

dedication of Members on both sides of the aisle, my concerns have been addressed and I can now support the legislation.

Mr. KENNEDY. I thank the senior Senator from Connecticut and appreciate his leadership on this issue. He raised a number of important issues during the consideration of this bill. I believe we have addressed those concerns in the legislation and I am pleased that he is now a strong supporter of the legislation.

Mr. DODD. The bill passing the Senate today relies on the existing preemption of State law standard currently in ERISA and the Public Health Service Act, preserving States laws relating to health insurance issuers. In many States, such issuers contract out the key insurance function of reviewing medical claims by their insurers to utilization review or medical management companies, which are licensed and regulated by the States. In fact, the legislation written by the Senator from Massachusetts, called HIPAA, was an innovative approach to Federal health care reform that has worked so well in setting a minimum standard of protections while allowing stronger State-based consumer protections. Is it the distinguished senior Senator from Massachusetts' belief that S. 558 preserves the States' ability to regulate such companies?

Mr. KENNEDY. Yes, nothing in this bill affects any State law or State regulation of any company or issuer who performs utilization review or other medical management services. The changes made to the preemption section of S. 558 mean that the current HIPAA standard would apply to this legislation, just like it applies to existing law passed in 1996. By using existing preemption language, we mean only the narrowest preemption of State laws. A minimum standard of Federal protection allows States to provide additional protection for their citizens. State laws designed to regulate medical management or utilization review to protect plan participants are not preempted under the bill because they do not "prevent the application" of the substantive provisions of this bill.

Mr. DODD. Is it also the understanding of the senior Senator from New Mexico that this legislation will not only mean new Federal protections for people in self-insured ERISA plans, but it will also protect workers and families in States with insurance laws that are stronger than the Federal ones by allowing those State laws to remain in effect?

Mr. DOMENICI. Yes, the senior Senator from Connecticut is correct.

Mr. DODD. I thank the Senator and want to thank the Senator from Massachusetts for allowing my concerns about preemption and protecting State laws to be heard in the committee and for working tirelessly with me to address those concerns. The bill we are passing reflects months and years of hard work and compromise, and I am

pleased to voice my strong support for S. 558. It is a victory for patients who need coverage for mental health services.

Mr. REID. I ask unanimous consent that the amendment at the desk be considered and agreed to; the committee-reported amendment, as amended, be agreed to; the motions to reconsider be laid upon the table, en bloc; the bill, as amended, be read three times and passed; the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD.

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

The amendment (No. 2908) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.") The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 558), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I congratulate Senators KENNEDY, ENZI, and others who worked on this legislation for such a long time. They are to be commended. Senator Wellstone, I am sure, is smiling on us today.

ORDERS FOR WEDNESDAY, SEPTEMBER 19, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow; that on September 19, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and, following the time utilized by the two leaders, the Senate then resume consideration of H.R. 1585, the Defense Department authorization bill, and we proceed to 60 minutes of debate prior to a vote on the motion to invoke cloture on amendment No. 2022, with the time to be equally divided and controlled between the leaders or their designees; that upon the conclusion of the debate, the Senate proceed to vote on the motion to invoke cloture; that Members have until 10 a.m. to file any germane second-degree amendments to amendment No. 2022.

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

ADJOURNMENT UNTIL 9:30 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 6:47 p.m., adjourned until Wednesday, September 19, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE WILLIAM A. NAVAS, JR., RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

MICHAEL W. HAGER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND MANAGEMENT), VICE ROBERT ALLEN PITTMAN, RESIGNED.

DEPARTMENT OF LABOR

KEITH HALL, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS, VICE KATHLEEN P. UTGOFF, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MICHAEL R. SEWARD, 0000

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

To be captain

JOSEPH E. VORBACH, 0000
RICHARD W. SANDERS, 0000

To be commander

DARRELL SINGLETERRY, 0000

To be lieutenant commander

THOMAS W. DENUCCI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVES UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JEFFREY G. ANDERSON, 0000
MICHAEL A. CICALESE, 0000
MICHAEL D. COLLINS, 0000
DOUGLAS J. DAWSON, 0000
SERENA J. DIETRICH, 0000
DALE V. FERRIERE, 0000
DAVID M. GARDNER, 0000
DOUGLAS W. HEUGEL, 0000
BRIAN H. OFFORD, 0000
KEVIN J. OLD, 0000
CONRAD W. ZVARA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

CHRISTOPHER D. ALEXANDER, 0000
LATICIA J. ARGENTI, 0000
WEBSTER D. BALDING, 0000
MATTHEW T. BELL, 0000
MELISSA BERT, 0000
WYMAN W. BOUBOULIS, 0000
WYMAN W. BRIGGS, 0000
JAMES M. CASH, 0000
PAULINE F. COOK, 0000
THOMAS E. CRABS, 0000
JOHN T. DAVIS, 0000
SCOTT N. DECKER, 0000
JERRY N. DOHERTY, 0000
THOMAS H. FARRIS, 0000
JAMES O. FITTON, 0000
JOHN M. FITZGERALD, 0000
PAUL E. FRANKLIN, 0000
JOHN D. GALLAGHER, 0000
PETER W. GAUTIER, 0000
GLENN L. GEBELE, 0000
ANTHONY R. GENTILELLA, 0000
VERNE B. GIFFORD, 0000
NANCY R. GOODRIDGE, 0000
THOMAS C. HASTINGS, 0000
BEVERLY A. HAVLIK, 0000
WILLIAM G. HISHON, 0000
GWYN R. JOHNSON, 0000
ERIC C. JONES, 0000
WILLIAM G. KELLY, 0000
JOHN S. KENYON, 0000
JAMES L. KNIGHT, 0000
DONALD A. LACHANCE, 0000
ROGER R. LAFERRIERE, 0000
JOHN K. LITTLE, 0000
GORDON A. LOBEL, 0000
KEVIN E. LUNDAY, 0000
SEAN M. MAHONEY, 0000
DWIGHT T. MATHERS, 0000
STUART M. MERRILL, 0000
MICHAEL A. MOHN, 0000
FREDERICK G. MYER, 0000
JACK W. NIEMIEC, 0000
JOANNA M. NUNAN, 0000
SALVATORE C. PALMERI, 0000
JOHN J. PLUNKETT, 0000
ANTHONY POPIEL, 0000
RAYMOND W. PULVER, 0000
STEVEN J. REYNOLDS, 0000
MARK D. RIZZO, 0000
MATTHEW T. RUCKERT, 0000
JAMES W. SEBASTIAN, 0000

KEITH M. SMITH, 0000
 MARC D. STEGMAN, 0000
 GRAHAM S. STOWE, 0000
 ROBERT J. TARANTINO, 0000
 JOHN G. TURNER, 0000
 KEITH J. TURRO, 0000
 ANTHONY J. VOGT, 0000
 SAMUEL WALKER, 0000
 ROBERT B. WATTS, 0000
 STEVEN A. WEIDEN, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

FREDERICK M. ABRUZZO, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

WILLIAM W. DODSON, 0000

To be major

NICHOLAS MEXAS, 0000
 DAVID A. NIEMIEC, 0000
 JOHN R. SHAW, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

THOMAS E. MARCHIONDO, 0000

To be lieutenant colonel

KENNETH KLINE, 0000

To be major

KYUNG L. BOEN, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

DAVID W. ASHLEY, 0000
 PETER G. BAER, 0000
 WILLIAM S. BAIR, 0000
 RUTH P. BAKER, 0000
 WALTER R. BALL, 0000
 DAVID A. BECK, 0000

ROBERT C. BOLTON, 0000
 WILLIE BRAGGS III, 0000
 ROBERT T. BROOKS, JR., 0000
 RANDY D. BUCKNER, 0000
 PETER J. BYRNE, 0000
 ANTHONY J. CARRELLI, 0000
 CHARLES W. CHAPPUIS, 0000
 JOEL A. CLARK, 0000
 JAMES A. CONWAY, JR., 0000
 RONALD G. COREY, 0000
 MICHAEL E. CRADER, 0000
 JIM A. CUMINGS, 0000
 GREGG A. DAVIES, 0000
 GEORGE M. DEGNON, 0000
 PETER J. DEPATIE, 0000
 THOMAS H. DOUGLAS, 0000
 MARY S. DOWLING, 0000
 DANIEL J. DUNBAR, 0000
 HAROLD S. EGGENSPERGER, 0000
 CLARENCE ERVIN, 0000
 MARK T. FAVETTI, 0000
 MICHAEL J. FEELEY, 0000
 GREGORY R. FOURNIER, 0000
 MATTHEW R. GODFREY, 0000
 JOHN S. GOODWIN, 0000
 JAMES E. GRANDY, 0000
 JUDY M. GRIEGO, 0000
 JOHN J. HERNANDEZ, 0000
 EDWARD G. HERRERA, 0000
 BARRY K. HOLDER, 0000
 PAUL HUTCHINSON, 0000
 CHARLES C. INGALLS, 0000
 PAUL D. JACOBS, 0000
 STEPHEN E. JESELNICK, 0000
 PAUL D. JULIAN, 0000
 ROBERT S. JUSTUS, 0000
 WOODY R. KLINNER, JR., 0000
 KENNETH L. KOBS, 0000
 JAMES M. LEFAVOR, 0000
 ROBERT P. LEMIEUX, 0000
 CARLISLE A. LINCOLN III, 0000
 MICHAEL J. LINDEMAN, 0000
 ANDREW J. MAMROL, 0000
 MURIEL A. MARSHALL, 0000
 RICHARD L. MARTIN, 0000
 STEVEN D. MARTIN, 0000
 DONALD A. MCGREGOR, 0000
 JUAN J. MEDINALAMELA, 0000
 PETER A. MERCIER, 0000
 BRIAN A. MILLER, 0000
 MURRY MITTEN, 0000
 BRIAN C. NEWBY, 0000
 JOHN W. OGLE III, 0000
 GERALD R. OSTERN, 0000
 MATTHEW J. PAPE, 0000
 ROBERT R. PETERSEN, 0000

WILLIAM S. PETTI, 0000
 THOMAS POWERS, JR., 0000
 ROY V. QUALLS, 0000
 MARK J. RICHMAN, 0000
 DAVID L. ROMUALDO, 0000
 MATHEW J. RULAND, 0000
 CHRIS K. SAKAMOTO, 0000
 LEIGH A. SCARBORO, 0000
 NANCY L. SEETS, 0000
 DAVID A. SIMON, 0000
 MICHAEL P. SKOMROCK, 0000
 CALVIN C. STARLIN, JR., 0000
 TERRANCE C. STIFF, 0000
 STEPHEN A. SUTHERLAND, 0000
 GREGORY P. SWANSON, 0000
 DEAN A. TREMPES, 0000
 ERIC R. VOGT, 0000
 JONATHAN T. WALL, 0000
 THOMAS K. WARK, 0000
 PATTY R. WILBANKS, 0000
 MARC D. WILSON, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPUS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

SHAWN D. SMITH, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRIAN D. ALLEN, 0000
 MICHAEL R. CONNERS, 0000

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 18, 2007 withdrawing from further Senate consideration the following nomination:

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MICHAEL L. DOMINGUEZ, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.