensive effort to update and improve the London Convention. The London Convention governs the ocean dumping and incineration at sea of wastes and other matter and was a significant early step in international protection of the marine environment from pollution caused by these activities.

Although the Protocol and the London Convention share many features, the Protocol is designed to protect the marine environment more effectively. The Protocol moves from a structure of listing substances that may not be dumped to a "reverse list" approach, which prohibits ocean dumping of all wastes or other matter, except for a few specified wastes. This approach is combined with detailed criteria for environmental assessment of those materials that may be considered for dumping and potential dumping sites.

The Protocol would be implemented through amendments to the Marine Protection, Research, and Sanctuaries Act (MPRSA), which currently covers London Convention obligations. There

will not be any substantive changes to existing practices in the United States, and no economic impact is expected from implementation of the Protocol. I recommend that the Senate give early and favorable consideration to this Protocol and give its advice and consent to ratification, with the declaration and understanding contained in Articles 3 and 10 respectively in the accompanying report of the Department of State.

GEORGE W. BUSH.
THE WHITE HOUSE, September 4, 2007.

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Amendment to the Convention on the Physical Protection of Nuclear Material (the "Amendment"). A conference of States Parties to the Convention on the Physical Protection of Nuclear Material, adopted on October 28, 1979, adopted the Amendment on July 8, 2005, at the International Atomic Energy Agency in Vienna. I transmit also, for the information of the Senate, the Department of State report on the Amendment. Legislation necessary to implement the Amendment will be submitted to the Congress separately.

The Amendment contains specific provisions to effect a coordinated international response to combating and preventing nuclear terrorism and ensuring global security. It will require each State Party to the Amendment to establish, implement, and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities used for peaceful purposes. The aims of the regime are to protect such material against theft or other unlawful taking, to locate and rapidly recover missing or stolen material, to protect such material and facilities against sabotage, and to mitigate or minimize the radiological consequences of sabotage. The Amendment also provides a framework for cooperation among States Parties directed at preventing nuclear terrorism and ensuring punishment of offenders; contains provisions for protecting sensitive physical protection information; and adds new criminal offenses that each State Party must make punishable by law. States Parties must also either submit for prosecution or extradite any person within their jurisdictions alleged to have committed one of the offenses defined in the Convention, as amended.

This Amendment is important in the campaign against international nuclear terrorism and nuclear proliferation. I recommend, therefore, that the Senate give early and favorable consideration to this Amendment, subject to the understandings described in the accompanying report of the Department of State.

GEORGE W. BUSH.
THE WHITE HOUSE, September 4, 2007.

MEASURES READ THE FIRST TIME—H.R. 2419 AND H.R. 3221

Mr. WHITEHOUSE. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

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

The assistant legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

A bill (H.R. 3221) moving the United States towards greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

Mr. WHITEHOUSE. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will receive their second reading on the next legislative day.

ORDERS FOR WEDNESDAY, SEPTEMBER 5, 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Wednesday, September 5; that on Wednesday, 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 11:30 a.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, with the Republicans controlling the first half and the majority controlling the final portion, and that during the majority's time, Senator DORGAN be recognized for up to 20 minutes; that at 11:30 a.m. the Senate resume consideration of the Military Construction/Veterans Affairs Appropriations Act. Further, that on Wednesday the Senate recess from 12:30 p.m. to 2:15 p.m. for the respective party conference meetings.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

WELCOMING BACK SENATOR JOHNSON

Mr. WHITEHOUSE. Mr. President, I would like to announce to the Senate that on Wednesday, Senator JOHNSON is expected to return. Following the caucus recess period, the Senate will consider a resolution to welcome him back, and I would encourage Members to be on the floor at 2:15 p.m.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Wednesday, September 5, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

CHRISTOPHER A. PADILLA, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE FRANKLIN L. LAVIN, RESIGNED.

DEPARTMENT OF STATE

PAULA J. DOBRIANSKY, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS SPECIAL ENVOY FOR NORTHERN IRELAND.

PAUL E. SIMONS, 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 CHILE.

JAMES FRANCIS MORIARTY, OF MASSACHUSETTS, 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 PEOPLE'S REPUBLIC OF BANGLADESH.

DAN MOZENA, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUN-

SELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

LOUIS JOHN NIGRO, JR., 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 REPUBLIC OF CHAD.

DEPARTMENT OF LABOR

GREGORY F. JACOB, OF NEW JERSEY, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE HOWARD RADZELY.

DEPARTMENT OF HOMELAND SECURITY

ROBERT D. JAMISON, OF VIRGINIA, TO BE UNDER SECRETARY FOR NATIONAL PROTECTION AND PROGRAMS, DEPARTMENT OF HOMELAND SECURITY, VICE GEORGE W. FORESMAN, RESIGNED.

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

MAJ. GEN. EDWARD A. RICE, JR., 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 major general

BRIG. GEN. CHRISTOPHER A. INGRAM, 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 admiral

VICE ADM. JONATHAN W. GREENERT, 0000

CONFIRMATION

Executive Nomination Confirmed by the Senate Tuesday, September 4, 2007:

EXECUTIVE OFFICE OF THE PRESIDENT

JIM NUSSLE, OF IOWA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive message transmitted by the President to the Senate on September 4, 2007 withdrawing from further Senate consideration the following nominations:

SCOTT A. KELLER, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE STEVEN B. NESMITH, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

DAVID PALMER, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2011, VICE CARI M. DOMINGUEZ, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

CHARLES W. GRIM, OF OKLAHOMA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON MAY 21, 2007.