

(B) CONTENTS.—The report under this paragraph shall include—

(i) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b)(8) or (9) of title 5, United States Code, since the effective date of the Act;

(ii) the outcome of the cases described under clause (i), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious; and

(iii) any other matter as determined by the Government Accountability Office.

(2) MERIT SYSTEMS PROTECTION BOARD.—

(A) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(i) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b)(8) or (9) of title 5, United States Code, were alleged.

(ii) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(B) FIRST REPORT.—The first report described under subparagraph (A) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2008 through the end of the fiscal year 2008.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON THE JUDUCUARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate and continue an executive business meeting on Friday, November 16, 2007, at 9:45 a.m. in room S-216, of the Capitol.

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

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Friday, November 16, 2007. The Committee will meet off the Senate Floor in the Reception Room to consider the nomination of Michael W. Hager to be an Assistant Secretary of Veterans Affairs for Human Resources and Management after the first floor vote that occurs on Friday.

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

#### PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that my research director, Ron Hindle, be given floor privileges for the remainder of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### PROTOCOL AMENDING TAX CONVENTION WITH DENMARK

##### PROTOCOL AMENDING TAX CONVENTION WITH FINLAND

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 3 and 4 en bloc, the Protocol Amending Tax Convention with Denmark and the Protocol Amending Tax Convention with Finland; that the protocols be advanced through their various parliamentary stages up to and including the presentation of the resolutions of ratification, and that there now be a division vote on the resolutions en bloc.

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

A division has been requested.

Senators in favor of the resolutions of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

*Resolved, (two-thirds of the Senators present concurring therein),*

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Copenhagen on May 2, 2006 (Treaty Doc. 109-19).

*Resolved, (two-thirds of the Senators present concurring therein),*

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki on May 31, 2006 (Treaty Doc. 109-18).

Mr. WEBB. Mr. President, I ask unanimous consent that the motions to reconsider be laid on the table, and the President be immediately notified of the Senate's action.

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

#### EXECUTIVE CALENDAR

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 378 through 391, the nomination of Michael Hager to be an Assistant Secretary of Veterans Affairs, reported out earlier today by the Veterans' Affairs Committee, and all nominations on the Security's desk; that the nominations be confirmed, the motions to reconsider be laid on the

table, 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:

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mark D. Gearan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring December 1, 2010.

Julie Fisher Cummings, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring September 14, 2011.

Donna N. Williams, of Texas, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

Tom Osborne, of Nebraska, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2012.

Alan D. Solomont, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

##### DEPARTMENT OF DEFENSE

Douglas A. Brook, of California, to be an Assistant Secretary of the Navy.

John J. Young, Jr., of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

##### DEPARTMENT OF ENERGY

Robert L. Smolen, of Pennsylvania, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

##### 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 general*

Lt. Gen. Carroll H. Chandler, 9115

##### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Donald L. Rutherford, 5430

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

*To be brigadier general*

Colonel Joseph Carvalho, Jr., 7925

Colonel Rhonda L. S. Cornum, 2574

Colonel Keith W. Gallagher, 5366

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. Thomas F. Metz, 5686

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. Jeffrey A. Sorenson, 3510

##### THE JUDICIARY

Reed Charles O'Connor, of Texas, to be United States District Judge for the Northern District of Texas.

## DEPARTMENT OF VETERANS AFFAIRS

Michael W. Hager, of Virginia, to be an Assistant Secretary of Veterans Affairs.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE AIR FORCE

PN1017 AIR FORCE nomination of Michael V. Siebert, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1018 AIR FORCE nominations (3) beginning BRIAN D. ONEILL, and ending FRANK R. VIDAL, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

## IN THE ARMY

PN1019 ARMY nomination of Anthony Barber, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1020 ARMY nomination of Tim C. Lawson, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1021 ARMY nomination of Richard D. Fox II, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1022 ARMY nomination of John G. Goulet, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1023 ARMY nomination of David L. Patten, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1024 ARMY nominations (51) beginning MARK J. BENEDICT, and ending GUSTAV D. WATERHOUSE, of which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

## IN THE MARINE CORPS

PN1025 MARINE CORPS nomination of Melvin L. Chattman, which was received by the Senate and appeared in the Congressional Record of November 1, 2007.

PN1026 MARINE CORPS nominations (7) beginning DANA R. BROWN, and ending MARK R. REID, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

## IN THE NAVY

PN1027 NAVY nominations (60) beginning JULIAN D. ARELLANO, and ending JARED W. WYRICK, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

## PUBLIC HEALTH SERVICE

PN983 PUBLIC HEALTH SERVICE nominations (118) beginning Harry J. Brown, and ending Elaine C. Wolff, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2007.

Mr. LEAHY. Mr. President, I am pleased that we can take a break from the tired, partisan sniping from the other side of the aisle. With the consideration of this nomination the Senate continues making progress confirming judicial nominations. The complaints we hear more and more loudly as we approach an election year ring hollow.

The Judiciary Committee has now reached a milestone by agreeing to report 40 nominations for lifetime appointments to the Federal bench this year. That exceeds the totals reported in each of the previous 2 years, when a Republican-led Judiciary Committee was considering this President's nominees.

Today we consider one of the nominations reported this week. Reed Charles O'Connor has been nominated to fill a vacancy in the Northern District of Texas. Reed is well known to many of us on the Judiciary Committee as he has been on detail for the last two years to serve as Senator Cornyn's counsel on the committee and before that with the Republican staff of the committee. Before that, Reed spent a year on detail with the general counsel's office of the Executive Office of United States Attorneys. With his confirmation, Reed will return home to Texas, where he previously served as an Assistant U.S. Attorney for the Northern District of Texas and before that as an Assistant District Attorney in Tarrant County District Attorney's Office in Fort Worth. Born in Houston, Reed graduated from the University of Houston in 1986 and the South Texas College of Law in 1989.

I thank Senator CORNYN and Senator HUTCHISON for their consideration of this nomination and Senator WHITEHOUSE for chairing his confirmation hearing.

When we confirm the nomination we consider today, the Senate will have confirmed 36 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican-led Senate confirmed in all of 1997, 1999, 2004, 2005 or 2006. It is 19 more confirmations than were achieved during the entire 1996 session, more than double that session's total of 17, when Republicans stalled consideration of President Clinton's nominations.

When this nomination is confirmed, the Senate will have confirmed 136 total Federal judicial nominees in my tenure as Judiciary chairman. During the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

The Administrative Office of the U.S. Courts will list 46 judicial vacancies and 14 circuit court vacancies after today's confirmation. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means that despite the additional vacancies that arose at the beginning of the 110th Congress and throughout the year, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee. They are about half what they were at the end of President Clinton's term, when Republican pocket filibusters allowed judicial vacancies to rise to top 100 before being left at 80, 26 of them for circuit courts.

This week, while the White House was complaining about nominations, I

was sending a letter to the President urging him to work with me, Senator SPECTER, and home State Senators to send us more well-qualified, consensus nominations. Now is the time for him to send us more nominations that could be considered and confirmed as his presidency approaches its last year, before the Thurmond Rule kicks in.

As I noted in that letter, I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit vacancies over the objections of Senator WEBB, a Democrat, and Senator WARNER, a Republican. They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell.

When the President consults and sends well-qualified, consensus nominations, we can work together and continue to make progress as we are today.

I congratulate Reed and his family on his confirmation today.

## LEGISLATIVE SESSION

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

## AUTHORITY FOR COMMITTEES TO REPORT

Mr. WEBB. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate, the Senate committees may file committee-reported legislative and Executive Calendar business on Tuesday, November 27, 2007, during the hours of 10 a.m. to 1 p.m.

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

## APPOINTMENT AUTHORITY

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

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

## MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION ACT OF 2007

Mr. WEBB. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 322, H.R. 50.

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