

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

**(3) TECHNICAL AND CONFORMING AMENDMENTS.—**

(A) **DEFINITION.**—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: “except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A.”.

(B) **DOCUMENTARY REQUIREMENTS.**—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting “, including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “101(a)(27)(A).”.

(C) **INELIGIBLE ALIENS.**—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting “other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “Act.”.

(D) **CLERICAL AMENDMENT.**—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

“Sec. 317A. Temporary absence of aliens providing health care in developing countries.”.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

**(d) ATTESTATION BY HEALTH CARE WORKERS.—**

(1) **ATTESTATION REQUIREMENT.**—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

“(E) **HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.**—

“(i) **IN GENERAL.**—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien’s country of origin or the alien’s country of residence.

“(ii) **OBLIGATION DEFINED.**—In this subparagraph, the term ‘obligation’ means an obliga-

tion incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien’s country of origin or the alien’s country of residence.

“(iii) **WAIVER.**—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

“(I) the obligation was incurred by coercion or other improper means;

“(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien’s obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

“(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.”.

**(2) EFFECTIVE DATE; APPLICATION.—**

(A) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) **APPLICATION BY THE SECRETARY.**—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

**SA 3450.** Mr. HARKIN (for Mr. DEMINT) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301-10.123 and 301-10.124 of title 41 of the Code of Federal Regulations.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. 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 Tuesday, October 23, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

This hearing will examine the Surface Transportation Board’s recent and ongoing efforts related to the commercial regulation of railroads, including rulemakings and recent cases. Wit-

nesses will provide their perspectives on the STB and its effectiveness in balancing the commercial needs of railroads and their customers and will provide an update on the Government Accountability Office 2006 report reviewing the freight railroad industry.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. 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 Tuesday, October 23, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The hearing is on the nomination of Mr. Todd J. Zinser, Inspector General—Designate, United States Department of Commerce; Mr. Robert Clarke Brown, Member of the Board of Directors—Designate, Metropolitan Washington Airports Authority; Mr. Carl B. Kress, Commissioner—Designate, Federal Maritime Commission; and Mr. A. Paul Anderson, Commissioner (Reappointment), Federal Maritime Commission.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. 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 Tuesday, October 23, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, “Examining the human health impacts of global warming.”

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing entitled “EEOICPA: Is the Program Claimant Friendly for Our Cold War Heroes?” during the session of the Senate on Tuesday, October 23, 2007 at 10 a.m. in room 430 of the Dirksen Senate office building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 23, 2007, at 10 a.m. in order to conduct a hearing entitled “Six Years After Anthrax: Are We Better Prepared to Respond to Bioterrorism?”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on October 23, 2007 at 2:30 p.m. to hold a closed hearing.

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

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110-9

Mrs. FEINSTEIN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on October 23, 2007, by the President of the United States:

Protocol of Amendments to Convention on International Hydrographic Organization, Treaty Document No. 110-9.

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

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol of Amendments to the Convention on the International Hydrographic Organization done at Monaco on April 14, 2005. The Protocol amends the Convention on the International Hydrographic Organization, which was done at Monaco on May 3, 1967, and entered into force for the United States on September 22, 1970 (TIAS 6933; 21 UST 1857; 752 UNTS 41). I am also transmitting, for the information of the Senate, the report of the Secretary of State on the Protocol.

The Protocol will facilitate the reorganization of the International Hydrographic Organization (IHO). The IHO, which is a technical and consultative international organization headquartered in Monaco, facilitates safe and efficient maritime navigation throughout the world. It accomplishes these objectives by facilitating the coordination of the activities of national hydrographic offices, promoting uniformity in the nautical charts and documents generated by such offices, encouraging the adoption of reliable surveying methods, and fostering the development of the science of hydrography. Reorganization of the IHO will result in a more flexible, efficient, and visible organization.

Ratification of the Protocol would serve important U.S. interests. United States commercial shipping, the United States Navy, and the scientific research community rely heavily on hydrographic information collected and shared under the auspices of the IHO. The United States plays an important leadership role in the IHO and as

a result enjoys expeditious and economical access to this information. Moreover, the United States has committed more resources than any other country to research, development, and evaluation of hydrographic instruments and therefore stands to benefit significantly from the efficiencies generated by this reorganization.

Article XXI of the Convention sets forth the procedure for the approval and entry into force of amendments: amendments that are adopted or "approved" by the Conference enter into force for all Contracting Parties to the Convention 3 months after two-thirds of the Contracting Parties have notified the depositary of their consent to be bound.

I recommend that the Senate give prompt and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.  
THE WHITE HOUSE, October 23, 2007.

#### MEASURES READ THE FIRST TIME—S. 2216 AND S. 2217

Mrs. FEINSTEIN. Mr. President, I understand that 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 for the first time.

The legislative clerk read as follows:

A bill (S. 2216) to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation.

A bill (S. 2217) to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Mrs. FEINSTEIN. I now ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will receive their second reading on the next legislative day.

#### ORDERS FOR WEDNESDAY, OCTOBER 24, 2007

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Wednesday, October 24; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then resume executive session and consideration of the Southwick nomination, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees, and the time from 10:40 a.m. to 11 a.m. divided and controlled between the two leaders, with the majority

leader controlling the final 10 minutes; that the Senate then proceed to vote on the motion to invoke cloture on the nomination at 11 a.m., as provided for under a previous order.

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

#### ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow morning.

Thereupon, the Senate, at 9:28 p.m., adjourned until Wednesday, October 24, 2007, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

JAMES SHINN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

##### DEPARTMENT OF TRANSPORTATION

ROBERT A. STURGELL, OF MARYLAND, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE MARION C. BLAKEY, TERM EXPIRED.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

ANNE H. AARNES, OF VERMONT  
HILDA MARIE ARELLANO, OF TEXAS  
DAWN M. LIBERI, OF FLORIDA  
KAREN DENE TURNER, OF THE DISTRICT OF COLUMBIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

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ERNA WILLIS KERST, OF THE DISTRICT OF COLUMBIA  
HOWARD JEFFREY SUMKA, OF MARYLAND  
LEON S. WASKIN, JR., OF FLORIDA  
PAUL E. WEISENFELD, OF THE DISTRICT OF COLUMBIA  
SUSUMU KEN YAMASHITA, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

JENNIFER ADAMS, OF NEW YORK  
JOHN A. BEED, OF MARYLAND  
BETH ELLEN GYPSER-KIM, OF NEW YORK  
THOMAS R. DELANEY, OF PENNSYLVANIA  
DONA M. DINKLER, OF VIRGINIA  
GARY FLYNN FULLER, OF CALIFORNIA  
LAWRENCE HARDY II, OF WASHINGTON  
MICHAEL T. HARVEY, OF TEXAS  
JAMES M. HARMON, OF MARYLAND  
EDITH FAYSSOUX JONES HUMPHREYS, OF FLORIDA  
BROOKE ANDREA ISHAM, OF WASHINGTON  
DAVID LEONG, OF VIRGINIA  
BOBBIE E. MYERS, OF FLORIDA  
CHARLES ERIC NORTH, OF VIRGINIA  
MARTHA ERIN SOTO, OF VIRGINIA  
DENNIS J. WELLER, OF ILLINOIS  
MELISSA ANN WILLIAMS, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PAMELA E. BRIDGEWATER, OF MARYLAND  
STEVEN A. BROWNING, OF TEXAS  
JEREMY F. CURTIN, OF MARYLAND  
DANIEL FRIED, OF CALIFORNIA  
FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

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BETSY LYNN ANDERSON, OF VIRGINIA  
CLAUDIA E. ANYASO, OF THE DISTRICT OF COLUMBIA  
EDMUND EARL ATKINS, OF CALIFORNIA  
JOYCE A. BARR, OF WASHINGTON  
KEVIN MICHAEL BARRY, OF VIRGINIA  
LESLIE ANN BASSETT, OF CALIFORNIA  
DONNA M. BLAIR, OF LOUISIANA  
ANNE TAYLOR CALLAGHAN, OF VIRGINIA  
ARNOLD A. CHACON, OF NEW YORK  
MICHAEL HUGH CORBIN, OF CALIFORNIA