

White House employees from appearing, testifying and producing documents related to this investigation and directed Mr. Bolten, along with other current and former White House employees, to comply immediately with the Committee's subpoenas by producing documents and testifying;

Whereas, Mr. Bolten has not complied with the Committee's subpoenas or made any offer to cure his previous noncompliance;

Whereas, the Committee's investigation is pursuant to the constitutional legislative, oversight and investigative powers of Congress and the responsibilities of this Committee to the Senate and the American people; including the power to: (1) investigate the administration of existing laws, and obtain executive branch information in order to consider new legislation, within the Committee's jurisdiction, including legislation related to the appointment of U.S. Attorneys; (2) expose any corruption, inefficiency, and waste within the executive branch; (3) protect the Committee's role in evaluating nominations pursuant to the Senate's constitutional responsibility to provide advice and consent; and (4) examine whether inaccurate, incomplete, or misleading testimony or other information was provided to the Committee: Therefore be it

*Resolved*, That the President of the Senate certify the facts in connection with the failure of Joshua Bolten, as the Custodian of Records at the White House, though duly summoned, to appear and to produce documents lawfully subpoenaed to be produced before the Committee, under the seal of the United States Senate, to the United States Attorney for the District of Columbia, to the end that Joshua Bolten may be proceeded against in the manner and form provided by law.

**SENATE RESOLUTION 708—AUTHORIZING THE PRESIDENT OF THE SENATE TO CERTIFY THE FACTS OF THE FAILURE OF KARL ROVE TO APPEAR AND TESTIFY BEFORE THE COMMITTEE ON THE JUDICIARY AND TO PRODUCE DOCUMENTS AS REQUIRED BY COMMITTEE SUBPOENA**

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was placed on the calendar:

**S. RES. 708**

Whereas, since the beginning of this Congress, the Senate Judiciary Committee has conducted an investigation into the removal of United States Attorneys;

Whereas, the Committee's requests for information related to its investigation, including documents and testimony from the White House and White House personnel, were denied;

Whereas, the White House has not offered any accommodation or compromise to provide the requested information that is acceptable to the Committee;

Whereas, on March 22, 2007, pursuant to its authority under Rule 26 of the Standing Rules of the Senate, the Senate Committee on the Judiciary authorized issuance to Karl Rove, Deputy Chief of Staff to the President, subpoenas in connection with the Committee's investigation;

Whereas, on June 28, 2007, in response to subpoenas for documents issued by the Senate and House Judiciary Committees, White House Counsel Fred Fielding conveyed the President's claim of executive privilege over all information in the custody and control of

the White House related to the Committee's investigation;

Whereas, on June 29, 2007, the Chairmen of the House and Senate Judiciary Committees provided the White House with an opportunity to substantiate its privilege claims by providing the Committees with the specific factual and legal bases for its privilege claims regarding each document withheld and a privilege log to demonstrate to the Committees which documents, and which parts of those documents, are covered by any privilege that is asserted to apply and why;

Whereas, the White House declined this opportunity in a July 9, 2007, letter to the Committee Chairmen from Mr. Fielding, while reiterating the blanket privilege claims;

Whereas, on July 26, 2007, the Chairman issued a subpoena authorized March 22 to Mr. Rove for documents and testimony related to the Committee's investigation, with a return date of August 2;

Whereas, the Chairman noticed an August 2, 2007, Judiciary Committee hearing under its Rules at which Mr. Rove was subpoenaed to testify;

Whereas, Mr. Fielding, in an August 1, 2007 letter to the Chairman and Ranking Member, informed the Committee that the President would invoke a claim of executive privilege and a claim of immunity from congressional testimony for Mr. Rove, and directed Mr. Rove not to produce responsive documents or testify before the Committee about the firings, and that Mr. Rove would not appear in response to the Committee's subpoena;

Whereas, based on these claims of executive privilege and absolute immunity, Mr. Rove refused to appear or to produce documents or to testify at the Committee's August 2, 2007, hearing in compliance with the subpoena;

Whereas, on August 17, 2007, Mr. Fielding rejected the Chairman's request for a meeting with the President to work out an accommodation for the information sought by the Committee;

Whereas, on November 29, 2007, the Chairman ruled that the White House's claims of executive privilege and immunity are not legally valid to excuse current and former White House employees from appearing, testifying and producing documents related to this investigation and directed Mr. Rove, along with other current and former White House employees, to comply immediately with the Committee's subpoenas by producing documents and testifying;

Whereas, Mr. Rove has not complied with the Committee's subpoenas or made any offer to cure his previous noncompliance;

Whereas, the Committee's investigation is pursuant to the constitutional legislative, oversight and investigative powers of Congress and the responsibilities of this Committee to the Senate and the American people; including the power to: 1) investigate the administration of existing laws, and obtain executive branch information in order to consider new legislation, within the Committee's jurisdiction, including legislation related to the appointment of U.S. Attorneys; 2) expose any corruption, inefficiency, and waste within the executive branch; 3) protect the Committee's role in evaluating nominations pursuant to the Senate's constitutional responsibility to provide advice and consent; and 4) examine whether inaccurate, incomplete, or misleading testimony or other information was provided to the Committee: Now, therefore, be it

*Resolved*, That the President of the Senate certify the facts in connection with the failure of Karl Rove, though duly summoned, to appear and testify before the Judiciary Committee and to produce documents lawfully subpoenaed to be produced before the Com-

mittee, under the seal of the United States Senate, to the United States Attorney for the District of Columbia, to the end that Karl Rove may be proceeded against in the manner and form provided by law.

**SENATE RESOLUTION 709—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PURSUE THE ADOPTION OF BLUEFIN TUNA CONSERVATION AND MANAGEMENT MEASURES AT THE 16TH SPECIAL MEETING OF THE INTERNATIONAL COMMISSION ON THE CONSERVATION OF ATLANTIC TUNAS**

Mr. KERRY (for himself, Ms. SNOWE, Mrs. BOXER, Ms. CANTWELL, and Mr. REED) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

**S. RES. 709**

Whereas Atlantic bluefin tuna fishery is valuable commercially and recreationally in the United States and many other countries;

Whereas the International Convention for the Conservation of Atlantic Tunas entered into force on March 21, 1969;

Whereas the Convention established the International Commission for the Conservation of Atlantic Tunas to coordinate international research and develop, implement, and enforce compliance of the conservation and management recommendations on the Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the adjacent seas, including the Mediterranean Sea;

Whereas in 1974, the Commission adopted its first conservation and management recommendation to ensure the sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea, while allowing for the maximum sustainable catch for food and other purposes;

Whereas in 1981, for management purposes, the Commission adopted a working hypothesis of 2 Atlantic bluefin tuna stocks, with 1 occurring west of 45 degrees west longitude (hereinafter referred to as the "western Atlantic stock") and the other occurring east of 45 degrees west longitude (hereinafter referred to as the "eastern Atlantic and Mediterranean stock");

Whereas, despite scientific recommendations intended to maintain bluefin tuna populations at levels that will permit the maximum sustainable yield and ensure the future of the stocks, the total allowable catch quotas have been consistently set at levels significantly higher than the recommended levels for the eastern Atlantic and Mediterranean stock;

Whereas despite the establishment by the Commission of fishing quotas based on total allowable catch levels for the eastern Atlantic and Mediterranean bluefin tuna fishery that exceed scientific recommendations, compliance with such quotas by parties to the Convention that harvest that stock has been extremely poor, most recently with harvests exceeding such total allowable catch levels by more than 50 percent for each of the last 4 years;

Whereas insufficient data reporting in combination with unreliable national catch statistics has frequently undermined efforts by the Commission to assign quota overharvests to specific countries;

Whereas the failure of many Commission members fishing east of 45 degrees west longitude to comply with other Commission recommendations to conserve and control the overfished eastern Atlantic and Mediterranean bluefin tuna stock has been an ongoing problem;

Whereas the Commission's Standing Committee on Research and Statistics noted in its 2006 report that the fishing mortality rate for the eastern Atlantic and Mediterranean stock may be more than 3 times the level that would permit the stock to stabilize at the maximum sustainable catch level, and continuing to fish at the level of recent years "is expected to drive the spawning biomass to a very low level" giving "rise to a high risk of fishery and stock collapse";

Whereas the Standing Committee's 2008 report recommended that the annual harvest levels for eastern Atlantic and Mediterranean bluefin tuna be reduced from 32,000 metric tons to 15,000 metric tons or less to halt decline of the resource and initiate rebuilding;

Whereas the Standing Committee has stated that time and area closures could greatly facilitate the implementation and monitoring of rebuilding strategies and recommended a closure of the Mediterranean Sea in May, June, and July, as well as a minimum size limit of 25 kilograms;

Whereas in 2006, the Commission adopted the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" containing a wide range of management, monitoring, and control measures designed to facilitate the recovery of the eastern Atlantic and Mediterranean bluefin tuna stock;

Whereas the Recovery Plan is inadequate and allows overfishing and stock decline to continue, and initial information indicates that implementation of the plan in 2007 by many eastern Atlantic and Mediterranean bluefin tuna harvesting countries has been poor;

Whereas since 1981, the Commission has adopted additional and more restrictive conservation and management recommendations for the western Atlantic bluefin tuna stock, and these recommendations have been implemented by Nations fishing west of 45 degrees west longitude, including the United States;

Whereas despite adopting, fully implementing, and complying with a science-based rebuilding program for the western Atlantic bluefin tuna stock by countries fishing west of 45 degrees west longitude, catches and catch rates remain very low;

Whereas many scientists believe that mixing occurs between the western Atlantic bluefin tuna stock and the eastern Atlantic and Mediterranean stock, and as such, poor management and noncompliance with recommendations for one stock are likely to have an adverse effect on the other stock; and

Whereas additional research on stock mixing will improve the understanding of the relationship between eastern and western bluefin tuna stocks and other fisheries, which will assist in the conservation, recovery, and management of the species throughout its range: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States delegation to the 16th Special Meeting of the International Commission for the Conservation of Atlantic Tunas, should—

(1) pursue a meaningful assessment of Commission member compliance with the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" (Recommendation 06-05), including

seeking detailed explanations from Commission members that have failed to effectively implement the terms of the recommendation;

(2) pursue the adoption by the Commission of measures designed to eliminate non-compliance, including, as appropriate, deducting a portion of a future quota for a party to compensate for such party exceeding its quota in prior years, and where appropriate, steps should be taken to link non-compliance with reductions in fishery or market access;

(3) seek a temporary suspension of the eastern Atlantic and Mediterranean bluefin tuna fishery, including all trade, if significant progress toward establishing science-based management measures, improving monitoring and control measures, and addressing compliance issues is not made at the Commission this year;

(4) seek to strengthen the conservation and management of the eastern Atlantic and Mediterranean bluefin tuna by making recommendations to halt the decline of the stock and begin to rebuild it, including reducing annual harvest levels so that they do not exceed recommendations of the Standing Committee and expanding the time and area closure for the Mediterranean purse seine fleet to include May, June, and July; and

(5) pursue additional research on the relationship between the western Atlantic and eastern Atlantic and Mediterranean bluefin tuna stocks and the extent to which the populations intermingle.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 19, 2008 at 10 a.m.

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

##### COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, November 19, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Health Care Reform: An Economic Perspective".

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

##### COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Helping Families Save Their Homes: The Role of Bankruptcy Law" on Wednesday, November 19, 2008, at 10 a.m., in room SH-216 of the Hart Senate Office Building.

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

#### ALBUQUERQUE INDIAN SCHOOL ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Chair now

lay before the Senate the House message to accompany S. 1193.

There being no objection, the Presiding Officer (Mr. PRYOR) laid before the Senate the following message from the House of Representatives:

S. 1193

*Resolved*, That the bill from the Senate (S. 1193) entitled "An Act to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico," do pass with the following amendments:

Strike all after the enacting clause and insert the following:

#### TITLE I—ALBUQUERQUE INDIAN SCHOOL ACT

##### SEC. 101. SHORT TITLE.

*This title may be cited as the "Albuquerque Indian School Act".*

##### SEC. 102. DEFINITIONS.

*In this title:*

(1) 19 PUEBLOS.—The term "19 Pueblos" means the New Mexico Indian Pueblos of—

- (A) Acoma;
- (B) Cochiti;
- (C) Isleta;
- (D) Jemez;
- (E) Laguna;
- (F) Nambe;
- (G) Ohkay Owingeh (San Juan);
- (H) Picuris;
- (I) Pojoaque;
- (J) San Felipe;
- (K) San Ildefonso;
- (L) Sandia;
- (M) Santa Ana;
- (N) Santa Clara;
- (O) Santo Domingo;
- (P) Taos;
- (Q) Tesuque;
- (R) Zia; and
- (S) Zuni.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior (or a designee).

(3) SURVEY.—The term "survey" means the survey plat entitled "Department of the Interior, Bureau of Indian Affairs, Southern Pueblos Agency, BIA Property Survey" (prepared by John Paisano, Jr., Registered Land Surveyor Certificate No. 5708), and dated March 7, 1977.

##### SEC. 103. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (b) for the benefit of the 19 Pueblos immediately after the Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of these Federal lands.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 8.4759 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) EASTERN PART TRACT B.—The approximately 2.2699 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey and does not include the Western Part of Tract B containing 3.6512 acres.

(2) NORTHERN PART TRACT D.—The approximately 6.2060 acres located in sec. 7 and sec. 8